



Exempt Action Final Regulation Agency Background Document

Agency name	Department of Mines, Minerals and Energy
Virginia Administrative Code (VAC) citation	4 VAC 25 - 130
Regulation title	Virginia Coal Surface Mining Reclamation Regulations
Action title	Amendments regarding consistency with federal law on topsoil and revegetation standards and water diversion design
Final agency action date	March 28, 2007
Document preparation date	March 28, 2007

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, the *Virginia Register Form, Style, and Procedure Manual*, and Executive Orders 21 (02) and 58 (99).

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

Amendments to 4VAC25-785.25, 816.116, and 817.116 are being made to reflect the deletion of the last sentence of Section 510(e) of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1260(e)) enacted by the U. S. Congress per the "Tax Relief and Health Care Act of 2006" regarding the termination date of September 30, 2004 that pertained to the re-mining of previously mined lands. The amendments will make the Virginia regulation consistent with the federal statute.

Statement of final agency action

Please 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.

On March 28, 2007, the Department of Mines, Minerals and Energy amended its Coal Surface Mining Reclamation Regulations.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

These regulatory changes will enhance the remining and reclamation of previously mined lands that would no longer be eligible if they had not been under permit by September 30, 2004. This will provide continued incentives to companies to remine and reclaim areas that have environmental concerns or pose a threat to the public due to past mining practices.