



Virginia
Regulatory
Town Hall

Exempt Action Final Regulation Agency Background Document

Agency Name:	Department of Mines, Minerals, and Energy
VAC Chapter Number:	4 VAC 25-150
Regulation Title:	Gas and Oil Regulations
Action Title:	Exempt Final
Date:	April 30, 2003

Where a regulation is exempt in part or in whole from the requirements of the Administrative Process Act (§ 9-6.14:1 *et seq.* of the *Code of Virginia*) (APA), the agency may provide information pertaining to the action to be included on the Regulatory Town Hall. The agency must still comply the requirements of the Virginia Register Act (§ 9-6.18 *et seq.* of the *Code of Virginia*) and file the final regulation with the Registrar in a style and format conforming with the *Virginia Register Form, Style and Procedure Manual*. The agency must also comply with Executive Order Fifty-Eight (99) which requires an assessment of the regulation's impact on the institution of the family and family stability.

Note agency actions exempt pursuant to § 9-6.14:4.1(B) do not require filing with the Registrar a Notice of Intended Regulatory Action, or at the proposed stage. When the regulation is promulgated and submitted to the Registrar, the agency need only provide a statement citing the specific Virginia Code section referencing the exemption and an authority certification letter from the Attorney General's Office. No specific format is required.

This form should be used for actions **exempt from the Administrative Process Act pursuant to § 9-6.14:4.1(C)** at the final stage. Note that agency actions exempt pursuant to § 9-6.14:4.1(C) of the APA do not require filing with the Registrar a Notice of Intended Regulatory Action, and at the proposed stage.

Summary

Please provide a brief summary of the proposed new regulation, amendments to an existing regulation, or the regulation being repealed. There is no need to state each provision or amendment or restate the purpose and intent of the regulation, instead give a summary of the regulatory action and alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

The Gas and Oil Regulation requires operators of gas and oil wells, coreholes, gathering pipelines, and associated facilities to meet minimum standards for control of water pollution from well and corehole drilling, well and pipeline operations, and the land disturbances required to develop these facilities. It also requires control of blasting on permitted sites and for the proper management and disposal of drill cuttings, drilling fluids, produced fluids, and other

waste materials. Additionally it requires the control of leakage and venting of gas from pipelines and wells, for the proper plugging of wells and coreholes, and for the control of other practices that may cause off-site disturbances.

The Gas and Oil Regulation, 4 VAC 25-150, is being amended in response to legislative mandates set out by the General Assembly in Chapters 542 and 550 of the 2003 Acts of Assembly. The changes to the regulation increase the Departments fees for filing an application to transfer gas or oil permit rights to \$65.00.

4 VAC 25-150-20. Application.

B. Application. Any person requesting a transfer of rights granted by a permit shall submit a written application on a form prescribed by the director. The application shall be accompanied by a fee of \$50 [\$65] and bond, in the name of the person requesting the transfer, in accordance with [§45.1-361.31](#) of the Code of Virginia. The application...

This regulation is being promulgated as exempt from the Administrative process Act, § 2.2-4000 et seq. of the Code of Virginia under authority of Chapters 542 and 550 of the Acts of Assembly.

Statement of Final Agency Action

Please provide a statement of the final action taken by the agency including the date the action was taken, the name of the agency taking the action, and the title of the regulation.

On April 30, 2003, the Director of the Department of Mines, Minerals, and Energy adopted a final regulation entitled the Gas and Oil Regulations (4 VAC 25-150).

Family Impact Statement

Please provide an analysis of the regulatory action that assesses the impact on the institution of the family and family stability including the extent to which 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.

The purpose of the promulgation of this final regulation, the Gas and Oil Regulations, 4 VAC 25-150, is to update fees charged by the department. This is being done in response to the legislative amendment to the Department's budget. This action will not have a negative impact on the institution of the family or on family stability. The impact of the changes to this regulation would affect industry through the increase in permit transfer fees.