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Regulatory  
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## Periodic Review Including Small Business Impact Findings Agency Background Document

<b>Agency name</b>	Department of Mines, Minerals and Energy
<b>Virginia Administrative Code (VAC) citation</b>	4 VAC 25-125
<b>Regulation title</b>	Regulations Governing Coal Stockpiles and Bulk Storage and Handling Facilities
<b>Document preparation date</b>	December 16, 2013

This form is used when the agency has done a periodic review of a regulation and plans to retain the regulation without change. This information is required pursuant to Executive Orders 14 (2010) and 58 (1999).

### Legal basis

*Please identify the state and/or federal legal authority for the regulation, including (1) the most relevant law and/or regulation, and (2) promulgating entity, i.e., agency, board, or person.*

The authority of the Department of Mines, Minerals and Energy (DMME) is set out in Title 45.1 of the Code of Virginia (Code). [§ 45.1-161.106](#) of the Code grants the Chief of DMME's Division of Mines authority, after consultation with Coal Mine Safety Board, to promulgate regulations necessary to ensure safe and healthy working conditions in underground coal mines in the Commonwealth. That section requires regulations related to the storage or disposal of any matter or materials or extracted or disturbed as the result of an underground coal mining operation. [§ 45.1-161.254](#) contains an analogous provision for surface coal mines.

### Alternatives

*Please describe all viable alternatives for achieving the purpose of the existing regulation that have been considered as part of the periodic review process. Include an explanation of why such alternatives were rejected and why this regulation is the least burdensome alternative available for achieving the purpose of the regulation.*

As indicated above, these regulations are required by statute. However, the regulations were reviewed to ensure they were clearly worded and the least burdensome option to achieve their purpose.

**Public comment**

*Please summarize all comments received during the public comment period following the publication of the Notice of Periodic Review, and provide the agency response. Please indicate if an informal advisory group was formed for purposes of assisting in the periodic review.*

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No public comments were received.

**Effectiveness**

*Please indicate whether the regulation meets the criteria set out in Executive Order 14 (2010), e.g., is necessary for the protection of public health, safety, and welfare, and is clearly written and easily understandable.*

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In addition to the statutory requirement, DMME believes the regulation is necessary for the protection of the public health, safety and welfare. The regulation is clearly written and easily understandable.

**Result**

*Please state that the agency is recommending that the regulation should stay in effect without change.*

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DMME is recommending the regulation should remain in effect without change.

**Small business impact**

*In order to minimize the economic impact of regulations on small business, please include, pursuant to § 2.2-4007.1 E and F, a discussion of the agency's consideration of: (1) the continued need for the regulation; (2) the nature of complaints or comments received concerning the regulation from the public; (3) the complexity of the regulation; (4) the extent to which the regulation overlaps, duplicates, or conflicts with federal or state law or regulation; and (5) the length of time since the regulation has been evaluated or the degree to which technology, economic conditions, or other factors have changed in the area affected by the regulation. Also, include a discussion of the agency's determination whether the regulation should be amended or repealed, consistent with the stated objectives of applicable law, to minimize the economic impact of regulations on small businesses.*

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This regulation is required by statute. It is necessary to protect the health and safety of miners working at underground and surface mines in the Commonwealth. DMME has reviewed the regulation and determined that it does not adversely impact small businesses.

### Family impact

*Please provide an analysis of the regulation's impact on the institution of the family and family stability.*

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This regulation has no impact on the institution of the family and family stability.