



COMMONWEALTH of VIRGINIA
Office of the Attorney General

Kenneth T. Cuccinelli II
Attorney General

900 East Main Street
Richmond, Virginia 23219
804-786-2071
FAX 804-786-1991
Virginia Relay Services
800-828-1120
7-1-1

MEMORANDUM

TO: David K. Benner, Director
Division of Mineral Mining
Virginia Department of Mines, Minerals and Energy

FROM: Elizabeth A. Andrews
Senior Assistant Attorney General

DATE: January 3, 2013

RE: Repeal of 4 VAC 25-31-50 and 4 VAC 25-31-550

I have reviewed the above-referenced amendment to repeal portions of the Virginia Reclamation Regulations for Mineral Mining, specifically 4 VAC 25-31-50 and 4 VAC 25-31-550. It is my opinion that the Department of Mines, Minerals and Energy has authority to repeal these regulatory provisions based upon applicable law, including §§ 45.1-161.3 and 45.1-180.3 of Title 45.1 of the **Code** of Virginia.

If I may be of further assistance to you relating to this matter, please do not hesitate to contact me.