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Exempt Action: Final Regulation Agency Background Document

Agency name	Virginia Department of Energy
Virginia Administrative Code (VAC) Chapter citation(s)	4VAC25-31, 4VAC25-40,
VAC Chapter title(s)	Reclamation Regulations for Mineral Mining, Safety and Health Regulations for Mineral Mining
Action title	Regulatory action to reflect updated Code of Virginia related to the prohibited use of cyanide in mining operations
Final agency action date	September 4, 2024
Date this document prepared	September 4, 2024

This information is required for executive branch review pursuant to Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), 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.

Recent legislation passed during the 2024 legislative session is the impetus for this regulatory action. [Chapter 135 of the 2024 Acts of Assembly](#) amends Code of Virginia to update [§45.2-1200](#) the prohibited use of cyanide or cyanide compound in mineral mining or processing operations. This action aims to update the Admin Code of Virginia to match the updated Code of Virginia language.

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). For purposes of executive branch review, “mandate” has the same meaning as defined in the ORM procedures, “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the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”

As discussed above, [Chapter 135 of the 2024 Acts of Assembly](#) amended the Code of Virginia prompting the Department of Energy to update relevant corresponding regulatory language to avoid obsolete regulatory guidance.

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 Virginia Department of Energy adopted the final amendments of the “Regulatory action to reflect updated Code of Virginia related to the prohibited use of cyanide in mining operations” on September 4, 2024.