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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
VAC Chapter title(s)	Reclamation Regulations for Mineral Mining
Action title	Regulatory action to reflect updated Code of Virginia related to farm pond construction
Final agency action date	July 2, 2025
Date this document prepared	July 2, 2025

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 2025 legislative session is the impetus for this regulatory action. Chapters 390 and 405 of the 2025 Acts of Assembly amends the Code of Virginia to update §§45.2-1101 and 45.2-1200, to update regulations related to farm pond construction. This action aims to update the Virginia Administrative Code to match the Code of Virginia language accordingly.

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the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”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, Chapters 390 and 405 of the 2025 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) that the agency has “adopted final amendments” to the regulation; 3) the name of the agency taking the action; and 4) the title of the regulation. A suggested statement is, “On [insert date] the Board/Department of [insert name] adopted final amendments to the [title of regulation(s)].”

The Director of the Virginia Department of Energy adopted the final amendments of the “Regulatory action to reflect updated Code of Virginia related to farm pond construction” on July 2, 2025.