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Exempt Action: Final Regulation Agency Background Document

Agency name	Department of Environmental Quality
Virginia Administrative Code (VAC) Chapter citation(s)	9VAC15-40
VAC Chapter title(s)	Small Renewable Energy Projects (Wind) Permit by Rule
Action title	9VAC15-40 SNR Name Change
Final agency action date	August 30, 2021
Date this document prepared	July 13, 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 regulations (9VAC15-40) to incorporate the change of the name of the position of "Secretary of Natural Resources" to "Secretary of Natural and Historic Resources". § 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the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

HB1836 passed during the 2021 Reconvened Special Session I of the Virginia General Assembly. This bill changed the name of the position of “Secretary of Natural Resources” to “Secretary of Natural and Historic Resources”. The Governor signed the bill into law on March 30, 2021 (HB1855 – Virginia Acts of Assembly Chapter 401).

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.

The Director of the Department of Environmental Quality adopted these regulatory amendments to 9VAC15-40 on August 30, 2021 as a final regulation and affirmed that the Agency will receive, consider and respond to requests by any interested person at any time with respect to reconsideration or revision.