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## Exempt Action: Final Regulation Agency Background Document

<b>Agency name</b>	State Water Control Board
<b>Virginia Administrative Code (VAC) Chapter citation(s)</b>	9VAC25-31-940
<b>VAC Chapter title(s)</b>	Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation: Authority of the Department of Mines, Minerals and Energy for coal surface mining oper.
<b>Action title</b>	9VAC25-31 DMME Name Change and Section Recodification
<b>Final agency action date</b>	June 29, 2021
<b>Date this document prepared</b>	May 14, 2021

Although a regulatory action may be exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the *Code of Virginia*, the agency is still encouraged to provide information to the public on the Regulatory Town Hall using this form. However, the agency may still be required to comply with the Virginia Register Act, Executive Order 14 (as amended, July 16, 2018), the Regulations for Filing and Publishing Agency Regulations (1VAC7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

### Brief Summary

*Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.*

This regulatory action changes the existing language of the regulation (9VAC25-31-940) to incorporate the change of the name of “the Department of Mines, Minerals and Energy” to “the Department of Energy” and the Recodification of Code Section 45.1 to 45.2. § 2.2-4006 A 4 a of the Administrative Process Act allows the Board to adopt a regulatory amendment that is necessary to conform to changes in Virginia statutory law. This regulatory action is required to conform the existing regulation to changes in the Code.

### Mandate and Impetus

*Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or*

*board decision). "Mandate" is defined as "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."*

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HB1855 and SB1453 were passed during the 2021 Reconvened Special Session I of the Virginia General Assembly. These bills changed the name of "the Department of Mines, Minerals and Energy" to "the Department of Energy" and recodified Code Section 45.1 to 45.2 respectively. The Governor signed these bills into law on April 7, 2021 (HB1855 – Chapter 532 of Special Session I Acts of Assembly) and March 24, 2021 (SB1453 – Chapter 387 of Special Session I Acts of Assembly).

### **Statement of Final Agency Action**

*Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) the name of the agency taking the action; and 3) the title of the regulation.*

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The State Water Control Board adopted these regulatory amendments to 9VAC25-31-940 on June 29, 2021 as a final regulation and affirmed that the Board will receive, consider and respond to requests by any interested person at any time with respect to reconsideration or revision.