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THE 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, the Virginia Tax Bulletin issued periodically by the Department of Taxation, and notices of public hearings and open meetings of state agencies.

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.

Proposed 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 12 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. **23:7 VA.R. 1023-1140 December 11, 2006**, refers to Volume 23, Issue 7, pages 1023 through 1140 of the *Virginia Register* issued on December 11, 2006.

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: **R. Steven Landes**, Chairman; **John S. Edwards**, Vice Chairman; **Ryan T. McDougle**; **William R. Janis**; **Robert L. Calhoun**; **Frank S. Ferguson**; **E.M. Miller, Jr.**; **Thomas M. Moncure, Jr.**; **James F. Almand**; **Jane M. Roush**.

Staff of the Virginia Register: **Jane D. Chaffin**, Registrar of Regulations; **June T. Chandler**, Assistant Registrar.

PUBLICATION SCHEDULE AND DEADLINES

This schedule is available on the *Register's* Internet home page (<http://register.state.va.us>).

March 2010 through January 2011

<u>Volume: Issue</u>	<u>Material Submitted By Noon*</u>	<u>Will Be Published On</u>
INDEX 2 Volume 26		
		April 2010
26:15	March 10, 2010	March 29, 2010
26:16	March 24, 2010	April 12, 2010
26:17	April 7, 2010	April 26, 2010
26:18	April 21, 2010	May 10, 2010
26:19	May 5, 2010	May 24, 2010
26:20	May 19, 2010	June 7, 2010
INDEX 3 Volume 26		
		July 2010
26:21	June 2, 2010	June 21, 2010
26:22	June 16, 2010	July 5, 2010
26:23	June 30, 2010	July 19, 2010
26:24	July 14, 2010	August 2, 2010
26:25	July 28, 2010	August 16, 2010
26:26	August 11, 2010	August 30, 2010
FINAL INDEX Volume 26		
		October 2010
27:1	August 25, 2010	September 13, 2010
27:2	September 8, 2010	September 27, 2010
27:3	September 22, 2010	October 11, 2010
27:4	October 6, 2010	October 25, 2010
27:5	October 20, 2010	November 8, 2010
27:6	November 3, 2010	November 22, 2010
27:7	November 16, 2010 (Tuesday)	December 6, 2010
27:8	December 1, 2010	December 20, 2010
27:9	December 14, 2010 (Tuesday)	January 3, 2011
27:10	December 29, 2010	January 17, 2011

*Filing deadlines are Wednesdays unless otherwise specified.

PETITIONS FOR RULEMAKING

TITLE 18. PROFESSIONAL AND OCCUPATIONAL LICENSING

BOARD OF PHARMACY

Initial Agency Notice

Title of Regulation: **18VAC110-20. Regulations Governing the Practice of Pharmacy.**

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

Name of Petitioner: David P. Byrd.

Nature of Petitioner's Request: Promulgate a regulation to add Tramadol and Tramadol/APAP to Schedule IV because of the abuse problems and to have those drugs reportable to the Prescription Monitoring Program.

Agency's Plan for Disposition of the Request: The board will receive public comment on the petition for rulemaking and will review the petition and any comment at its meeting on June 2, 2010, to make a decision on whether to initiate rulemaking.

Public Comment Deadline: April 28, 2010.

Agency Contact: Elizabeth Scott Russell, Executive Director, Board of Pharmacy, 9960 Mayland Drive, Henrico, VA 23233, telephone (804) 367-4456, FAX (804) 527-4472, or email scotti.russell@dhp.virginia.gov.

VA.R. Doc. No. R10-42; Filed March 10, 2010, 9:48 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

Final Regulation

REGISTRAR'S NOTICE: The following regulation filed by the Marine Resources Commission is exempt from the Administrative Process Act in accordance with § 2.2-4006 A 12 of the Code of Virginia; however, the commission is required to publish the full text of final regulations.

Title of Regulation: 4VAC20-380. Pertaining to Grey Trout (Weakfish) (amending 4VAC20-380-30, 4VAC20-380-50, 4VAC20-380-60).

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

Effective Date: May 1, 2010.

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 (i) modify the landing limit for out-of-state trawl from 300 to 100 for grey trout less than 12 inches in length; (ii) establish open seasons for all gear types that harvest grey trout as time periods when there are not closed harvest periods; (iii) establish for any open season a 100-pound vessel possession limit for grey trout per day or trip, whichever is the longer period of time; (iv) establish closed season possession limits as 100 pounds per vessel per day or trip, whichever is the longer period of time; (v) establish a 100-pound vessel possession limit for any gear type not subject to a closed period per day or trip, whichever is the longer period of time; (vi) establish a one grey trout possession limit for any person fishing with hook and line, rod and reel, or hand line; and (vii) establish that when fishing 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 one.

4VAC20-380-30. Commercial minimum size limits.

A. For any person fishing with pound net or haul seine, there shall be no minimum size limit on grey trout.

B. It shall be unlawful for any person fishing with gill nets to possess any grey trout less than 12 inches in length.

C. It shall be unlawful for any trawl boat to land any grey trout in Virginia that are less than 12 inches in length, except that up to ~~300~~ 100 grey trout less than 12 inches in length may be landed by trawl but shall not be sold.

D. It shall be unlawful for any person fishing with commercial hook and line to possess any grey trout less than 12 inches in length.

E. It shall be unlawful for any person using any gear type not specified in subsection A, B, C, or D of this section to possess any grey trout less than nine inches in length.

F. During a closed season it shall be unlawful for any person using any gear type which is regulated by a closed season to possess any grey trout less than 12 inches in length.

G. Length is measured in a straight line from the tip of the nose to the tip of the tail.

4VAC20-380-50. Commercial fishing season.

A. The open seasons on grey trout harvested by pound net shall be April 1 through April 30 and May 23 through September 12. The closed ~~season~~ seasons on grey trout harvested by pound net shall be May 1 through May 22, and September 13 through March 31 except as provided in subdivision 1 of this subsection.

1. Any pound net fisherman who holds 2 or 3 pound net licenses in accordance with the provisions of 4VAC20-600-~~10 et seq.~~ may forfeit only one of those licenses to be exempt from the closed seasons as established in this subsection. Any pound net fisherman who holds 4, 5, or 6 pound net licenses in accordance with the provisions of 4VAC20-600-~~10 et seq.~~ may forfeit only two of those licenses to be exempt from the closed seasons as established in this subsection. Any pound net fisherman who holds 7, 8, or 9 pound net licenses in accordance with the provisions of 4VAC20-600-~~10 et seq.~~ may forfeit only three of those licenses to be exempt from the closed seasons as established in this subsection. Forfeiture of any license shall be through March 31, of each fishing season, and shall occur prior to May 1 of each fishing season.

2. Any pound net licensee who forfeits a license pursuant to subdivision 1 of this subsection shall retain his priority rights to such locations for future licensing until April 1 of the following fishing season. Any pound net fisherman who forfeits one or more pound net licenses may reclaim such licenses during the period of March 15 of the current

fishing season through April 1 of the following fishing season, but shall not set or fish any pound nets provided for by such licenses prior to April 1.

3. Those pound net licensees who hold multiple gear licenses and satisfy the requirement of subdivision 1 of this subsection may transfer an unused license to a licensee who holds a single pound net license.

B. The open seasons on grey trout harvested by gill net shall be April 1 through May 13, October 21 through December 30, and March 16 through March 31. The closed seasons on grey trout harvested by gill net shall be May 14 through October 20; and December 31 through March 15.

C. The open seasons on grey trout harvested by haul seine shall be April 16 through June 10 and August 21 through September 24. The closed seasons on grey trout harvested by haul seine shall be April 1 through April 15; June 11 through August 20; and September 25 through March 31.

D. The open season on landing grey trout harvested by trawl shall be April 1 through September 25. The closed season on landing grey trout harvested by trawl shall be September 26 through March 31.

E. During any open season described in subsections A, B, C, and D of this section, the boat or vessel possession limit for grey trout shall be 100 pounds per day or trip, whichever is the longer period of time.

~~E. F. During any closed season described in subsections A, B, C, and D of this section, the boat or vessel possession limit for grey trout taken as by catch bycatch in other directed fisheries shall be the lesser of 450 pounds or an amount equal to the number of registered commercial fishermen or seafood landing licensees on board multiplied by 150 pounds 100 pounds per day or trip, whichever is the longer period of time. For any gear type not subject to a closed season, the possession limit shall be the lesser of 450 pounds or an amount equal to the number of registered commercial fishermen or seafood landing licensees on board multiplied by 150 pounds. Only one license per person, either the commercial fisherman's registration license or seafood landing license, shall be used to calculate the boat or vessel possession limit. Further, during any closed season described in subsections A, B, C, and D of this section, it shall be unlawful for any person to do any of the following:~~

1. Possess any grey trout less than 12 inches in total length.
2. Possess aboard any vessel or land any quantity of grey trout that is more than the total weight of species other than grey trout on board the vessel.

G. For any gear type not subject to a closed season, nor described in subsections A, B, C, or D of this section, the vessel possession limit shall be 100 pounds per day or trip, whichever is the longer period of time.

4VAC20-380-60. Recreational fishing seasons, minimum size limits, and possession limits.

A. It shall be unlawful for any person fishing with hook and line, rod and reel or hand line to possess more than ~~six~~ one grey trout and the minimum size limit shall be 12 inches in length.

B. When fishing 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 ~~six~~ one. The captain or operator of the boat or vessel shall be responsible for any boat or vessel possession limit. Any grey trout taken after the possession limit has been reached shall be returned to the water immediately.

VA.R. Doc. No. R10-2309; Filed March 1, 2010, 8:44 a.m.

TITLE 8. EDUCATION

STATE BOARD OF EDUCATION

Notice of Suspension of Regulatory Process and Additional Public Comment Period

Title of Regulation: 8VAC20-40. Regulations Governing Educational Services for Gifted Students (amending 8VAC20-40-10, 8VAC20-40-20, 8VAC20-40-40, 8VAC20-40-60, 8VAC20-40-70; adding 8VAC20-40-55; repealing 8VAC20-40-30, 8VAC20-40-50).

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

Public Comment Deadline: April 28, 2010.

Notice is hereby given that, pursuant to § 2.2-4007.06 of the Code of Virginia, the State Board of Education is suspending the final Regulations Governing Educational Services for Gifted Students (8VAC20-40) published in 26:11 VA.R. 1636-1642 February 1, 2010, and providing an additional 30-day comment period to receive comment on changes made to the regulations between publication of the proposed regulations and publication of the final regulations. These changes are shown in brackets in the final version of the regulations as published in the Virginia Register of Regulations.

The board received requests from at least 25 persons for an additional comment period. Therefore, the effective date of the final regulations is delayed until the additional comment period closes and the Board of Education considers the public comment and readopts final regulations. The final regulations and the new effective date will be published in the Virginia Register of Regulations as required by the Code of Virginia.

The additional 30-day comment period begins on March 29, 2010, and ends on April 28, 2010. Written comment

Regulations

regarding the changes made between publication of the proposed regulations and publication of the final regulations may be submitted by postal mail, fax, or email to the agency contact listed below.

Agency Contact: Dr. Donna Poland, Department of Education, P.O. Box 2120, Richmond, VA 23218, 101 North 14th Street, 25th Floor, Richmond, VA 23219, telephone (804) 225-2884, FAX (804) 225-2524, email donna.poland@doe.virginia.gov.

VA.R. Doc. No. R07-94; Filed March 5, 2010, 11:02 a.m.

◆ ————— ◆

TITLE 16. LABOR AND EMPLOYMENT

DEPARTMENT OF LABOR AND INDUSTRY

Final Regulation

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

Title of Regulation: **16VAC15-30. Virginia Rules and Regulations Declaring Hazardous Occupations (amending 16VAC15-30-50, 16VAC15-30-70, 16VAC15-30-90, 16VAC15-30-120, 16VAC15-30-130, 16VAC15-30-140, 16VAC15-30-170).**

Statutory Authority: § 40.1-100 of the Code of Virginia.

Effective Date: April 29, 2010.

Agency Contact: Wendy Inge, Director, Division of Labor and Employment Law, Department of Labor and Industry, Powers-Taylor Building, 13 South Thirteenth Street, Richmond, VA 23219, telephone (804) 786-3224, FAX (804) 371-2324, TTY (804) 786-2376, or email wendy.inge@doli.virginia.gov.

Summary:

During a comprehensive review of the child labor hazardous occupations regulations conducted in conjunction with the Attorney General's Regulatory Review Task Force, certain language in 16VAC15-30-30 was identified as conflicting with § 40.1-100 of the Code of Virginia. This action eliminates this conflict and provides further clarification to the public in the following occupations: (i) logging and sawmilling; (ii) power-driven metal forming, punching, and shearing machine; (iii) power-driven bakery machine; (iv) power-driven paper-

products machine; (v) occupations involving exposure to radioactive substances and ionizing radiations; (vi) occupations involved in the manufacture of brick, tile, and kindred products; and (vii) occupations in roofing operations.

16VAC15-30-50. Logging and sawmilling occupations.

All occupations in logging and all occupations in the operation of any sawmill, lath mill, shingle mill, or cooperage-stock mill are prohibited ~~except the following:~~ for minors under the age of 18.

1. ~~Exceptions applying to logging:~~

~~(a) Work in offices or in repair or maintenance shops.~~

~~(b) Work in the construction, operation, repair, or maintenance of living and administrative quarters of logging camps.~~

~~(c) Work in timber cruising, surveying, or logging engineering parties; work in the repair or maintenance of roads, railroads, or flumes; work in forest protection, such as clearing fire trails or roads, piling and burning slash, maintaining fire fighting equipment, constructing and maintaining telephone lines, or acting as fire lookout or fire patrolman away from the actual logging operations: Provided, that the provisions of this paragraph shall not apply to the felling or bucking of timber, the collecting or transporting of logs, the operation of power driven machinery or power driven saws, the handling or use of explosives, and work on trestles.~~

~~(d) Peeling of fence posts, pulpwood, chemical wood, excelsior wood, cordwood, or similar products, when not done in conjunction with and at the same time and place as other logging occupations declared hazardous by this section.~~

2. ~~Exceptions applying to the operation of any permanent sawmill or the operation of any lath mill, shingle mill, or cooperage stock mill: Provided, that these exceptions do not apply to a portable sawmill the lumber yard of which is used only for the temporary storage of green lumber and in connection with which no office or repair or maintenance shop is ordinarily maintained; and further provided, that these exceptions do not apply to work which entails entering the sawmill building:~~

~~(a) Work in offices or in repair or maintenance shops.~~

~~(b) Straightening, marking, or tallying lumber on the dry chain or the dry drop sorter.~~

~~(c) Pulling lumber from the dry chain.~~

~~(d) Clean up in the lumber yard.~~

~~(e) Piling, handling, or shipping of cooperage stock in yards or storage sheds, other than operating or assisting in the operation of power driven equipment.~~

~~(f) Clerical work in yards or shipping sheds, such as done by ordermen, tallymen, and shipping clerks.~~

~~(g) Clean up work outside shake and shingle mills, except when the mill is in operation.~~

~~(h) Splitting shakes manually from pre-cut and split blocks with a froe and mallet, except inside the mill building or cover.~~

~~(i) Packing shakes into bundles when done in conjunction with splitting shakes manually with a froe and mallet, except inside the mill building or cover.~~

~~(j) Manual loading of bundles of shingles or shakes into trucks or railroad cars.~~

16VAC15-30-70. Occupation involving exposure to radioactive substances and to ionizing radiations.

Any work activity is prohibited in any workroom in which (a) radium is stored or used in the manufacture of self-luminous compound; (b) self-luminous compound is made, processed, or packaged; (c) self-luminous compound is stored, used, or worked upon; (d) incandescent mantles are made from fabric and solutions containing thorium salts, or are processed or packaged; ~~and, (e) any other work which involves activities that involve exposure to ionizing radiations including X-ray equipment; and (f) any other activities that involve exposure to radioactive substances or ionizing radiations in any capacity.~~

16VAC15-30-90. Power-driven metal forming, punching, and shearing machine occupations.

The occupations of operator or helper on the following power-driven metal forming, punching, and shearing machines are prohibited activities for minors under 18 years of age:

1. All rolling machines, such as beading, straightening, corrugating, flanging, or bending rolls; and, hot or cold rolling mills.
2. All pressing or punching machines, such as punch presses, except those provided with full automatic feed and ejection and with a fixed barrier guard to prevent the hands or fingers of the operator from entering the area between the dies; power presses; and, plate punches.
3. All bending machines, such as apron brakes and press brakes.
4. All hammering machines, such as drop hammers and power hammers; and, powder actuated tools.
5. All shearing machines, such as guillotine or squaring shears; alligator shears; and, rotary shears.

The occupations of setting up, adjusting, repairing, oiling, or cleaning these machines including those with automatic feed and ejection are prohibited.

Note: This restriction does not apply to a very large group of metal working machines known as machine tools. Machine tools are defined as "power driven complete metal working machines having one or more tool or work holding devices, and used for progressively removing metal in the form of chips." Since the restriction does not apply to machine tools, the 18 year age minimum does not apply. Such machine tools are classified below so that they can be readily identified:

Planing function Machines

Planers

Shapers

Slotters

Broaches

Keycasters

Hack Saws

Milling function Machines

Horizontal Milling Machines

Vertical Milling Machines

Universal Milling Machines

Planer type Milling Machines

Gear Hobbing Machines

Profilers

Routers

Boring function Machines

Vertical Boring Mills

Horizontal Boring Mills

Jig Borers

Pedestal Drills

Radial Drills

Gang Drills

Upright Drills

Drill Press, etc.

Centering Machines

Reamers

Honers

Grinding function Machines

Grinders

Regulations

~~Abrasive Wheels~~

~~Abrasive Belts~~

~~Abrasive Disks~~

~~Abrasive Points~~

~~Polishing Wheels~~

~~Stroppers~~

~~Lapping Machines~~

~~Buffing Wheels~~

~~Turning function Machines~~

~~Engine Lathes~~

~~Turret Lathes~~

~~Hollow Spindle Lathes~~

~~Automatic Lathes~~

~~Automatic Screw Machines~~

Exemptions:

The exemptions for properly certified apprentices and student-learners apply to this restriction.

16VAC15-30-120. Power-driven bakery machine occupations.

~~The following occupations involved in Occupations involving the operation of or assisting in the operation of power-driven bakery machines are prohibited: activities for minors under 18 years of age.~~

~~1. The occupations of operating, assisting to operate, or setting up, adjusting, repairing, oiling, or cleaning any horizontal or vertical dough mixer; batter mixer; bread dividing, rounding, or molding machines; dough brake; dough sheeter; combination bread slicing and wrapping machine; or, cake cutting band saw.~~

~~2. The occupation of setting up or adjusting a cookie or cracker machine.~~

~~Note: The restriction does not apply to the following list of bakery machines which may be operated by 16 year old and 17-year old minors:~~

~~Ingredient Preparation and Mixing:~~

~~Flour sifting machine operator~~

~~Flour blending machine operator~~

~~Sack cleaning machine operator~~

~~Product Forming and Shaping:~~

~~Roll dividing machine operator~~

~~Roll making machine operator~~

~~Batter sealing machine operator~~

~~Depositing machine operator~~

~~Cookie or cracker machine operator~~

~~Wafer machine operator~~

~~Pretzel stick machine operator~~

~~Pie dough rolling machine operator~~

~~Pie dough sealing machine operator~~

~~Pie crimping machine operator~~

~~Finishing and Icing:~~

~~Depositing machine operator~~

~~Enrobing machine operator~~

~~Spray machine operator~~

~~Icing mixing machine operator~~

~~Slicing and Wrapping:~~

~~Roll Slicing and wrapping machine operator~~

~~Cake wrapping machine operator~~

~~Carton packing and sealing machine operator~~

~~Pan Washing:~~

~~Spray type pan washing machine operator~~

~~Tumbler type pan washing machine operator~~

Note: This restriction does not apply to the operation of noncommercial grade bakery appliances not specifically designed for commercial use including, but not limited to, hand held mixers, blenders, and food processors.

Exemptions:

The exemptions for properly certified apprentices and student-learners apply to this restriction.

16VAC15-30-130. Power-driven paper-products machine occupations.

~~The occupations of operating or assisting to operate any of the following power-driven paper-products machines, including, but not limited to, the following, are prohibited activities for minors under 18:~~

~~1. Arm-type wire stitcher or stapler, circular or band saw, corner cutter or mitering machines, corrugating single-facing or double-facing machine, envelope die-cutting press, guillotine paper cutter or shear, horizontal bar scorer, laminating or combining machine, sheeting machine, scrap-paper baler, or vertical slotter.~~

~~2. Platen die-cutting press, platen printing press, or punch press which that involves hand feeding of the machine.~~

The occupations of setting up, adjusting, repairing, oiling, or cleaning these machines, including those ~~which~~ that do not involve hand feeding, are prohibited for minors under 18.

~~Note: There are many machines not covered by this restriction. The most important of these machines are the following:~~

~~Bag Machine~~ Bag-making Machine

~~Bottoming Machine~~ (Bags)

~~Box-making Machines~~ (Collapsible Boxes)

~~Bundling Machine~~

~~Calender Roll and Plating Machines~~

~~Cigarette Carton Opener and Tax-stamping Machine~~

~~Clasp Machine~~

~~Corner Stayer~~

~~Counting, Stacking and Ejecting Machine~~

~~Covering, Lining or Wrapping Machines~~ (Set-up Boxes)

~~Creping Machine~~

~~Dornbusch Machines~~ (Wallpaper)

~~Ending Machine~~ (Set-up Boxes)

~~Envelope Machine~~

~~Folding Machine~~

~~Gluing, Sealing, or Gumming Machine~~

~~Interfolding Machine~~

~~Jogging Machine~~

~~Lacer Machine~~

~~Parchmentizing, Waxing, or Coating Machines~~

~~Partition-assembling Machine~~

~~Paper Cup Machine~~

~~Quadruple Stayer~~

~~Rewinder~~

~~Rotary Printing Press~~

~~Ruling Machine~~

~~Slitting Machine~~

~~Straw Winder~~

~~Stripping Machine~~

~~Taping Machine~~

~~Tube-cutting Machine~~

~~Tube Winder~~

~~Tube Machine~~ (Paper Bags)

~~Window Patch Machine~~

~~Wire or Tag-stringing Machine~~

Exemptions:

The exemptions for properly certified apprentices and student-learners apply to this restriction.

16VAC15-30-140. Occupations involved in the manufacture of brick, tile, and kindred products.

~~The following occupations~~ Occupations involved in the manufacture of ~~clay construction products and of silica refractory products~~ brick, tile, and kindred products, including but not limited to the following, are prohibited activities for minors under 18 years of age:

1. All work in or about establishments in which clay construction products are manufactured, ~~except (a) work in storage and shipping; (b) work in offices, laboratories, and storerooms; and, (c) work in the drying departments of plants manufacturing sewer pipe.~~

2. All work in or about establishments in which silica brick or other silica refractories are manufactured, ~~except work in office.~~

Note: Minors at least 14 years of age may perform office work of a clerical nature in a bona fide office at a brick yard.

16VAC15-30-170. Occupations in roofing operations.

All ~~occupations~~ activities in roofing operations are prohibited; ~~the~~ The term "roofing operations" shall mean all work performed in connection with the application of weather-proofing materials and substances (~~such~~ such as tar or pitch, asphalt, prepared paper, tile, slate, metal, translucent materials, and shingles of asbestos, asphalt or ~~wood~~ wood) to roofs of buildings or other structures. The term shall also include all work performed in connection with: (1) the installation of roofs, including related metal work such as flashing and (2) alterations, additions, maintenance, and repair, including painting and coating, of existing roofs. In addition, The the term shall ~~not~~ include gutter and downspout work; the construction of the sheathing or base of roofs; ~~or,~~ the installation of television antennas, communications satellites, air conditioners, exhaust and ventilating equipment, or any similar appliances attached to roofs; and any similar work required to be performed on or about roofs including work performed on the ground.

Exemptions:

The exemptions for properly certified apprentices and student-learners apply to this restriction.

VA.R. Doc. No. R10-2294; Filed March 9, 2010, 1:23 p.m.

GOVERNOR

EXECUTIVE ORDER NUMBER 1 (2010)

Establishing the Chief Job Creation Officer and the Governor's Economic Development and Job Creation Commission

Importance of the Issue

Economic opportunity and free enterprise is the bedrock of a stable and prosperous Commonwealth. Virginia is home to abundant resources, fiscal responsibility and boundless human potential, and the entrepreneurial spirit is evident throughout this great Commonwealth. However, in light of the unprecedented economic difficulties facing Virginia families and business, the unacceptable high unemployment rate, and the ever increasing competitiveness of the global economy, bold and innovative ideas are necessary for the Commonwealth to address this significant challenge. The following measures are the first crucial steps to promoting economic recovery and job creation in Virginia.

Chief Job Creation Officer

By virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, and subject to my continuing and ultimate authority and responsibility to act in such matters, there is hereby established the position of Chief Job Creation Officer within the Office of the Governor, whose primary responsibilities will be to help coordinate all economic and workforce development and job creation initiatives across the cabinet secretariats and their respective agencies; actively assist with recruiting new industries and job creation opportunities in the Commonwealth; oversee and ensure that all agencies are working together in a coordinated, focused and efficient manner to attract new business, expand existing businesses, and create jobs across the Commonwealth; and all other duties and responsibilities as determined and assigned by the Governor.

The Chief Job Creation Officer shall serve as and be a member of the Governor's Cabinet, and shall serve at the pleasure of the Governor for a term coincident with that of the Governor making the appointment or until a successor is appointed.

Governor's Economic Development and Job Creation Commission

In furtherance of my commitment to economic development and job creation in the Commonwealth, and by virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to Section 2.2-134 of the Code of Virginia, and subject to my continuing and ultimate authority and responsibility to act in such matters, I hereby establish the Governor's Economic Development and

Job Creation Commission ("Commission") and direct it to begin work immediately.

The Lieutenant Governor, as the Chief Job Creation Officer, shall serve as Co-Chairman of the Commission along with a senior level advisor appointed by the Governor. The Commission shall include the Secretaries of Commerce and Trade, Agriculture and Forestry, Natural Resources, Transportation, Technology, Finance, Education and Administration, or their designees. The Commission shall also include up to 50 citizens of Virginia representing a cross segment of industry and business sectors, including small and rural businesses. All agencies, as deemed necessary by the Chief Job Creation Officer, shall participate and provide assistance as requested. In addition, I reserve the authority to designate any other such citizens as I deem appropriate to sit on the Commission.

The Commission shall have the following responsibilities:

1. Identify impediments to and opportunities for job creation;
2. Review how other states and foreign countries are attracting jobs and how Virginia could replicate and improve upon those initiatives;
3. Review the agencies' role in job creation and make recommendations on how those efforts can be better coordinated to ensure unparalleled efficiency and effectiveness;
4. Make recommendations on new investments and changes to the tax and regulatory environment in the Commonwealth to maintain and increase the Commonwealth's standing as the best place to do business in the United State of America;
5. Evaluate the current programs and investments designed to develop the workforce and attract and retain businesses in Virginia, and make recommendations on their effectiveness and need for improvement; and
6. Assist the Cabinet and the Virginia Economic Development Partnership to identify and target industries and businesses to recruit to Virginia.

The Commission shall be organized into the following subcommittees reflecting key economic development priorities for the Commonwealth:

1. Business recruitment and retention
2. Economically challenged regions and localities
3. Energy research, exploration and production
4. Small business
5. Tourism and film marketing
6. Real estate and construction

The Commission shall coordinate its efforts with the Office of Education, Virginia's institutions of higher education and relevant Governor's commissions and task forces addressing workforce development and training.

Staff support for the Commission shall be provided by the Office of the Governor, including staff for the Chief Job Creation Officer, the Office of the Secretary of Commerce and Trade, the various other secretaries and their agencies represented on the Commission, and such other agencies as may be designated by the Chief Job Creation Officer. All executive branch agencies shall cooperate fully with the Commission and shall render such assistance as may be requested by it.

An estimated 2,000 hours of staff time will be required to support the commission. Such funding as is necessary for the term of the Commission's existence shall be provided from sources, including both private and appropriated funds, contributed or appropriated for purposes related to the work of the Commission, as authorized by Section 2.2-135(B) of the Code of Virginia. Direct expenditures for the Commission's work are estimated to be \$15,000, exclusive of staff support.

The Commission shall provide its first report of recommendations and action items to the Governor no later than October 16, 2010. The Commission shall thereafter provide periodic supplemental reports setting forth additional recommendations and actions items, and reporting on agency progress implementing the Commission's recommendations adopted by the Governor.

Pursuant to Section 2.2-135 of the Code of Virginia, the Commission shall remain in effect for a period of one year, unless extended by the issuance of a new executive order for a period not to exceed one additional year.

Effective Date of the Executive Order

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

Given under my hand and under the Seal of the Commonwealth of Virginia this 16th day of January 2010.

/s/ Robert F. McDonnell
Governor

EXECUTIVE ORDER NUMBER 2 (2010)

Establishing the Governor's Commission on Government Reform and Restructuring

Importance of the Issue

The Commonwealth of Virginia, like the rest of the nation, faces unprecedented budgetary challenges and increasing demands for core public services. Citizens and businesses residing in Virginia are entitled to a limited and effective state

government. Revenues collected from Virginia taxpayers must be spent in the most efficient manner possible. It is incumbent on those charged with providing government services to protect the public from harm and theft, educate our citizenry, foster economic opportunity, provide necessary infrastructure, preserve fundamental rights and perform other essential functions in a manner that avoids duplication, delay and unnecessary regulation and bureaucracy. To ensure that the Commonwealth of Virginia provides the aforementioned core services utilizing the most cost effective methods available, it is necessary to conduct a comprehensive, systematic and ongoing evaluation of the effectiveness and need for the state's existing agencies, governing bodies, programs, and services. This comprehensive review will make certain that duplicative, outdated, unnecessary and ineffective services and service delivery methods are eliminated and that state revenues are dedicated to the core functions of government.

Governor's Commission on Government Reform and Restructuring

Accordingly, by virtue of the authority vested in me as Governor under Article V of the Constitution of Virginia and under the laws of the Commonwealth, including but not limited to Section 2.2-134 of the Code of Virginia, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby establish the Governor's Commission on Government Reform and Restructuring ("Commission").

The Commission will conduct a thorough review of Virginia state government:

- Identify opportunities for creating efficiencies in state government, including streamlining, consolidating, or eliminating redundant and unnecessary agency services, governing bodies, regulations and programs;
- Explore innovative ways to deliver state services at the lowest cost and best value to Virginia taxpayers;
- Seek out means to more effectively and efficiently perform core state functions, including potential privatization of government operations where appropriate, and restore focus on core mission oriented service; and
- Examine ways for state government to be more transparent, user friendly and accountable to the citizens of the Commonwealth.

The Commission will consist of up to 20 citizen members appointed by the Governor and serving at his pleasure. The Governor shall designate a Chairman and a Vice-Chairman from among the citizen members. Three members of the Virginia House of Delegates and two members of the Virginia Senate shall also be invited to be members. The Secretaries of Administration and Finance, and the Vice-Chair of the

Governor

Council on Virginia's Future, shall serve as ex officio, non-voting members of the Commission.

The Commission will submit reports to me of its findings and recommendations no later than July 16, 2010. The Commission shall submit a final report of its activities and recommendations by December 1, 2010. I direct all executive branch agencies and institutions to cooperate fully with the work of the Commission.

Staff support as is necessary for the conduct of the Commission's work during the term of its existence shall be furnished by the Office of the Governor, the Offices of the Governor's Cabinet Secretaries, the Department of Planning and Budget, and such other executive agencies as the Governor may designate. An estimated 2,000 hours of staff time will be required to support the Commission on an annual basis. Such funding as is necessary for the term of the Commission's existence shall be provided from sources, including both private and appropriated funds, contributed or appropriated for purposes related to the work of the Commission, as authorized by Section 2.2-135(B) of the Code of Virginia. Direct expenditures for the Commission's work are estimated to be \$15,000 annually, exclusive of staff support.

Effective Date of the Executive Order

This Executive Order shall become effective upon its signing and shall remain in full force and effect until January 16, 2011, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 16th day of January 2010.

/s/ Robert F. McDonnell
Governor

EXECUTIVE ORDER NUMBER 3 (2010)

Authority and Responsibility of the Chief of Staff

By virtue of the authority vested in me as Governor under Article V, Sections 1, 7, 8, and 10 of the Constitution of Virginia and Sections 2.2-100 and 2.2-104 of the Code of Virginia, and subject always to my continuing ultimate authority and responsibility to act in such matters and to reserve to myself any and all such powers, I hereby affirm and delegate to my Chief of Staff the powers and duties enumerated below.

1. To direct, as the deputy planning and budget officer, the administration of the state government planning and budget process, except as to the responsibilities enumerated below, which are retained by me:

a. Submission of the budget and accompanying documents to the General Assembly;

b. Final review and determination of all proposed expenditures and of estimated revenues and borrowings to be included in the Executive Budget for each state department, division, office, board, commission, institution, or other agency or undertaking;

c. Amendment of Position Levels; and

d. Authorization of deficits.

2. To direct, as the deputy personnel officer, the administration of the state government personnel system, except as to the responsibilities enumerated below, which are retained by me:

a. Final determination on the content of employee compensation plans;

b. Submission of reports to the General Assembly by the Governor as required by law;

c. Issuance, amendment, or suspension of the Rules for the Administration of the Virginia Personnel Act; and

d. Final action on appeals from appointing authorities to the Governor.

3. To review, in the event of my absence or unavailability, major planning, budgetary, personnel, policy, and legislative matters that require my decision.

4. To resolve, in the event of my absence or unavailability, policy or operational differences which may arise among or between my Secretaries and other Cabinet members.

5. To act, in consultation with the Senior Advisor for Policy, as a liaison to members of the General Assembly of Virginia.

6. To provide for the direction and supervision of the Governor's Office, as well as budgetary and personnel authority for the Office.

This Executive Order rescinds Executive Order 4 (2006) issued on January 14, 2006, by Governor Timothy M. Kaine. This Executive Order shall become effective upon its signing and shall remain in full force and effect until January 31, 2014, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 29th day of January 2010.

/s/ Robert F. McDonnell
Governor

EXECUTIVE ORDER NUMBER 4 (2010)

Delegation of Governor's Authority to Declare a State of Emergency, to Call the Virginia National Guard to Active Service for Emergencies or Disasters, and to Declare the Governor Unable to Discharge the Powers and Duties of His Office When the Governor Cannot be Reached or is Incapacitated

By virtue of the authority vested in me by Section 2.2-104 of the Code of Virginia, and subject to the provisions stated herein, I hereby affirm and delegate to the Chief of Staff, followed in protocol order by the Secretary of Public Safety, the State Coordinator of the Virginia Department of Emergency Management, and the Assistant to the Governor for Commonwealth Preparedness, my authorities under Sections 44-146.17 and 44-75.1 of the Code of Virginia, to declare a state of emergency and to call forth the Virginia National Guard or any part thereof to state active duty in any of the circumstances outlined in subsections 4 and 5 of Section 44-75.1 A.

I further hereby affirm and delegate to the Chief of Staff, my authority under Article V Section 16 of the Constitution and under Section 24.2-211 of the Code of Virginia to transmit to the President pro tempore of the Senate and the Speaker of the House of Delegates, a declaration that I am unable to discharge the powers and duties of the Governor's office. Each of these declarations is subject to the following conditions:

1. Such delegation is subject always to my continuing, ultimate authority and responsibility to act in such matters, and in the case of a declaration that I am unable to discharge the powers and duties of my office, my ability to transmit to the Clerk of the Senate and Clerk of the House of Delegates, my written declaration that no inability continues to exist and to resume the powers and duties of my office.
2. Use of this delegation is contingent upon my being unable to be reached so as to give my approval for the declaration of a state of emergency, as defined in Section 44-146.16 of the Code of Virginia, or use of the Virginia National Guard.
3. Use of this delegation to declare that I am unable to discharge the powers and duties of my office is specifically contingent upon my being unable to be reached or otherwise incapacitated for over 24 hours and the unavailability of any one of the Attorney General, President pro tempore of the Senate, or the Speaker of the House of Delegates.
4. This delegation is strictly standby in nature, to be held in abeyance until such time as there may be explicit circumstances involving an emergency whereby human

lives and public and private property are threatened in the event of natural or man-made emergencies or disasters.

5. If the authority granted under this order is used, the Lieutenant Governor and I shall be informed of such use as soon as practicable.

This Executive Order rescinds Executive Order 104 (2009) issued on December 18, 2009, by Governor Timothy M. Kaine. This Executive Order shall become effective upon its signing and shall remain in full force and effect until January 31, 2014, unless amended or rescinded by further executive order.

Given under my hand and under the Seal of the Commonwealth of Virginia this 29th day of January 2010.

/s/ Robert F. McDonnell
Governor

EXECUTIVE ORDER NUMBER 5 (2010)

Declaration of a State of Emergency for the Commonwealth of Virginia Due to a Severe Winter Storm Event throughout the Commonwealth

On January 28, I verbally declared a state of emergency to exist for the Commonwealth of Virginia based on National Weather Service forecasts that indicate a severe winter storm with significant snow accumulations ranging from 4 to 12 inches and temperatures below freezing that could cause transportation difficulties and power outages.

The health and general welfare of the citizens of the Commonwealth require that state action be taken to help alleviate the conditions caused by this situation. The effects of this storm constitute a disaster wherein human life and public and private property are imperiled, as described in § 44-146.16 of the Code of Virginia.

Therefore, by virtue of the authority vested in me by § 44-146.17 of the Code of Virginia, as Governor and as Director of Emergency Management, and by virtue of the authority vested in me by Article V, Section 7 of the Constitution of Virginia and by § 44-75.1 of the Code of Virginia, as Governor and Commander-in-Chief of the armed forces of the Commonwealth, and subject always to my continuing and ultimate authority and responsibility to act in such matters, I hereby confirm, ratify, and memorialize in writing my verbal orders issued this date, wherein I proclaim that a state of emergency exists and direct that appropriate assistance be rendered by agencies of both state and local governments to prepare for potential impacts of the storm, to alleviate any conditions resulting from significant storm events and to implement recovery and mitigation operations and activities so as to return impacted areas to pre-event conditions in so far as possible. Pursuant to § 44-75.1 A 3 and A 4 of the Code of Virginia, I also directed that the Virginia National Guard and the Virginia Defense Force be called forth to state duty to

Governor

assist in providing such aid. This shall include Virginia National Guard assistance to the Virginia State Police to direct traffic, prevent looting, and perform such other law enforcement functions as the Superintendent of State Police, in consultation with the State Coordinator of Emergency Management, the Adjutant General, and the Secretary of Public Safety, may find necessary.

In order to marshal all public resources and appropriate preparedness, response and recovery measures to meet this potential threat and recover from its effects, and in accordance with my authority contained in § 44-146.17 of the Emergency Services and Disaster Laws, I hereby order the following protective and restoration measures:

A. The implementation by agencies of the state and local governments of the Commonwealth of Virginia Emergency Operations Plan, as amended, along with other appropriate state agency plans.

B. The activation of the Virginia Emergency Operations Center (VEOC) and the Virginia Emergency Response Team (VERT) to coordinate the provision of assistance to local governments. I am directing that the VEOC and VERT coordinate state actions in support of potential affected localities, other mission assignments to agencies designated in the Commonwealth of Virginia Emergency Operations Plan (COVEOP) and others that may be identified by the State Coordinator of Emergency Management, in consultation with the Secretary of Public Safety, which are needed to provide for the preservation of life, protection of property, and implementation of recovery activities.

C. The authorization to assume control over the Commonwealth's state-operated telecommunications systems, as required by the State Coordinator of Emergency Management, in coordination with the Virginia Information Technology Agency, and with the consultation of the Secretary of Public Safety, making all systems assets available for use in providing adequate communications, intelligence and warning capabilities for the event, pursuant to § 44-146.18 of the Code of Virginia.

D. The evacuation of areas threatened or stricken by effects of the storm. Following a declaration of a local emergency pursuant to § 44-146.21 of the Code of Virginia, if a local governing body determines that evacuation is deemed necessary for the preservation of life or other emergency mitigation, response or recovery, pursuant to § 44-146.17 (1) of the Code of Virginia, I direct the evacuation of all or part of the populace therein from such areas and upon such timetable as the local governing body, in coordination with the Virginia Emergency Operations Center (VEOC), acting on behalf of the State Coordinator of Emergency Management, shall determine. Notwithstanding the foregoing, I reserve the right to direct and compel evacuation from the same and different areas and determine a different timetable both where local governing bodies have made such a

determination and where local governing bodies have not made such a determination. Violations of any order to citizens to evacuate shall constitute a violation of this Executive Order and are punishable as a Class 1 misdemeanor.

E. The activation, implementation and coordination of appropriate mutual aid agreements and compacts, including the Emergency Management Assistance Compact (EMAC), and the authorization of the State Coordinator of Emergency Management to enter into any other supplemental agreements, pursuant to § 44-146.17(5) and § 44-146.28:1 of the Code of Virginia, to provide for the evacuation and reception of injured and other persons and the exchange of medical, fire, police, National Guard personnel and equipment, public utility, reconnaissance, welfare, transportation and communications personnel, and equipment and supplies. The State Coordinator of Emergency Management is hereby designated as Virginia's authorized representative within the meaning of the Emergency Management Assistance Compact, § 44-146.28:1 of the Code of Virginia.

F. The authorization of the Departments of State Police, Transportation and Motor Vehicles to grant temporary overweight, overwidth, registration, or license exemptions to all carriers transporting essential emergency relief supplies or providing restoration of utilities (electricity, gas, phone, water, wastewater, and cable) in and through any area of the Commonwealth in order to support the disaster response and recovery, regardless of their point of origin or destination.

The axle and gross weights shown below are the maximum allowed, unless otherwise posted.

Any One Axle	24,000 Pounds
Tandem Axles (more than 40 inches but not more than 96 inches spacing between axle centers)	44,000 Pounds
Single Unit (2 Axles)	44,000 Pounds
Single Unit (3 Axles)	54,500 Pounds
Tractor-Semitrailer (4 Axles)	64,500 Pounds
Tractor-Semitrailer (5 or more Axles)	90,000 Pounds
Tractor-Twin Trailers (5 or more Axles)	90,000 Pounds
Other Combinations (5 or more Axles)	90,000 Pounds
Per Inch of Tire Width in Contact with Road Surface	850 Pounds

All overwidth loads, up to a maximum of 12 feet, must follow Virginia Department of Motor Vehicles (DMV) hauling permit and safety guidelines.

In addition to described overweight/overwidth transportation privileges, carriers are also exempt from registration with the Department of Motor Vehicles. This includes the vehicles enroute and returning to their home base. The above-cited agencies shall communicate this information to all staff

responsible for permit issuance and truck legalization enforcement.

This authorization shall apply to hours worked by any carrier when transporting passengers, property, equipment, food, fuel, construction materials and other critical supplies to or from any portion of the Commonwealth for purpose of providing relief or assistance as a result of this disaster, pursuant to § 52-8.4 of the Code of Virginia.

The foregoing overweight/overwidth transportation privileges as well as the regulatory exemption provided by § 52-8.4 A of the Code of Virginia, and implemented in 19VAC30-20-40 B of the "Motor Carrier Safety Regulations," shall remain in effect for 30 days from the onset of the disaster, or until emergency relief is no longer necessary, as determined by the Secretary of Public Safety in consultation with the Secretary of Transportation, whichever is earlier.

G. The discontinuance of provisions authorized in paragraph F above may be implemented and disseminated by publication of administrative notice to all affected and interested parties by the authority I hereby delegate to the Secretary of Public Safety, after consultation with other affected Cabinet-level Secretaries.

H. The authorization of a maximum of \$100,000 for matching funds for the Individuals and Household Program, authorized by The Stafford Act (when presidentially authorized), to be paid from state funds.

I. The implementation by public agencies under my supervision and control of their emergency assignments as directed in the COVEOP without regard to normal procedures pertaining to performance of public work, entering into contracts, incurring of obligations, or other logistical and support measures of the Emergency Services and Disaster Laws, as provided in § 44-146.28 (b) of the Code of Virginia. Section 44-146.24 of the Code of Virginia also applies to the disaster activities of state agencies.

J. Upon my approval, the costs incurred by state agencies and other agents in performing mission assignments through the VEOC of the Commonwealth as defined herein and in § 44-146.28 of the Code of Virginia, in performing these missions shall be paid from state funds and/or federal funds. In addition, up to \$100,000 shall be made available for state response and recovery operations and incident documentation with the Department of Planning and Budget overseeing the release of these funds.

K. Designation of members and personnel of volunteer, auxiliary and reserve groups including search and rescue (SAR), Virginia Associations of Volunteer Rescue Squads (VAVRS), Civil Air Patrol (CAP), member organizations of the Voluntary Organizations Active in Disaster (VOAD), Radio Amateur Civil Emergency Services (RACES), volunteer fire fighters, Citizen Corps Programs such as Medical Reserve Corps (MRCs) and Citizen Emergency

Response Teams (CERTS), and others identified and tasked by the State Coordinator of Emergency Management for specific disaster related mission assignments as representatives of the Commonwealth engaged in emergency services activities within the meaning of the immunity provisions of § 44-146.23 (a) and (f) of the Code of Virginia, in the performance of their specific disaster-related mission assignments.

L. The authorization of appropriate oversight boards, commissions and agencies to ease building code restrictions, and to permit emergency demolition, hazardous waste disposal, debris removal, emergency landfill siting and operations and other activities necessary to address immediate health and safety needs without regard to time-consuming procedures or formalities and without regard to application or permit fees or royalties.

M. The activation of the statutory provisions in § 59.1-525 et. seq. of the Code of Virginia related to price gouging. Price gouging at any time is unacceptable. Price gouging is even more reprehensible after a natural disaster. I have directed all applicable executive branch agencies to take immediate action to address any verified reports of price gouging of necessary goods or services. I make the same request of the Office of the Attorney General and appropriate local officials.

N. The following conditions apply to the deployment of the Virginia National Guard and the Virginia Defense Force:

1. The Adjutant General of Virginia, after consultation with the State Coordinator of Emergency Management, shall make available on state active duty such units and members of the Virginia National Guard and Virginia Defense Force and such equipment as may be necessary or desirable to assist in preparations and in alleviating the human suffering and damage to property.

2. Pursuant to § 52-6 of the Code of Virginia, I authorize the Superintendent of State Police to appoint any and all such Virginia Army and Air National Guard personnel called to state active duty as additional police officers as deemed necessary. These police officers shall have the same powers and perform the same duties as the State Police officers appointed by the Superintendent. However, they shall nevertheless remain members of the Virginia National Guard, subject to military command as members of the State Militia. Any bonds and/or insurance required by § 52-7 of the Code of Virginia shall be provided for them at the expense of the Commonwealth.

3. In all instances, members of the Virginia National Guard and Virginia Defense Force shall remain subject to military command as prescribed by § 44-78.1 of the Code of Virginia and not subject to the civilian authorities of county or municipal governments. This shall not be deemed to prohibit working in close cooperation with members of the Virginia Departments of State Police or Emergency

Management or local law enforcement or emergency management authorities or receiving guidance from them in the performance of their duties.

4. Should service under this Executive Order result in the injury or death of any member of the Virginia National Guard, the following will be provided to the member and the member's dependents or survivors:

(a) Workers Compensation benefits provided to members of the National Guard by the Virginia Workers Compensation Act, subject to the requirements and limitations thereof; and, in addition,

(b) The same benefits, or their equivalent, for injury, disability and/or death, as would be provided by the federal government if the member were serving on federal active duty at the time of the injury or death. Any such federal-type benefits due to a member and his or her dependents or survivors during any calendar month shall be reduced by any payments due under the Virginia Workers Compensation Act during the same month. If and when the time period for payment of Workers Compensation benefits has elapsed, the member and his or her dependents or survivors shall thereafter receive full federal-type benefits for as long as they would have received such benefits if the member had been serving on federal active duty at the time of injury or death. Any federal-type benefits due shall be computed on the basis of military pay grade E-5 or the member's military grade at the time of injury or death, whichever produces the greater benefit amount. Pursuant to § 44-14 of the Code of Virginia, and subject to the availability of future appropriations which may be lawfully applied to this purpose, I now approve of future expenditures out of appropriations to the Department of Military Affairs for such federal-type benefits as being manifestly for the benefit of the military service.

5. The following conditions apply to service by the Virginia Defense Force:

1. Compensation shall be at a daily rate that is equivalent of base pay only for a National Guard Unit Training Assembly, commensurate with the grade and years of service of the member, not to exceed 20 years of service;

2. Lodging and meals shall be provided by the Adjutant General or reimbursed at standard state per diem rates;

3. All privately owned equipment, including, but not limited to, vehicles, boats, and aircraft, will be reimbursed for expense of fuel. Damage or loss of said equipment will be reimbursed, minus reimbursement from personal insurance, if said equipment was authorized for use by the Adjutant General in

accordance with § 44-54.12 of the Code of Virginia; and

4. In the event of death or injury, benefits shall be provided in accordance with the Virginia Workers Compensation Act, subject to the requirements and limitations thereof.

Upon my approval, the costs incurred by state agencies and other agents in performing mission assignments through the VEOC of the Commonwealth as defined herein and in § 44-146.28 of the Code of Virginia, other than costs defined in the paragraphs above pertaining to the Virginia National Guard and the Virginia Defense Force, in performing these missions shall be paid from state funds.

This Executive Order shall be effective January XX, 2010 and shall remain in full force and effect until June 30, 2011 unless sooner amended or rescinded by further executive order. Termination of the Executive Order is not intended to terminate any federal-type benefits granted or to be granted due to injury or death as a result of service under this Executive Order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this 29th day of January 2010.

/s/ Robert F. McDonnell
Governor

EXECUTIVE ORDER NUMBER 6 (2010)

Equal Opportunity

By virtue of the authority vested in me as Governor, I hereby declare that it is the firm and unwavering policy of the Commonwealth of Virginia to assure equal opportunity in all facets of state government.

This order is in furtherance of the stated policy enacted by the General Assembly, and specifically prohibits discrimination on the basis of race, sex, color, national origin, religion, age, political affiliation, or against otherwise qualified persons with disabilities. The policy permits appropriate employment preferences for veterans and specifically prohibits discrimination against veterans as contemplated by state and federal law.

State appointing authorities and other managers are hereby directed to take appropriate measures, as determined by the Director of the Department of Human Resource Management, to emphasize the recruitment and appointment of qualified minorities, veterans, women, disabled persons, and older Virginians to serve at all levels of state government. This directive does not in any way permit nor requires the lowering of any job requirements, performance standards, or qualifications so as to give preference to any state employee or applicant for state employment.

Allegations of violations of this policy shall be brought to the attention of the Office of Equal Employment Services of the Department of Human Resource Management. No state appointing authority, other managers, or supervisor shall take retaliatory actions against persons making such allegations.

Any state employee found in violation of this policy shall be subject to appropriate disciplinary action.

The Secretary of Administration is directed to review annually state procurement, employment, and other relevant policies for compliance with the non-discrimination mandate contained herein and in general law, and shall report to the Governor her findings together with such recommendations as she deems appropriate. The Director of the Department of Human Resource Management shall assist in this review.

This Executive Order supersedes and rescinds Executive Order Number One (2006), Equal Opportunity, issued by Governor Timothy M. Kaine on January 14, 2006.

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

Given under my hand and under the Seal of the Commonwealth of Virginia this 5th day of February 2010.

/s/ Robert F. McDonnell
Governor

EXECUTIVE ORDER NUMBER 7 (2010) - (Revised)

Declaration of a State of Emergency For the Commonwealth of Virginia Due to a Severe Winter Storm Event throughout the Commonwealth

On February 3, 2010 and again on February 8, 2010, I verbally declared a state of emergency to exist for the Commonwealth of Virginia based on National Weather Service forecasts indicating severe winter storms with significant snow and ice accumulations and excessive rain that could impact the Commonwealth between February 5 and 10, 2010, creating the potential for transportation difficulties and power outages.

The health and general welfare of the citizens of the Commonwealth require that state action be taken to help alleviate the conditions caused by this situation. The effects of these storms constitute disasters wherein human life and public and private property are imperiled, as described in § 44-146.16 of the Code of Virginia.

Therefore, by virtue of the authority vested in me by § 44-146.17 of the Code of Virginia, as Governor and as Director of Emergency Management, and by virtue of the authority vested in me by Article V, Section 7 of the Constitution of Virginia and by § 44-75.1 of the Code of Virginia, as Governor and Commander-in-Chief of the armed forces of the Commonwealth, and subject always to my continuing and

ultimate authority and responsibility to act in such matters, I hereby confirm, ratify, and memorialize in writing my verbal orders issued on February 3, 2010 and February 8, 2010, whereby I proclaimed that states of emergency exist, and I direct that appropriate assistance be rendered by agencies of both state and local governments to prepare for potential impacts of the storm, to alleviate any conditions resulting from significant storm events and to implement recovery and mitigation operations and activities so as to return impacted areas to pre-event conditions in so far as possible. Pursuant to § 44-75.1 A 3 and A 4 of the Code of Virginia, I also directed that the Virginia National Guard and the Virginia Defense Force be called forth to state duty to assist in providing such aid. This shall include Virginia National Guard assistance to the Virginia State Police to direct traffic, prevent looting, and perform such other law enforcement functions as the Superintendent of State Police, in consultation with the State Coordinator of Emergency Management, the Adjutant General, and the Secretary of Public Safety, may find necessary.

In order to marshal all public resources and appropriate preparedness, response and recovery measures to meet these potential threats and recover from their effects, and in accordance with my authority contained in § 44-146.17 of the Emergency Services and Disaster Laws, I hereby order the following protective and restoration measures:

A. The implementation by agencies of the state and local governments of the Commonwealth of Virginia Emergency Operations Plan, as amended, along with other appropriate state agency plans.

B. The activation of the Virginia Emergency Operations Center (VEOC) and the Virginia Emergency Response Team (VERT) to coordinate the provision of assistance to local governments. I am directing that the VEOC and VERT coordinate state actions in support of potential affected localities, other mission assignments to agencies designated in the Commonwealth of Virginia Emergency Operations Plan (COVEOP) and others that may be identified by the State Coordinator of Emergency Management, in consultation with the Secretary of Public Safety, which are needed to provide for the preservation of life, protection of property, and implementation of recovery activities.

C. The authorization to assume control over the Commonwealth's state-operated telecommunications systems, as required by the State Coordinator of Emergency Management, in coordination with the Virginia Information Technology Agency, and with the consultation of the Secretary of Public Safety, making all systems assets available for use in providing adequate communications, intelligence and warning capabilities for the event, pursuant to § 44-146.18 of the Code of Virginia.

D. The evacuation of areas threatened or stricken by effects of the storms. Following a declaration of a local emergency

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pursuant to § 44-146.21 of the Code of Virginia, if a local governing body determines that evacuation is deemed necessary for the preservation of life or other emergency mitigation, response or recovery, pursuant to § 44-146.17 (1) of the Code of Virginia, I direct the evacuation of all or part of the populace therein from such areas and upon such timetable as the local governing body, in coordination with the Virginia Emergency Operations Center (VEOC), acting on behalf of the State Coordinator of Emergency Management, shall determine. Notwithstanding the foregoing, I reserve the right to direct and compel evacuation from the same and different areas and determine a different timetable both where local governing bodies have made such a determination and where local governing bodies have not made such a determination. Violations of any order to citizens to evacuate shall constitute a violation of this Executive Order and are punishable as a Class 1 misdemeanor.

E. The activation, implementation and coordination of appropriate mutual aid agreements and compacts, including the Emergency Management Assistance Compact (EMAC), and the authorization of the State Coordinator of Emergency Management to enter into any other supplemental agreements, pursuant to § 44-146.17(5) and § 44-146.28:1 of the Code of Virginia, to provide for the evacuation and reception of injured and other persons and the exchange of medical, fire, police, National Guard personnel and equipment, public utility, reconnaissance, welfare, transportation and communications personnel, and equipment and supplies. The State Coordinator of Emergency Management is hereby designated as Virginia's authorized representative within the meaning of the Emergency Management Assistance Compact, § 44-146.28:1 of the Code of Virginia.

F. The authorization of the Departments of State Police, Transportation and Motor Vehicles to grant temporary overweight, overwidth, registration, or license exemptions to all carriers transporting essential emergency relief supplies or providing restoration of utilities (electricity, gas, phone, water, wastewater, and cable) in and through any area of the Commonwealth in order to support the disaster response and recovery, regardless of their point of origin or destination. The axle and gross weights shown below are the maximum allowed, unless otherwise posted.

Any One Axle	24,000 Pounds
Tandem Axles (more than 40 inches but not more than 96 inches spacing between axle centers)	44,000 Pounds
Single Unit (2 Axles)	44,000 Pounds
Single Unit (3 Axles)	54,500 Pounds
Tractor-Semitrailer (4 Axles)	64,500 Pounds
Tractor-Semitrailer (5 or more Axles)	90,000 Pounds
Tractor-Twin Trailers (5 or more Axles)	90,000 Pounds

Other Combinations (5 or more Axles)	90,000 Pounds
Per Inch of Tire Width in Contact with Road Surface	850 Pounds

All overwidth loads, up to a maximum of 12 feet, must follow Virginia Department of Motor Vehicles (DMV) hauling permit and safety guidelines.

In addition to described overweight/overwidth transportation privileges, carriers are also exempt from registration with the Department of Motor Vehicles. This includes the vehicles enroute and returning to their home base. The above-cited agencies shall communicate this information to all staff responsible for permit issuance and truck legalization enforcement.

This authorization shall apply to hours worked by any carrier when transporting passengers, property, equipment, food, fuel, construction materials and other critical supplies to or from any portion of the Commonwealth for purpose of providing relief or assistance as a result of this disaster, pursuant to § 52-8.4 of the Code of Virginia.

The foregoing overweight/overwidth transportation privileges as well as the regulatory exemption provided by § 52-8.4 A of the Code of Virginia, and implemented in 19VAC30-20-40 B of the "Motor Carrier Safety Regulations," shall remain in effect for 30 days from the onset of the disaster, or until emergency relief is no longer necessary, as determined by the Secretary of Public Safety in consultation with the Secretary of Transportation, whichever is earlier.

G. The discontinuance of provisions authorized in paragraph F above may be implemented and disseminated by publication of administrative notice to all affected and interested parties by the authority I hereby delegate to the Secretary of Public Safety, after consultation with other affected Cabinet-level Secretaries.

H. The authorization of a maximum of \$100,000 for matching funds for the Individuals and Household Program, authorized by The Stafford Act (when presidentially authorized), to be paid from state funds.

I. The implementation by public agencies under my supervision and control of their emergency assignments as directed in the COVEOP without regard to normal procedures pertaining to performance of public work, entering into contracts, incurring of obligations, or other logistical and support measures of the Emergency Services and Disaster Laws, as provided in § 44-146.28 (b) of the Code of Virginia. Section 44-146.24 of the Code of Virginia also applies to the disaster activities of state agencies.

J. Upon my approval, the costs incurred by state agencies and other agents in performing mission assignments through the VEOC of the Commonwealth as defined herein and in § 44-146.28 of the Code of Virginia, in performing these missions shall be paid from state funds and/or federal funds. In

addition, up to \$100,000 shall be made available for state response and recovery operations and incident documentation with the Department of Planning and Budget overseeing the release of these funds.

K. Designation of members and personnel of volunteer, auxiliary and reserve groups including search and rescue (SAR), Virginia Associations of Volunteer Rescue Squads (VAVRS), Civil Air Patrol (CAP), member organizations of the Voluntary Organizations Active in Disaster (VOAD), Radio Amateur Civil Emergency Services (RACES), volunteer fire fighters, Citizen Corps Programs such as Medical Reserve Corps (MRCs) and Citizen Emergency Response Teams (CERTS), and others identified and tasked by the State Coordinator of Emergency Management for specific disaster related mission assignments as representatives of the Commonwealth engaged in emergency services activities within the meaning of the immunity provisions of § 44-146.23 (a) and (f) of the Code of Virginia, in the performance of their specific disaster-related mission assignments.

L. The authorization of appropriate oversight boards, commissions and agencies to ease building code restrictions, and to permit emergency demolition, hazardous waste disposal, debris removal, emergency landfill siting and operations and other activities necessary to address immediate health and safety needs without regard to time-consuming procedures or formalities and without regard to application or permit fees or royalties.

M. The activation of the statutory provisions in § 59.1-525 et. seq. of the Code of Virginia related to price gouging. Price gouging at any time is unacceptable. Price gouging is even more reprehensible after a natural disaster. I have directed all applicable executive branch agencies to take immediate action to address any verified reports of price gouging of necessary goods or services. I make the same request of the Office of the Attorney General and appropriate local officials.

N. The following conditions apply to the deployment of the Virginia National Guard and the Virginia Defense Force:

1. The Adjutant General of Virginia, after consultation with the State Coordinator of Emergency Management, shall make available on state active duty such units and members of the Virginia National Guard and Virginia Defense Force and such equipment as may be necessary or desirable to assist in preparations and in alleviating the human suffering and damage to property.

2. Pursuant to § 52-6 of the Code of Virginia, I authorize the Superintendent of State Police to appoint any and all such Virginia Army and Air National Guard personnel called to state active duty as additional police officers as deemed necessary. These police officers shall have the same powers and perform the same duties as the State Police officers appointed by the Superintendent. However,

they shall nevertheless remain members of the Virginia National Guard, subject to military command as members of the State Militia. Any bonds and/or insurance required by § 52-7 of the Code of Virginia shall be provided for them at the expense of the Commonwealth.

3. In all instances, members of the Virginia National Guard and Virginia Defense Force shall remain subject to military command as prescribed by § 44-78.1 of the Code of Virginia and not subject to the civilian authorities of county or municipal governments. This shall not be deemed to prohibit working in close cooperation with members of the Virginia Departments of State Police or Emergency Management or local law enforcement or emergency management authorities or receiving guidance from them in the performance of their duties.

4. Should service under this Executive Order result in the injury or death of any member of the Virginia National Guard, the following will be provided to the member and the member's dependents or survivors:

- a. Workers Compensation benefits provided to members of the National Guard by the Virginia Workers Compensation Act, subject to the requirements and limitations thereof; and, in addition,

- b. The same benefits, or their equivalent, for injury, disability and/or death, as would be provided by the federal government if the member were serving on federal active duty at the time of the injury or death. Any such federal-type benefits due to a member and his or her dependents or survivors during any calendar month shall be reduced by any payments due under the Virginia Workers Compensation Act during the same month. If and when the time period for payment of Workers' Compensation benefits has elapsed, the member and his or her dependents or survivors shall thereafter receive full federal-type benefits for as long as they would have received such benefits if the member had been serving on federal active duty at the time of injury or death. Any federal-type benefits due shall be computed on the basis of military pay grade E-5 or the member's military grade at the time of injury or death, whichever produces the greater benefit amount. Pursuant to § 44-14 of the Code of Virginia, and subject to the availability of future appropriations which may be lawfully applied to this purpose, I now approve of future expenditures out of appropriations to the Department of Military Affairs for such federal-type benefits as being manifestly for the benefit of the military service.

5. The following conditions apply to service by the Virginia Defense Force:

1. Compensation shall be at a daily rate that is equivalent of base pay only for a National Guard Unit Training Assembly, commensurate with the grade and

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years of service of the member, not to exceed 20 years of service;

2. Lodging and meals shall be provided by the Adjutant General or reimbursed at standard state per diem rates;

3. All privately owned equipment, including, but not limited to, vehicles, boats, and aircraft, will be reimbursed for expense of fuel. Damage or loss of said equipment will be reimbursed, minus reimbursement from personal insurance, if said equipment was authorized for use by the Adjutant General in accordance with § 44-54.12 of the Code of Virginia; and

4. In the event of death or injury, benefits shall be provided in accordance with the Virginia Workers Compensation Act, subject to the requirements and limitations thereof.

Upon my approval, the costs incurred by state agencies and other agents in performing mission assignments through the VEOC of the Commonwealth as defined herein and in § 44-146.28 of the Code of Virginia, other than costs defined in the paragraphs above pertaining to the Virginia National Guard and the Virginia Defense Force, in performing these missions shall be paid from state funds.

This Executive Order shall be effective retroactively to February 3, 2010 and shall remain in full force and effect until June 30, 2011 unless sooner amended or rescinded by further executive order. Termination of the Executive Order is not intended to terminate any federal-type benefits granted or to be granted due to injury or death as a result of service under this Executive Order.

Given under my hand and under the Seal of the Commonwealth of Virginia, this tenth Day of February 2010.

/s/ Robert F. McDonnell
Governor

GENERAL NOTICES/ERRATA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice of Opportunity to Serve on a Regulatory Advisory Panel Concerning Permit Regulations for Renewable Energy Facilities (Offshore Wind)

Purpose of Notice: The Department of Environmental Quality announces the establishment of a Regulatory Advisory Panel (panel) to assist the department in developing a regulation for offshore wind renewable energy projects to implement Chapters 808 and 854 of the 2009 Acts of Assembly. The department is seeking persons interested in serving on the panel.

Deadline for submittal of requests: April 15, 2010.

Background: During the 2009 legislative session, the Virginia General Assembly passed House Bill 2175/Senate Bill 1347 (Chapters 808 and 854 of the 2009 Acts of Assembly), which require the department to develop regulations establishing one or more permits by rule necessary for the construction and operation of small renewable energy projects, including such conditions and standards necessary to protect the Commonwealth's natural resources.

Purpose of panel: The department is establishing this panel to review the subject legislation and make recommendations to the department on how to implement the provisions concerning coastal and offshore wind projects. It is anticipated that discussion topics will include how the department might address potential environmental impacts, including analysis of impacts, mitigation plans, facility site planning, public participation, permit fees, interagency consultations, enforcement and compliance, and other topics that may be brought up during the public comment period. The department is also publishing a Notice of Intended Regulatory Action to begin the rulemaking process to implement this legislation with regard to offshore wind energy projects. The panel established in response to this notice will be used to assist the department in the development of regulations to establish the offshore wind energy permit by rule or amendments to the offshore wind energy permit by rule. Members of the original panel on wind energy projects are invited to notify the department if they wish to participate in this offshore wind energy panel, and other interested parties are also encouraged to request to serve on this offshore wind energy panel.

Contact for additional information or submittal of requests to serve on the panel: Carol C. Wampler, Department of Environmental Quality, 629 East Main Street, P.O. Box 1105, Richmond, VA 23218, email carol.wampler@deq.virginia.gov, telephone (804) 698-4579.

Notice of Opportunity to Serve on a Regulatory Advisory Panel Concerning Permit Regulations for Renewable Energy Facilities (Solar)

Purpose of notice: The Department of Environmental Quality announces the establishment of a Regulatory Advisory Panel (panel) to assist the department in developing a regulation to implement Chapters 808 and 854 of the 2009 Acts of Assembly for solar renewable energy projects. The department is seeking persons interested in serving on the panel.

Deadline for submittal of requests: April 15, 2010.

Background: During the 2009 legislative session, the Virginia General Assembly passed House Bill 2175/Senate Bill 1347 (Chapters 808 and 854 of the 2009 Acts of Assembly), which require the department to develop regulations establishing one or more permits by rule necessary for the construction and operation of small renewable energy projects, including such conditions and standards necessary to protect the Commonwealth's natural resources. The permit by rule for solar energy shall be effective as soon as practicable, but not later than July 1, 2012.

Purpose of panel: The department is establishing this panel to review the subject legislation and make recommendations to the department on how to implement the provisions for solar projects. It is anticipated that discussion topics will include how the department might address potential environmental impacts and whether these potential impacts warrant protection under a permit by rule. If so, then discussion will encompass analysis of impacts, mitigation plans, facility site planning, public participation, permit fees, interagency consultations, enforcement and compliance, and other topics that may be brought up during the public comment period. The department is also publishing a Notice of Intended Regulatory Action to begin the rulemaking process to implement this legislation with regard to solar energy projects. The panel established in response to this notice will be the panel used to assist the department in the development of the solar energy permit by rule regulation. Members of the panel on wind energy projects are invited to notify the department if they wish to participate in this solar energy panel, and other interested parties are also encouraged to request to serve on the solar energy panel.

Contact for additional information or submittal of requests to serve on the panel: Carol C. Wampler, Department of Environmental Quality, 629 East Main Street, P.O. Box 1105, Richmond, VA 23218, email carol.wampler@deq.virginia.gov, telephone (804) 698-4579.

VIRGINIA CODE COMMISSION

Notice to State Agencies

Mailing Address: Virginia Code Commission, 910 Capitol Street, General Assembly Building, 2nd Floor, Richmond, VA 23219.

Cumulative Table of Virginia Administrative Code Sections Adopted, Amended, or Repealed

Beginning with Volume 26, Issue 1 of the Virginia Register of Regulations dated September 14, 2009, the Cumulative Table of Virginia Administrative Code Sections Adopted, Amended, or Repealed will no longer be published in the Virginia Register of Regulations. The cumulative table may be accessed on the Virginia Register Online webpage at <http://register.dls.virginia.gov/cumultab.htm>.

Filing Material for Publication in the Virginia Register of Regulations

Agencies are required to use the Regulation Information System (RIS) when filing regulations for publication in the Virginia Register of Regulations. The Office of the Virginia Register of Regulations implemented a web-based application called RIS for filing regulations and related items for publication in the Virginia Register. The Registrar's office has worked 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.

The Office of the Virginia Register is working toward the eventual elimination of the requirement that agencies file print copies of regulatory packages. Until that time, agencies may file petitions for rulemaking, notices of intended regulatory actions and general notices in electronic form only; however, until further notice, agencies must continue to file print copies of proposed, final, fast-track and emergency regulatory packages.

ERRATA

DEPARTMENT OF CONSERVATION AND RECREATION

Title of Regulation: **4VAC5-30. Virginia State Parks Regulations.**

Publication: 26:11 VA.R. 1481 February 1, 2010.

Correction to Final Regulation:

Page 1481, 4VAC5-30-380, line 5, after which, delete "is" and insert "it"

VA.R. Doc. No. R10-1568; Filed March 8, 2010, 9:12 a.m.

STATE BOARD OF EDUCATION

Title of Regulation: **8VAC20-81. Regulations Governing Special Education Programs for Children with Disabilities in Virginia.**

Publication: 25:16 VA.R. 2872-2968 April 13, 2009 and 26:8 VA.R. 939-988 December 21, 2009.

Correction to Final Regulations:

25:16 VA.R. 2872-2968 April 13, 2009

Page 2954, 8VAC20-81-220, subdivision B 2 c, line 2, change "1 a or 1 b" to "2 a or 2 b"

Page 2954, 8VAC20-81-220, subdivision B 2 d, line 5, change "1 a or 1 b" to "2 a or 2 b"

26:8 VA.R. 939-988 December 21, 2009

Page 985, 8VAC20-81-220, subdivision B 2 c, lines 1 and 2, change "1 a or 1 b" to "2 a or 2 b"

Page 985, 8VAC20-81-220, subdivision B 2 d, line 4, change "1 a or 1 b" to "2 a or 2 b"

VA.R. Doc. Nos. R07-95 and R10-2239; Filed March 10, 2010, 11:12 a.m.

DEPARTMENT OF MEDICAL ASSISTANCE SERVICES

Title of Regulation: **12VAC30-30. Groups Covered and Agencies Responsible for Eligibility Determination.**

Publication: 26:14 VA.R. 2254 March 15, 2010.

Correction to Final Regulation:

Page 2254, 12VAC30-30-10, subdivision 14, last paragraph, line 11, change "§ 619(a)" to "§ 1619(a)"

VA.R. Doc. No. R10-2301

STATE BOARD OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES

Title of Regulation: **12VAC35-115. Rules and Regulations to Assure the Rights of Individuals Receiving Services from Providers Licensed, Funded, or Operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services.**

Publication: 26:13 VA.R. 2067 March 1, 2010.

Correction to Petitions for Rulemaking:

Page 2067, 12VAC35-115, change "VA.R. Doc. No. R10-40" to "VA.R. Doc. No. R10-30"

General Notices/Errata

STATE CORPORATION COMMISSION

Title of Regulation: 14VAC5-370. Rules Governing Group Self-Insurers of Liability under the Virginia Workers' Compensation Act (amending 14VAC5-370-10 through 14VAC5-370-150, 14VAC5-370-170, 14VAC5-370-180; adding 14VAC5-370-145).

Publication: 26:14 VA.R. 2256-2271 March 15, 2010.

Correction to Final Regulation:

Page 2266, 14VAC5-370-40, subsection C, line 2 after "and ~~14VAC5-370-40~~" strike "of"

VA.R. Doc. Nos. R10-2060; Filed March 15, 2010, 5:59 p.m.