



Notice of Intended Regulatory Action (NOIRA) Agency Background Document

Agency name	Department of Mines, Minerals and Energy (DMME)
Virginia Administrative Code (VAC) citation	4 VAC 25-35
Regulation title	Certification Requirements for Mineral Miners
Action title	Amendments to allow for more efficient electronic certification and payment processes for mineral miners.
Date this document prepared	July 26, 2010

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 36 (2006) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Purpose

Please describe the subject matter and intent of the planned regulatory action. Also include a brief explanation of the need for and the goals of the new or amended regulation.

The purpose of this regulatory action is to amend the certification requirements for mineral miners to allow for electronic submission of certification forms and payment of associated fees. Doing so will allow DMME and the Board of Mineral Mining Examiners (Board) to more effectively and efficiently serve their customers. Additionally, the Board will consider revising all aspects of the certification process. This includes, but is not limited to: the format and content of applications and supporting documents, examination requirements, proof of certification and the temporary certification process.

Legal basis

Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter number(s), if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.

[§45.1-161.292:19A](#) of the Code of Virginia directs the Board to issue certifications for mineral miners to ensure the health and safety of persons and property associated with mineral mining. [§45.1-161.292:19C](#)

of the Code of Virginia grants the Board the authority to promulgate regulations necessary or incidental to the performance of its duties.

Need

Please detail the specific reasons why the agency has determined that the proposed regulatory action is essential to protect the health, safety, or welfare of citizens. In addition, delineate any potential issues that may need to be addressed as the regulation is developed.

The Board has determined this regulatory action is necessary to ensure that its customers are served as efficiently and effectively as possible. The current regulation does not allow for efficient electronic submission of certification documentation or electronic payment of fees. Amending the regulation to allow for the more efficient use of technology will assist the Board in carrying out its function of protecting the health and safety of persons and property associated with mineral mining in the Commonwealth.

Substance

Please detail any changes that will be proposed. For new regulations, include a summary of the proposed regulatory action. Where provisions of an existing regulation are being amended, explain how the existing regulation will be changed.

Appropriate sections of the existing regulation will be amended to allow for electronic submission of certification documentation. The regulation will also be amended to allow for payment of fees associated with certification to be submitted electronically. Other aspects of the certification process will be reviewed as well and amended as appropriate to satisfy the overall purpose of this regulatory action.

Alternatives

Please describe all viable alternatives to the proposed regulatory action that have been or will be considered to meet the essential purpose of the action. Also, please describe the process by which the agency has considered or will consider other alternatives for achieving the need in the most cost-effective manner.

The only viable alternative to the regulatory action would be to leave the regulation as is. Doing so would not allow for the Board to serve its customers as efficiently as possible.

Public participation

Please indicate the agency is seeking comments on the intended regulatory action, to include ideas to assist the agency in the development of the proposal and the costs and benefits of the alternatives stated in this notice or other alternatives. Also, indicate whether a public hearing is to be held to receive comments on this notice.

The agency is seeking comments on the intended regulatory action, including but not limited to 1) ideas to assist in the development of a proposal, 2) the costs and benefits of the alternatives stated in this background document or other alternatives and 3) potential impacts of the regulation. The agency is also seeking information on impacts on small businesses as defined in § 2.2-4007.1 of the Code of Virginia. Information may include 1) projected reporting, recordkeeping and other administrative costs, 2) probable effect of the regulation on affected small businesses, and 3) description of less intrusive or costly alternative methods of achieving the purpose of the regulation.

Anyone wishing to submit comments may do so at the public hearing or via the Regulatory Town Hall website , www.townhall.virginia.gov, or by mail, email or fax to **Michael A. Skiffington, DMME Regulatory Coordinator, 1100 Bank Street, 8th Floor, Richmond, VA 23219; phone 804.692.3212; fax 804.692.3237; michael.skiffington@dmme.virginia.gov**. Written comments must include the name and address of the commenter. In order to be considered comments must be received by the last day of the public comment period.

A public hearing will be held and notice of the hearing may be found on the Virginia Regulatory Town Hall website (www.townhall.virginia.gov) and can be found in the Calendar of Events section of the Virginia Register of Regulations. Both oral and written comments may be submitted at that time.

Participatory approach

Please indicate, to the extent known, if advisers (e.g., ad hoc advisory committees, technical advisory committees) will be involved in the development of the proposed regulation. Indicate that 1) the agency is not using the participatory approach in the development of the proposal because the agency has authorized proceeding without using the participatory approach; 2) the agency is using the participatory approach in the development of the proposal; or 3) the agency is inviting comment on whether to use the participatory approach to assist the agency in the development of a proposal.

The Board will not utilize a formal regulatory advisory panel. However, the Board will consult with and accept comments from its stakeholders throughout the process as the basis for the proposed regulatory action originated from a suggestion submitted to the Board by one of its stakeholders.

Family impact

Assess the potential impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one's spouse, and one's children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.

This regulatory action will have no impact on the institution of the family or family stability.