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## SENATE BILL NO. 1353

Offered January 18, 2013

A *BILL to amend and reenact §§ 32.1-39, 32.1-176.3, 32.1-228.1, 32.1-248, and 45.1-274 of the Code of Virginia and to amend the Code of Virginia by adding in Title 13.1 a chapter numbered 15, consisting of sections numbered 13.1-1300 through 13.1-1313, by adding in Article 2.1 of Chapter 6 of Title 32.1 a section numbered 32.1-176.8, by adding in Chapter 2 of Title 35.1 a section numbered 35.1-17.1, and by adding in Title 45.1 a chapter numbered 21.1, containing articles numbered 1 through 6, consisting of sections numbered 45.1-285.11 through 45.1-285.41, relating to the mining and processing of uranium ore; special funds; penalties.*

Patrons—Watkins and Saslaw

Referred to Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-39, 32.1-176.3, 32.1-228.1, 32.1-248, and 45.1-274 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Title 13.1 a chapter numbered 15, consisting of sections numbered 13.1-1300 through 13.1-1313, by adding in Article 2.1 of Chapter 6 of Title 32.1 a section numbered 32.1-176.8, by adding in Chapter 2 of Title 35.1 a section numbered 35.1-17.1, and by adding in Title 45.1 a chapter numbered 21.1, containing articles numbered 1 through 6, consisting of sections numbered 45.1-285.11 through 45.1-285.41, as follows:

## CHAPTER 15.

## VIRGINIA URANIUM DEVELOPMENT CORPORATION ACT.

## § 13.1-1300. Definitions.

As used in this chapter, unless the context requires a different meaning:

"By-product material" means any material so defined in § 32.1-227.

"Commission" means the State Corporation Commission.

"Foreign corporation" has the same meaning as specified in § 13.1-603.

"Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing.

"Source material" means any material so defined in § 32.1-227.

"Uranium development" means any one or more of the following activities: the mining and processing of uranium ore; the construction and operation of facilities for mining and processing uranium ore; the management, storage, and disposal of tailings and other products produced by the mining and processing of uranium ore; and the maintenance, operation, closure, and postclosure care of facilities in which tailings and other by-product materials are placed for disposal.

"Uranium development corporation" means a corporation licensed by the Commission to conduct uranium development as provided in this chapter.

## § 13.1-1301. Prerequisites to conducting uranium development.

A. No state permit, license, or other authorization required for uranium development shall be issued to or held by any person that does not hold a current uranium development corporation license issued pursuant to this chapter.

B. No person shall conduct uranium development in the Commonwealth unless such person (i) is organized as a Virginia corporation or as a foreign corporation holding a certificate of authority to transact business in Virginia and (ii) holds a current license to conduct business as a uranium development corporation issued pursuant to this chapter.

## § 13.1-1302. Issuance of license.

A license to conduct business as a uranium development corporation shall be issued by the Commission only upon proper application and in accordance with the rules of the Commission. The license shall be issued for a term of not more than five years from date of issuance and may be renewed, revoked, or suspended as provided in this chapter.

## § 13.1-1303. Application for license.

A. Each applicant for a license to conduct business as a uranium development corporation shall furnish such evidence as the Commission may require showing that the applicant (i) is a domestic corporation or a foreign corporation authorized to transact business in the Commonwealth and is in good standing as provided in subsection C of § 13.1-609; (ii) has not been found liable for any material violation of any state or federal law or regulation pertaining to uranium development; and (iii) has ownership or legal control of proven uranium reserves in the Commonwealth.

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59 B. An application for a license to conduct business as a uranium development corporation shall be  
60 accompanied by a nonrefundable fee in an amount set by the Commission to defray the cost of  
61 processing and reviewing the application.

62 C. Upon receipt of the application and fee, the Commission shall review the application and shall  
63 notify the applicant within 30 days of receipt as to whether or not the application is complete. If the  
64 application is incomplete, the Commission shall notify the applicant in writing, advising the applicant of  
65 the deficiencies. The applicant shall have 30 days from receipt of notification to correct the deficiencies;  
66 otherwise, the application shall be returned to the applicant as rejected.

67 **§ 13.1-1304. Decision on application.**

68 Not more than 30 days following its determination that the application is complete, the Commission  
69 shall render its decision thereon, specifying its reasons therefor. The Commission shall issue the license  
70 if it finds that the applicant (i) is a domestic corporation or a foreign corporation authorized to transact  
71 business in the Commonwealth and is in good standing as provided in subsection C of § 13.1-609, (ii)  
72 has not been found liable for any material violation of any state or federal law or regulation pertaining  
73 to uranium development, and (iii) has ownership or legal control of proven uranium reserves in the  
74 Commonwealth.

75 **§ 13.1-1305. Effect of license.**

76 A license issued by the Commission pursuant to this chapter shall authorize the licensee to apply for  
77 permits and authorizations necessary to conduct uranium development. After all permits necessary to  
78 conduct uranium development have been obtained by the applicant, and the license holder has furnished  
79 the Commission proof of financial responsibility required under § 13.1-1307, such license holder may  
80 conduct uranium development in compliance with all such permits and licenses. Such license shall not  
81 supplant or supersede the authority of any other agency or authorize any activity that does not comply  
82 with the laws and regulations administered by the other agency.

83 **§ 13.1-1306. Liability of uranium development corporation.**

84 A. In the event of any emission of radiation or release of source material or by-product material in  
85 excess of regulatory limits, which causes or results in loss, damage, or injury to persons, property,  
86 natural resources, or any public or private water supply, from a facility that is or has been owned or  
87 operated by a uranium development corporation, the owner and the operator of the facility, and any  
88 other person who causes or permits such release, shall be liable to:

89 1. The Commonwealth and any political subdivision thereof for all costs and expenses of  
90 investigation, containment, and cleanup incurred as a result of such release, including personnel,  
91 administrative, and equipment costs and expenses directly incurred by the Commonwealth or political  
92 subdivision, in and for preventing or alleviating damage, loss, or harm to human health or the  
93 environment caused or threatened to be caused by such release;

94 2. The Commonwealth and any political subdivision thereof for all loss or damages to property of  
95 the Commonwealth or the political subdivision caused by such release;

96 3. The Commonwealth and any political subdivision thereof for loss of tax or other revenues caused  
97 by such release, and compensation for the temporary or permanent loss of any natural resources,  
98 infrastructure, or services; and

99 4. Any person for injury or damage to person or property, real or personal; loss of income; loss of  
100 the means of producing income; and loss of the use of the damaged property for residential,  
101 recreational, commercial, industrial, agricultural, or other reasonable uses, caused by such release.

102 B. In any action brought under this section, the Commonwealth, political subdivision, or any person,  
103 if a prevailing party, shall be entitled to recover reasonable attorney fees, expert and consultant fees,  
104 and costs.

105 C. Liability under this section shall be strict, joint, and several. It shall not be a defense to liability  
106 under this section that a release was caused by a hurricane, earthquake, storm, or other act of God.

107 D. A liable owner or operator, or other person who causes or permits a release, that has made  
108 payment pursuant to or in settlement of a claim or action under this section shall have the right to  
109 recover all or part of such payment in an action for contribution against any person or persons whose  
110 act or omission has caused or contributed to the release. In resolving contribution claims under this  
111 chapter, the court may allocate payment among the parties using such equitable factors as the court  
112 deems appropriate.

113 **§ 13.1-1307. Proof of financial responsibility.**

114 A. Before conducting business as a uranium development corporation, the license holder shall  
115 provide to the Commission proof of financial responsibility sufficient for the purpose of providing  
116 coverage for liability claims pursuant to § 13.1-1306, in the amount set by the Commission per  
117 occurrence and annual aggregate. The per occurrence and annual aggregate amounts shall be set by  
118 the Commission in consultation with the Department of Mines, Minerals and Energy, the Department of  
119 Health, and the Department of Environmental Quality. The license holder may satisfy this requirement  
120 by providing a certificate of insurance, bond, letter of credit, or any combination thereof, acceptable in

form to the Commission. Financial responsibility coverage shall be maintained in the full amount required herein at all times that uranium development activities are conducted.

B. Proof of financial responsibility shall be provided annually to the Commission on the anniversary date of the license's issuance or any renewal thereof.

C. The license holder shall notify the Commission immediately of any change, reduction, or cancellation in financial responsibility coverage required by this section.

D. The license holder shall notify the Commission immediately of any circumstances that might reasonably be expected to impair or adversely affect its ability to maintain financial responsibility coverage as required herein.

**§ 13.1-1308. License renewal.**

A. A license issued pursuant to this chapter shall be in effect for a term of five years from the date of issuance, as specified by the Commission, and may be renewed for additional five-year terms. An application for renewal of a license shall be filed with the Commission not less than 180 days prior to expiration of the license. The application for renewal shall be accompanied by a nonrefundable fee in an amount specified by the Commission, which shall be for the purpose of defraying the cost of processing and reviewing the application. Upon receiving the application, the Commission shall consult with the Department of Environmental Quality, the Department of Mines, Minerals and Energy, the Department of Health, and the U.S. Nuclear Regulatory Commission. Upon confirmation by those agencies that the operations permitted by the license are being conducted in accordance with laws and regulations administered by such agencies, the Commission shall renew the license for an additional five-year term.

B. If the requirements of subsection A are not met, the Commission shall notify the licensee of such noncompliance and, in consultation with appropriate agencies, set a reasonable time for the licensee to cure the noncompliance specified in the notice. In the event the license expires after such notice is given to the licensee, the licensee may continue operations pursuant to the license as long as the license holder is exercising good faith efforts to cure the specified noncompliance. In the absence of such good faith efforts, as determined by the agency administering the law or regulation for which there is noncompliance, the license holder shall suspend operations pursuant to the license but shall continue to comply with all applicable requirements pertaining to protection of public health, natural resources, and the environment and shall maintain in full force and effect all financial responsibility coverage as required by § 13.1-1307.

C. If a license expires while an application for its renewal is pending before the Commission, the licensee may continue operations pursuant to the license, provided its operations comply with all applicable laws, regulations, permits, and licenses, until the license is renewed or until a reasonable time, as determined by the Commission, after final action denying renewal of the application.

D. Nothing herein shall affect, impair, or diminish the authority of any other state agency to enforce laws and regulations, or the conditions of any permit or license, applicable to the activities of a uranium development corporation.

**§ 13.1-1309. Suspension or revocation of license.**

A. Notwithstanding the provisions of subsection B of § 13.1-1308, if, during the term of any license issued under this chapter, the Commission (i) determines that the licensee is not in compliance with the requirements of § 13.1-1307 or (ii) receives notice of a determination by any agency that has issued a permit or license for the uranium development operation that such operation is being conducted in violation of a permit or license issued by that agency, the Commission shall have the authority to suspend the license for a period of time prescribed by the Commission until such conditions have been corrected. During any period of license suspension, the license holder shall cease uranium development activities except for those activities, including maintenance of financial responsibility, necessary for the continued operation of systems and practices necessary to protect public health and the environment. Suspension of a uranium development license shall not relieve the license holder of its obligations under any other permit, license, or authorization or impair the authority of any other agency to enforce its laws and regulations.

B. Whether or not a license has first been suspended, the Commission shall revoke a license issued under this chapter if it finds by clear and convincing evidence that:

1. The license holder abandoned the uranium development operation;

2. The license holder ceased to operate the uranium development operation without notifying the Commission;

3. The license holder has knowingly or willfully misrepresented or failed to disclose a material fact in applying for a license or for any renewal of such license, or in any other report or certification to the Commission required by law; or

4. The license holder failed to correct a condition for which its license was suspended, within the time prescribed by the Commission.

182 C. The Commission shall immediately notify the Department of Mines, Minerals and Energy, the  
183 Department of Environmental Quality, the Department of Health, the U.S. Nuclear Regulatory  
184 Commission, and the local governing body, upon suspension or revocation of a uranium development  
185 license.

186 D. In any action resulting in suspension or revocation of a uranium development license, the  
187 Commission shall recover its reasonable costs and expenses thereof from the license holder.

188 E. Revocation of the license shall not affect the requirement to maintain financial responsibility  
189 coverage as required by § 13.1-1307.

190 **§ 13.1-1310. Licenses not transferable.**

191 A license issued pursuant to this chapter shall not be transferable by operation of law or otherwise.

192 **§ 13.1-1311. Coordination of permitting review.**

193 The Commission shall enter into a memorandum of agreement with the Department of Mines,  
194 Minerals and Energy, the Department of Environmental Quality, the Department of Health, and, to the  
195 extent feasible, the U.S. Nuclear Regulatory Commission for the purpose of ensuring effective and  
196 efficient coordination of permitting and licensing pertaining to uranium development.

197 **§ 13.1-1312. Immunity from liability.**

198 A. No cause of action shall arise nor shall any liability be imposed against the Commission, the  
199 Commission's employees, or any authorized representatives of the Commission for any statements made  
200 or conduct performed in good faith while carrying out the provisions of this chapter.

201 B. This section does not abrogate or modify in any way any common law or statutory privilege or  
202 immunity heretofore enjoyed by any person identified in subsection A.

203 **§ 13.1-1313. Rules and procedures.**

204 The Commission may establish rules and procedures for the conduct of proceedings pursuant to this  
205 chapter.

206 **§ 32.1-39. Surveillance and investigation.**

207 A. The Board shall provide for the surveillance of and investigation into all preventable diseases and  
208 epidemics in this Commonwealth and into the means for the prevention of such diseases and epidemics.  
209 Surveillance and investigation may include contact tracing in accordance with the regulations of the  
210 Board. When any outbreak or unusual occurrence of a preventable disease shall be identified through  
211 reports required pursuant to Article 1 (§ 32.1-35 et seq.) of this chapter, the Commissioner or his  
212 designee shall investigate the disease in cooperation with the local health director or directors in the area  
213 of the disease. If in the judgment of the Commissioner the resources of the locality are insufficient to  
214 provide for adequate investigation, he may assume direct responsibility and exclusive control of the  
215 investigation, applying such resources as he may have at his disposal. The Board may issue emergency  
216 regulations and orders to accomplish the investigation.

217 B. When an investigation of any outbreak or occurrence of a disease identified through reports  
218 required pursuant to Article 1 (§ 32.1-35 et seq.) of this chapter indicates the reasonable possibility that  
219 the outbreak or occurrence was the result of exposure to an agent or substance used as a weapon, the  
220 Commissioner or his designee shall immediately report such finding to the Department of State Police  
221 for investigation. Reports, records, materials or other data reported to the Department of State Police  
222 pursuant to this section shall remain confidential and shall not be subject to the provisions of the  
223 Virginia Freedom of Information Act (§ 2.2-3700 et seq.). The Department of State Police, and any local  
224 law enforcement official, may release all or part of any report made or other information obtained  
225 pursuant to this section (i) where the release of such report or information may assist in the prevention  
226 of imminent harm to public health or safety, or (ii) where the release of such report or information, with  
227 patient identifying information removed, may be useful for education of the public on health, safety or  
228 homeland defense issues. Reports required by this section shall be maintained in the central repository  
229 established by the Department of State Police pursuant to the provisions of § 52-8.5. The Department of  
230 State Police shall immediately transmit the report to the local chief of police or sheriff with  
231 law-enforcement responsibilities both where the patient resides and where he sought the medical  
232 treatment that resulted in the report. In addition, the Department of State Police may transmit the report  
233 to federal and military law-enforcement authorities. The Department of State Police and local  
234 law-enforcement authorities shall immediately determine and implement the appropriate law-enforcement  
235 response to such reports, in accordance with their jurisdiction.

236 C. The authority to conduct surveillance and investigation of the Department is not limited to  
237 diseases that are communicable from person to person but includes those related to or resulting from  
238 any potential environmental or occupational exposure and causing chronic or other human health  
239 conditions of concern.

240 **§ 32.1-176.3. Definitions.**

241 As used in this article:

242 "Construction of wells" means acts necessary to construct wells, including the location of wells.

243 "Contaminants of concern" means any hazardous physical, chemical, biological, or radiological

substance or matter, including any raw materials, intermediate products, catalysts, final products, or by-product materials, that may pose a threat to human health or to the environment.

"Plat" or "survey plat" means the schematic representation of a parcel of land, showing the property boundaries, the proposed site of the water well, and any potential sources of contamination, prepared by an individual licensed by the Commonwealth to perform such services.

"Private water supply" means a system that obtains water from wells, springs, cisterns, or any combination thereof, that does not meet the definition of a waterworks as defined in § 32.1-167.

"Private well" means any water well constructed for a person on land which is owned or leased by that person and is usually intended for household, ground water source heat pump, agricultural use, industrial use or other nonpublic water well.

"Site plan" means a sketch of a parcel of land, showing the property boundaries, the proposed site of the water well, and any potential sources of contamination.

"Uranium development" has the same meaning ascribed to that term in § 13.1-1300.

**§ 32.1-176.8. Water quality standards.**

Any private water supply located within a ground water management area as defined by the State Water Control Board that is associated with uranium development shall comply with water quality standards developed by the Department. The standards shall identify contaminants of concern associated with uranium development. The Board shall promulgate regulations establishing such standards and requiring the remediation or permanent abandonment of private water supplies that fail to meet the minimum standards. The regulations may include, without limitation:

1. Requirements for water supply inspections and sampling and testing of raw and finished water;
2. Minimum standards for the quality of raw and finished water for private water supplies; and
3. Requirements for recordkeeping and reporting.

**§ 32.1-228.1. Department designated state radiation control agency; powers and duties.**

A. The Department of Health is hereby designated as the state radiation control agency. The Commissioner of Health may employ, compensate, and prescribe the duties of such individuals as may be necessary to discharge the responsibilities imposed by this article.

B. The Department shall:

1. Collect and disseminate information relating to control of sources of radiation including:
  - a. Establishing and maintaining a file of all applications for, issuances, denials, transfers, renewals, modifications, suspensions and revocations of, and amendments to all licenses;
  - b. Establishing and maintaining a file of registrants possessing sources of radiation requiring registration under the provisions of this article and any administrative or judicial action pertaining thereto; and
  - c. Establishing and maintaining a file of all agency rules and regulations related to regulation of sources of radiation, pending or promulgated, and proceedings thereon.
2. Establish a database of registered and certified X-ray machines, which shall include but not be limited to the name of the owner or operator and the location of the machine.
3. Pursuant to its powers enumerated in § 32.1-25, provide for scheduled and random unannounced inspections of facilities and physicians' offices that provide mammography services to ensure compliance with laws, regulations, or conditions specified by the Board.
4. Establish forms for the periodic Radiation Inspection Report.
5. Develop programs for responding adequately to radiation emergencies and coordinate such programs with the Department of Emergency Management.
6. Maintain, revise as needed, and make available to the public a list of persons who have been listed as proficient to offer screening, testing, or mitigation for radon by the United States Environmental Protection Agency, the National Radon Measurement Proficiency Program of the National Environmental Health Association, or the National Radon Safety Board Certified Radon Professional Program, or any other proficiency program acceptable to the Board of Health.
7. Publish and make available a list of qualified inspectors of X-rays and X-ray machines.
8. In consultation with the Department of Agriculture and Consumer Services, conduct environmental sampling and testing of commercial food sources for human or livestock consumption.

**§ 32.1-248. Closing of waters; modification or revocation of regulation or order.**

The Board may adopt regulations or orders closing or restricting access to any river, stream, lake or other body of water in this Commonwealth to fishing, boating, swimming or any other usage if the Board finds, and states the reasons and precise factual basis for finding, that a toxic substance as defined in § 32.1-239 is present in such river, stream, lake or other body of water in such manner as to constitute a present threat to public health and welfare. Such regulation or order may be temporary or permanent and may be issued initially on an emergency basis. Thereafter it may be promulgated as a final regulation or order upon the completion by the Board of the procedural requirements set forth in the Administrative Process Act (§ 2.2-4000 et seq.). The Board shall establish health-based standards

305 *for the purpose of determining the necessity of closing or restricting access to such water bodies as a*  
306 *result of uranium development.*

307 If the Commissioner determines that the threat to public health and welfare has abated in whole or in  
308 part, the State Health Commissioner may modify or revoke any such regulation or order in a manner  
309 that lessens the restrictions placed upon fishing, boating, swimming, or other usage. Such modification  
310 or revocation by the Commissioner shall not be subject to the requirements of the Administrative  
311 Process Act but shall be filed with the Registrar of Regulations in accordance with § 2.2-4103. The  
312 Board shall review such modification or revocation at its next regularly scheduled meeting after such  
313 action by the Commissioner and shall affirm, reverse, or modify the Commissioner's action. Review by  
314 the Board shall also be exempt from the provisions of the Administrative Process Act.

315 **§ 35.1-17.1. Water sampling requirement.**

316 *The Board shall promulgate regulations establishing requirements for sampling and analysis at*  
317 *summer camps and campgrounds.*

318 **§ 45.1-274. Permit for exploration activity required; fee.**

319 A. It shall be unlawful for any person to commence any exploration activity as defined herein  
320 without first obtaining a permit to do so from the ~~Chief~~ Director. The application for the permit, *and for*  
321 *permit renewal as provided in this section*, shall be in such form as the ~~Chief~~ Director may prescribe  
322 and shall be accompanied by a fee of \$250 and such other information as may be required by this  
323 chapter.

324 B. The application for a permit to carry out any exploration activity shall be accompanied by a bond,  
325 payable to the Commonwealth, with surety acceptable to the ~~Chief~~ Director. The bond shall ensure  
326 compliance with the provisions of this chapter and any regulations promulgated hereunder relating to the  
327 drilling, redrilling, plugging and abandoning of any exploration activity. The bond shall be set by the  
328 ~~Chief~~ Director in such amount as may be deemed reasonable and necessary.

329 C. An initial permit shall be valid for a period of one year, and may be renewed for a like period of  
330 time, *provided the permit holder applies for renewal at least 90 days prior to the permit's expiration*  
331 *date. Upon renewal, the permit may be modified to include additional areas located within a 10-mile*  
332 *radius of the area specified in the initial permit. After January 1, 2012, no application for an initial*  
333 *permit shall be accepted.*

334 D. *The Director shall accept no application for a permit to mine uranium at any location that is*  
335 *more than 10 miles from the outer boundary of any area for which a permit for exploration activity,*  
336 *issued pursuant to this section, was in effect on January 1, 2012.*

337 **CHAPTER 21.1.**

338 **URANIUM MINING REGULATORY ACT.**

339 **Article 1.**

340 **General Provisions.**

341 **§ 45.1-285.11. Scope of chapter; purpose.**

342 A. *The provisions of this chapter apply only to the mining of uranium.*

343 B. *The purposes of this chapter are to do the following:*

344 1. *Authorize and enable the designated state agencies to develop a state regulatory program*  
345 *pursuant to this chapter and provide for the implementation and enforcement of this chapter and the*  
346 *regulations promulgated hereunder and any amendments thereto, as the same may be or become*  
347 *effective at any time or from time to time;*

348 2. *Exercise the police power of the Commonwealth in a state regulatory program to (i) limit and*  
349 *control the adverse effects of uranium mining and provide for the reclamation of disturbed lands to*  
350 *ensure the protection of public health and safety and the environment and (ii) limit and control the*  
351 *adverse effects of uranium milling;*

352 3. *Promote an orderly regulatory pattern and avoid unnecessary duplication of regulation within the*  
353 *Commonwealth and between the federal government and the Commonwealth;*

354 4. *Assure that the rights of surface landowners and other persons with a legal interest in the land or*  
355 *appurtenances to the land are protected through proper regulation of uranium mining and milling*  
356 *operations;*

357 5. *Assure that uranium mining operations are not conducted where reclamation as required by this*  
358 *chapter is not possible;*

359 6. *Assure that uranium mining operations are conducted in a manner that will be protective of the*  
360 *Commonwealth's natural resources;*

361 7. *Assure that reclamation of all uranium-mined land is accomplished as contemporaneously as*  
362 *practicable with the uranium mining; and*

363 8. *Assure financial assurance and remediation for damages caused by releases from uranium mining*  
364 *operations.*

365 C. *Nothing in this chapter is intended, nor shall be construed, to limit, impair, abridge, create,*  
366 *enlarge, or otherwise affect, substantially or procedurally, the rights of any person in any dispute*

involving property rights, including interests in water resources, or the right of any person to damages or other relief on account of injury to persons or property, including interests in water resources, or to maintain any action or other appropriate proceeding therefore, except as is otherwise specifically provided in this chapter; nor to affect the powers of the Commonwealth to initiate, prosecute, and maintain actions to abate public nuisances.

**§ 45.1-285.12. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"By-product material" means any material so defined in § 32.1-227.

"Division" means the Division of Mineral Mining within the Department.

"Environment" means any surface water, ground water, drinking water supply, and surface or subsurface strata, or ambient air, within the Commonwealth or under the jurisdiction of the Commonwealth.

"Imminent danger to the health and safety of the public" means the existence of any condition or practice, or any violation of a permit or other requirement of this chapter in a uranium mining operation, which condition, practice, or violation could reasonably be expected to involve danger to the public life and health as determined by the Director.

"Operator" means the individual or the entity that is to engage or that is engaged in a uranium mining, milling, or combined operation, including any individual or entity whose permit or license has expired or has been suspended or revoked.

"Permit" means a permit issued by the Director for uranium mining pursuant to this chapter.

"Permit area" means the land indicated on the approved map submitted by the operator with his application, which area of land shall be covered by the bond as required by § 45.1-285.25 and shall be readily identifiable by appropriate markers on the site. The permit area shall include, as a minimum, all areas that are or shall be disturbed by the uranium mining operation over the life of the permit.

"Permittee" means a person holding a permit or required to hold a permit issued by the Director for uranium mining pursuant to this chapter.

"Probable maximum flood" means the flood that may be expected from the most severe combination of critical meteorological and hydrologic conditions that are reasonably possible in a specified drainage area.

"Release" means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment contaminants of concern as defined in § 32.1-176.3 from any source.

"Source material" means any material so defined in § 32.1-227.

"State regulatory program" means the program established and authorized by this chapter and meeting the requirements of this chapter for the regulation of uranium mining operations within the Commonwealth.

"Unwarranted failure of the permittee to comply" means the failure of a permittee to prevent the occurrence of any violation of his permit or any requirement of this chapter due to indifference, lack of diligence, or lack of reasonable care, or the failure to abate any violation of such permit or of this chapter due to indifference, lack of diligence, or lack of reasonable care.

"Uranium mining operation" means (i) activities conducted on the surface of lands in connection with a surface uranium mine, or subject to the requirements of § 45.1-285.27, which include preparation, loading, and transporting uranium for delivery to a uranium milling operation and the reclamation of land affected by mining operations, and (ii) the areas upon which such activities occur or where such activities disturb the natural land surface. These areas shall also include any adjacent land that is being used incidentally to these activities, all lands affected by the construction of new roads or the improvement or use of existing roads to gain access to the site of such activities and for loading and haulage, and areas upon which are sited structures, facilities, or other property resulting from or incident to such activities.

**§ 45.1-285.13. Authority and duties of Director and Division.**

A. The authority to publish and promulgate such regulations as may be necessary to carry out the purposes and provisions of this chapter is hereby vested in the Director. The Director shall formally and finally adopt regulations to implement this chapter and create the state regulatory program mandated by this chapter.

B. The state regulatory program shall take effect upon adoption of the uranium mining regulations.

C. The authority to administer and enforce the provisions of this chapter is hereby vested in the Director. In administering and enforcing the provisions of this chapter, the Director shall exercise the following powers in addition to any other powers conferred upon him by law:

1. To supervise the administration and enforcement of this chapter; to make investigations and inspections necessary to ensure compliance with this chapter; to conduct hearings, administer oaths, issue subpoenas, and compel the attendance of witnesses and production of written or printed material

428 as provided for in this chapter; to issue orders and notices of violation; to review and vacate or modify  
429 or approve orders and decisions; and to order the suspension, revocation, or withholding of any permit  
430 for failure to comply with any of the provisions of this chapter or any rules and regulations adopted  
431 hereunder;

432 2. To encourage and conduct investigations, research, experiments, and demonstrations and to collect  
433 and disseminate information relating to uranium mining and reclamation of lands and waters affected by  
434 uranium mining; and

435 3. To receive any federal or state funds, or any other funds, and to enter into any contracts for  
436 which funds are available to carry out the purposes of this chapter.

437 D. The Division shall have the responsibilities as the Director may assign, or as may be provided for  
438 in regulations promulgated by the Director.

439 **§ 45.1-285.14. Coordinated state regulatory program.**

440 A. Unless this chapter expressly provides to the contrary, (i) all state statutes, regulations, and  
441 permitting programs, including those administered by the Department of Environmental Quality, the  
442 State Air Pollution Control Board, the State Water Control Board, and the Virginia Waste Management  
443 Board, and including the authority under Chapters 11.1 (§ 10.1-1182 et seq.) through 14 (§ 10.1-1400 et  
444 seq.) of Title 10.1 and Chapter 3.1 (§ 62.1-44.2 et seq.) of Title 62.1, shall continue in full force and  
445 effect and (ii) this chapter shall not preclude the implementation or enforcement of such statutes,  
446 regulations, and permitting programs that may be applicable to uranium mining and milling operations  
447 or the imposition of penalties as provided therein.

448 B. By agreement of any two or more state agencies with statutory authority to issue licenses and  
449 permits required by law for any uranium mining operation or combined mining and milling operation,  
450 there may be established, to the extent allowed by federal law or regulations, a joint permit application  
451 process, hearing schedule, combined record, and joint procedural policy. Any such agency may  
452 participate in a joint hearing and utilize a combined record, and the requirements of the Administrative  
453 Process Act (§ 2.2-4000 et seq.) or an agency's or board's basic law and regulations shall not be  
454 construed to prohibit joint hearings and combined record procedures so long as there is evidence in the  
455 record relevant to the basic law under which the agency operates to support its findings.

456 C. The Director of the Department of Environmental Quality and the Commissioner of the Virginia  
457 Department of Health are authorized to provide assistance to the Department in the administration of  
458 the state regulatory program. They shall be notified of any agreement authorized under subsection B  
459 and shall assist the agency in the consolidation and expediting of the administrative processing of  
460 licensing and permitting activities in accordance with the terms of the agreement.

461 D. The Director of the Department of Environmental Quality, the Director of the Department of  
462 Mines, Minerals and Energy, and the Commissioner of the Virginia Department of Health shall  
463 coordinate the implementation of the state regulatory program. The agencies shall (i) coordinate the  
464 administration of the state regulatory program, (ii) coordinate budget estimates and requests to initiate  
465 and implement the state regulatory program, (iii) to the extent allowed by federal law or regulations,  
466 foster the use of agreements pursuant to subsection B, (iv) seek to eliminate duplication of costs and  
467 regulatory provisions, (v) enter into a memorandum of agreement with the State Corporation  
468 Commission and other agencies as provided in § 13.1-1311, and (vi) coordinate monitoring and  
469 enforcement efforts of the agencies. The agencies shall report to the Governor, the Chairmen of the  
470 House and Senate Commerce and Labor Committees of the General Assembly, and the Virginia Coal  
471 and Energy Commission on the status of the state regulatory program by December 1 of each year from  
472 2013 to 2018.

473 **§ 45.1-285.15. State policy and performance standards applicable to uranium operations.**

474 A. The operator shall ensure that all activities related to uranium mining are performed in  
475 compliance with all applicable laws and regulations and any permits issued pursuant to this chapter.

476 B. Prior to the final determination that all licenses and permits required by law have been acquired  
477 and prior to the issuance of a license or permit for a uranium mining operation, the Department shall  
478 determine that such licenses and permits contain conditions, and require adequate monitoring and  
479 reporting, to ensure compliance with the performance standards contained in this section.

480 **§ 45.1-285.16. Confidentiality of certain information.**

481 A. Information submitted pursuant to the provisions of this chapter and regulations adopted pursuant  
482 to this chapter concerning mineral deposits, test borings, core samplings, or trade secrets or privileged  
483 commercial or financial information relating to the competitive rights of the applicant and specifically  
484 identified as confidential by the applicant, if not essential for public review as determined by the state  
485 agency receiving the application, shall not be disclosed by any member, agent, or employee of the  
486 agency, notwithstanding any other provision of state law.

487 B. Information so determined not to be essential for public review shall be deleted by the agency  
488 from documentation made available for public inspection.

489 Article 2.



*Regulation of Mining Activity.***§ 45.1-285.17. Permit required for uranium mining.**

A. No person shall begin construction of any uranium mining operation or of any uranium milling operation prior to obtaining all licenses and permits that are required by law, including the mineral mine license required by § 45.1-161.292:30. The Department shall be responsible for the final determination that all the necessary licenses and permits required have been acquired and will be effective before construction may begin at any uranium mining operation.

B. On and after the effective date of the state regulatory program, no person shall engage in or carry out any uranium mining operation except in compliance with a permit to engage in such operations issued by the Director, in accordance with the state regulatory program that shall include any review of documents and supporting data submitted to the U.S. Nuclear Regulatory Commission and U.S. Environmental Protection Agency in connection with the application for a federal source material license.

C. Uranium mining permits issued pursuant to the requirement of this chapter shall be for a term not to exceed five years. The rights granted under a permit shall not be transferred, assigned, or sold without the prior written approval of the Director in accordance with regulations promulgated by him.

D. A permit may be issued for a longer term if the applicant demonstrates that a specified longer term is reasonably needed to allow the applicant to obtain necessary financing for equipment and the opening of the operation and if the application is full and complete for such specified longer term.

E. A successor in interest to a permittee who applies for a new permit within 30 days of succeeding such interest and who is able to obtain the required liability insurance or other proof of financial responsibility as required pursuant to § 13.1-1307, the bond coverage of the original permittee pursuant to in § 45.1-285.25, any necessary payments pursuant to §§ 45.1-285.33, 45.1-285.34, and 45.1-285.35, as well as the written approval of the Director, may continue uranium mining and reclamation operations according to the approved mining and reclamation plan of the original permittee until such successor's application is granted or denied.

F. A permit shall terminate if the permittee has not commenced the mining operations covered by such permit within three years of the issuance of the permit; however, the Director may grant reasonable extensions of time upon a showing that such extensions are necessary by reason of litigation precluding such commencement or threatening substantial economic loss to the permittee, or by reason of conditions beyond the control and without the fault or negligence of the permittee.

G. No application shall be accepted and no permit shall be issued under this chapter for the mining of uranium by the in situ leaching method.

**§ 45.1-285.18. Permit application and fee.**

A. Application for a uranium mining permit shall be made to the Division in the format required by the Director and shall be signed and verified under oath by the person, or his legal representative intending to engage in the mining of uranium.

B. The Director shall prescribe and collect permit fees, permit modification fees, permit renewal fees, and annual permit anniversary fees as follows:

1. The permit fee, permit modification fee, and permit renewal fee shall be established by Department regulations in amounts not to exceed the actual expenses incurred in processing applications for a permit and for amendments to or modifications of, or renewals of, permits; and

2. An annual permit anniversary fee shall be required of each permittee and the amount shall be established by Department regulations in amounts not to exceed the actual expenses incurred annually (i) for making inspections of permits and (ii) for enforcement of this chapter and regulations, orders, and permits hereunder. Fees collected by the Director under this section shall be deposited into the Uranium Administrative Fund established pursuant to § 45.1-285.33 for use by the Director. Processing of the application shall not commence until all required fees have been received by the Department.

C. The application shall contain all information required by regulations adopted by the Director and shall include:

1. The names and addresses of (i) the permit applicant; (ii) every legal owner of record of the property, both surface and mineral, to be mined; (iii) the holders of record of any leasehold interest in the property; (iv) any purchaser of record of the property under a real estate contract; (v) the operator if he is a person different from the applicant; and (vi) if any of these are business entities other than a single proprietor, the names and addresses of the principals, officers, and resident agent;

2. The names and addresses of the owners of record of all surface and subsurface areas adjacent to any part of the permit area;

3. A statement of any current, pending, or previous uranium mining operations conducted by the applicant;

4. If the applicant is a partnership, corporation, association, or other business entity, the following where applicable: the name and addresses of every officer, partner, director, or person performing a

function similar to a director, of the applicant, together with the name and address of any person owning of record five percent or more of any class of voting stock of the applicant and a list of all names under which the applicant, partner, or principal shareholder previously operated a uranium mining operation within the five-year period preceding the date of submission of the application;

5. A statement of whether during the five-year period prior to the date of submission of the application, the applicant, any subsidiary, affiliate, or persons controlled by or under common control with the applicant, has had uranium mining operations suspended or revoked or has had a mining bond or similar security deposited in lieu of bond forfeited and, if so, an explanation of the facts involved;

6. A copy of the applicant's notice of application, which the applicant shall publish in a newspaper of general circulation in the locality of the proposed site at least once a week for four consecutive weeks. The notice shall also be posted to the Department's website. The notice shall include the ownership and a description of the exact location and boundaries of the proposed site sufficient so that the proposed operation is readily locatable by local residents;

7. A description of the type and method of mining operation that exists or is proposed, the engineering techniques proposed or used, and the equipment used or proposed to be used and a full operation plan as described in § 45.1-285.19;

8. The anticipated or actual starting and termination dates of each phase of the mining operation and number of acres of land to be affected;

9. As an attachment to the application, an accurate map or plan, to an appropriate scale, which clearly shows the land to be affected as of the date of the application, the area of land within the permit area upon which the applicant has the legal right to enter and commence mining operation, and a statement of those documents upon which the applicant bases his legal right to enter and commence mining operations on the area affected, and whether that right is the subject of pending court litigation; provided, that nothing in this chapter shall be construed as vesting in the Director the jurisdiction to adjudicate property title disputes;

10. The name of the watershed and location of the surface stream or tributary into which any point source discharge from the permitted mine area will be discharged;

11. A determination of the probable hydrologic consequences of the mining and reclamation operations, both on and off the mine site, with respect to the hydrologic regime, quantity, and quality of water in surface water and ground water systems, including the dissolved and suspended solids and radioisotopes under seasonal flow conditions and the collection of sufficient data for the mine site and surrounding areas, so that an assessment can be made by the Director of the probable cumulative impacts of all anticipated mining in the area upon the hydrology of the area and particularly upon water availability;

12. As attachments to the application, accurate maps to an appropriate scale, which clearly show (i) the land to be affected as of the date of application and (ii) all types of information set forth on topographical maps of the United States Geological Survey of a scale of 1:24,000 or 1:25,000 or larger, including all man-made features and significant known archaeological sites existing on the date of application and such other information as may be required by the Director;

13. As attachments to the application, cross-section maps or plans of the land to be affected including the actual area to be mined, prepared by or under the direction of and certified by a qualified licensed professional engineer, showing pertinent elevations and locations of test borings or core samplings and depicting the following information: the nature and thickness of overburden; the location of subsurface water, if encountered, and its quality; the nature of the geologic strata that hosts the ore to be mined; the structural geology of the ore body to be mined; existing or previous surface mining limits; the location and extent of known workings of any underground mines, including mine openings to the surface; the location of aquifers; the estimated elevation of the water table; the location of waste rock, waste, or tailings areas and topsoil preservation areas; the location of all impoundments for waste or erosion control; any settling or water treatment facility; constructed or natural drainways and the location of any actual or potential discharges to any state waters on the area of land to be affected or adjacent thereto; and profiles at appropriate cross-sections of the anticipated final surface configuration that will be achieved pursuant to the operator's proposed reclamation plan;

14. A description of the results of test borings or core samplings from the permit area, including logs of the drill holes; the thickness and areal extent of the ore; an analysis of the chemical and mineralogical composition of the ore; radiological analysis of the ore and overburden; chemical characterization of ore and overburden with regard to the potential for acid generation and release of toxic constituents; and chemical analysis of non-ore host rocks; and

15. A reclamation plan as described in § 45.1-285.19.

D. An application for a permit to mine uranium shall also include:

1. Proof that the applicant holds a current license to conduct business as a uranium development corporation pursuant to Chapter 15 (§ 13.1-1300 et seq.) of Title 13.1; and

2. All documents and supporting data submitted to the U.S. Nuclear Regulatory Commission and

U.S. Environmental Protection Agency in connection with the application for a federal source material license authorizing the processing of uranium ore at a mill that is (i) owned or operated by the applicant for a mining permit and (ii) located within the area encompassing the mining operation. The mining permit application shall confirm that an environmental impact statement meeting the requirements of the federal National Environmental Policy Act, 42 U.S.C. § 4321 et seq., has been completed or will be completed prior to the issuance of the federal source material license.

E. Any information subject to the confidentiality provisions of § 45.1-285.16 shall be submitted to the Department as a separate document.

F. Each applicant for a uranium mining permit shall file a copy of his application for public inspection at an appropriate public office approved by the Director where the mining is proposed to occur. The Department shall also publish the application on its website.

G. A mining permit application shall not be accepted unless the source material license application specifies (i) that the mill and all associated ore, product, and waste storage and disposal areas will be located outside of the area that would be inundated by the probable maximum flood for the drainage area in which the facilities are located and (ii) that all by-product materials, including tailings, will be disposed of below grade at the site where such disposal is to occur.

**§ 45.1-285.19. Operations and reclamation plans.**

A. Operations plans shall include underground workings and shall comply with § 45.1-285.27. The operations and reclamation plans as approved by the Director shall be an integral part of the terms and conditions of the uranium mining permit and shall include a structured change management plan.

B. Each operation plan shall include a description of the proposed method of mining and processing; the location and design of overburden, refuse, and mineralized and non-mineralized waste disposal areas, including topsoil storage; the location of stockpile areas; the location and construction of all plant facilities; the design and construction details of any water supply, process water, sanitary water, or dewatering systems; the design and construction details of any ventilation or airborne pollutant control systems; the location and design details of all roadways; a radiation protection plan; and other information as required by the Director. The operation plan shall also include a drainage plan, which shall include characterization of the pre-mining surface drainage system; detailed descriptions and drawings of the drainage control system to be constructed before, during, and after mining; and the design, construction, and drawings of all sediment and drainage control structures.

C. Each reclamation plan shall include, in the degree of detail necessary to demonstrate that reclamation required by this chapter can be accomplished, a statement of:

1. The identification of the lands subject to uranium mining operations over the estimated life of those operations and the size, sequence, and timing of the subareas for which it is anticipated that individual permits for mining will be sought;

2. The condition of the land to be covered by the permit prior to any mining, including:

a. The uses existing at the time of the application, and if the land has a history of previous mining, the uses that preceded any mining;

b. The capability of the land prior to any mining to support a variety of uses giving consideration to soil and foundation characteristics, topography, and vegetative cover; and

c. The productivity of the land prior to mining, including appropriate classification as prime farmlands, as well as the average yield of food, fiber, forage, or wood products from such lands obtained under high levels of management;

3. The use that is proposed to be made of the land following reclamation, including a discussion of the utility and capacity of the reclaimed land to support a variety of alternative uses and the relationship of such use to existing land use policies and plans, and the comments of any owner of the surface, state and local governments, or agencies thereof which would have to initiate, implement, approve, or authorize the proposed use of the land following reclamation;

4. A detailed description of how the proposed postmining land use is to be achieved and the necessary support activities that may be needed to achieve the proposed land use;

5. The engineering techniques proposed to be used in mining and reclamation and description of the major equipment; a plan for the control of surface water drainage and of water accumulation; a plan, where appropriate, for backfilling, soil stabilization, and compacting, grading, and appropriate revegetation; and a plan for soil reconstruction, replacement, and stabilization, pursuant to the performance standards set out in § 45.1-285.26;

6. An estimate of the costs of the reclamation performed by a third party, including a statement as to how the permittee plans to comply with each of the requirements set out in § 45.1-285.26;

7. The consideration which has been given to the best use and conservation of the mineral resource being recovered so that future disturbance of the land can be minimized;

8. A detailed estimated timetable for the accomplishment of each major step in the reclamation plan;

9. The consideration which has been given to making the mining and reclamation operations

674 consistent with surface owner plans, and applicable state and local land use plans and programs;

675 10. The steps to be taken to comply with the provisions of § 45.1-285.15, applicable state and federal  
676 air quality laws and regulations and any applicable state and federal health and safety standards;

677 11. The consideration which has been given to developing the reclamation plan in a manner  
678 consistent with local physical, environmental, and climatological conditions;

679 12. All lands, interests in lands, or options on such interests held by the applicant or pending bids  
680 on interests in lands by the applicant, which lands are contiguous to the area to be covered by the  
681 permit;

682 13. A detailed description of the measures to be taken during the mining and reclamation process to  
683 assure compliance with the provisions of § 45.1-285.15 and applicable federal and state water quality  
684 laws and regulations;

685 14. A detailed description of alternative sources of water which could be provided in the event of a  
686 failure to protect the quantity and quality of surface and ground water systems; and

687 15. Such other requirements as the Director shall prescribe by regulation.

688 **§ 45.1-285.20. Modification of permit.**

689 A. During the term of the permit the permittee may submit an application for a modification of the  
690 permit, together with a modified operations plan and reclamation plan to the Director.

691 B. An application for a modification of a permit shall not be approved unless the Director finds that  
692 reclamation as required by the state regulatory program can be accomplished under the modified  
693 reclamation plan. The Director shall establish, by regulation, the period of time within which the  
694 modification shall be approved or disapproved.

695 C. Upon receipt of an application for a modification of a permit, the Department may require  
696 information to supplement the information submitted pursuant to subdivision D 2 of § 45.1-285.18.

697 D. The Director shall, within a time limit prescribed in regulations promulgated, review outstanding  
698 permits and may require reasonable modification of the permit provisions during the term of such  
699 permit. Such modification shall be based upon a written finding and subject to notice and hearing  
700 requirements as set forth in § 45.1-285.22.

701 **§ 45.1-285.21. Approval or denial of permit or modification application.**

702 A. Upon the basis of a complete mining application and reclamation plan or a modification or  
703 renewal thereof, as required by the state regulatory program, including public notification and  
704 opportunity for public hearing, the Director shall grant, require modification of, or deny the application  
705 for a permit in a reasonable time established by regulation and shall notify the applicant in writing. The  
706 applicant shall have the burden of establishing that the application is in compliance with all  
707 requirements of the state regulatory program. Within 10 days after the granting of a permit the Director  
708 shall notify the government officials in the city or county in which the area of land to be affected is  
709 located that a permit has been issued and shall describe the location of the land.

710 B. No permit or modification application shall be approved unless the application affirmatively  
711 demonstrates, and the Director finds in writing on the basis of the information set forth in the  
712 application or from information otherwise available, which will be documented in the approval and  
713 made available to the applicant, that:

714 1. The permit application is accurate and complete and that all the requirements of the state  
715 regulatory program have been complied with;

716 2. The applicant has demonstrated that reclamation as required by the state regulatory program can  
717 be accomplished under the reclamation plan contained in the permit application;

718 3. The assessment of the probable cumulative impact of all anticipated mining in the area on the  
719 hydrologic balance has been made by the Director in accordance with regulations, and the proposed  
720 operation has been designed to prevent material damage to the hydrologic balance outside the permit  
721 area;

722 4. The proposed uranium mining operations are not located on lands that are unsuitable for such  
723 operations, in that they are not:

724 a. Within the boundaries of units of the National Park System, the National Wildlife Refuge Systems,  
725 the National System of Trails, the National Wilderness Preservation System, the Wild and Scenic Rivers  
726 Act and National Recreation Areas designated by act of Congress and any federal lands within the  
727 boundaries of any national forest, except as otherwise provided by federal law;

728 b. On publicly owned parks or places included in the National Register of Historic Places unless  
729 approved by the federal, state, or local agency with jurisdiction over the park or historic site;

730 c. Within areas subject to frequent flooding, unstable geology, or other natural hazards where the  
731 endangerment of life and property could be affected by mining operations;

732 d. Within at least 100 feet of the outside right-of-way line of a public road, except that the Director  
733 may permit such roads to be relocated or the area affected to lie within at least 100 feet of such road,  
734 if, after public notice and opportunity for hearing in the locality, a written finding is made that the  
735 interests of the public and landowners affect thereby will be protected. More stringent requirements may

be established based on the findings of the review of the information required to be submitted pursuant to subdivision D 2 of § 45.1-285.18; or

e. Within at least 300 feet of an occupied dwelling, unless waived by the owner thereof; nor within 300 feet of any public building, school, church, community, or institutional building, public park, nor within 100 feet of a cemetery. More stringent requirements may be established based on the findings of the review of the information required to be submitted pursuant to subdivision D 2 of § 45.1-285.18; and

5. The applicant has provided proof of legal right to enter and conduct operations on the surface and mineral lands and estates to be covered by the permit. The applicant shall file with his permit application a schedule listing any and all notices of violations of this chapter and any law, rule, or regulation pertaining to air or water quality or environmental protection incurred by the applicant in connection with any uranium mining operation during the five-year period preceding the date of application. The schedule shall only indicate those violation notices which are unresolved as of the date of the application and those which have been upheld through all administrative or judicial appeals. Where the schedule or other information available to the Director indicates that any uranium mining operation owned or controlled by the applicant is currently or alleged to be in violation of the laws referred to in this subsection, the permit shall not be issued until the applicant submits proof that such violation has been corrected or is in the process of being corrected to the satisfaction of the authority, department, or agency that has jurisdiction over such violation, and no permit shall be issued to an applicant after a finding by the Director after opportunity for a hearing that the applicant, or the operator specified in the application, controls or has controlled mining operations with a demonstrated pattern of violations of this chapter or other state or national laws with resulting damage to the environment.

**§ 45.1-285.22. Public participation in process of issuing or modifying permit.**

A. The Director shall establish, by regulation, procedures for the notification of and participation by the public and appropriate federal, state, and local governmental authorities in the process for issuing or modifying uranium mining permits.

B. At the time of submission of an application for a uranium mining and reclamation permit, or modification of an existing permit, pursuant to the provisions of this chapter, the applicant shall submit to the Director a copy of his notice of application of the ownership, precise location, and boundaries of the land to be affected. At the time of submission such notice of application shall be placed by the applicant in a local newspaper of general circulation in the locality of the proposed operation at least once a week for four consecutive weeks. The Department shall also post the notice on the Department's website. The applicant shall notify by certified mail any local governmental body, planning agency, and sewage and water treatment authority, or water works situated in the locality in which the proposed mining will take place, or all permitted private well owners within adjacent or contiguous land to the proposed operation or any established ground water management area, notifying them of the operator's intention to mine a particularly described tract of land and indicating the applicant's permit number and where a copy of the proposed mining and reclamation plan may be inspected. These local bodies, agencies, authorities, or companies may submit written comments within 30 days to the Director on the mining applications with respect to the effect of the proposed operation on the environments that are within their area of responsibility. Such comments shall immediately be transmitted to the applicant by the Director and shall be made available to the public at the same locations as are the mining permit applications and on the Department's website.

C. Any person residing in the Commonwealth with an interest which is or may be adversely affected, or the officer or head of any federal, state, or local governmental agency or authority shall have the right to file written objections to the proposed initial permit application or proposed modification of an existing permit for a uranium mining operation with the Director within 30 days after the last publication of the applicant's notice required by § 45.1-285.18. If written objections are filed and an informal hearing requested, the Director shall then hold an informal hearing in the manner and location prescribed by regulation, unless all the parties requesting the informal hearing stipulate agreement prior to the requested informal hearing and withdraw their request.

**§ 45.1-285.23. Decision of Director upon permit application or modification.**

A. The Director shall notify the applicant for a permit within a reasonable time, as set forth in regulations, taking into account the time needed for proper investigation of the site, the complexity of the permit application, and such written objections as may have been filed, except that if an informal hearing has been held pursuant to § 45.1-285.22, the Director shall issue to the applicant and the parties to the hearing his written decision within a reasonable time established by regulation. This section shall also apply to decisions of the Director on permit modifications that require information to supplement the information contained in the environmental impact statement filed with the initial application.

797 B. If the application is approved the permit shall be issued or modified. If the application is denied,  
798 specific reasons for the denial shall be set forth in the notification. Within 30 days after the applicant is  
799 notified of the final decision of the Director on the permit application or modification, the applicant, or  
800 any person residing in the Commonwealth with an interest which is or may be adversely affected, may  
801 request a hearing on the reasons for the final determination. The Director shall hold a formal hearing  
802 in accordance with Article 3 (§ 2.2-4018 et seq.) of the Administrative Process Act, and within a  
803 reasonable time established by regulation issue to the applicant and all persons who participated in the  
804 hearing the written decision of the Director granting or denying the permit or modification in whole or  
805 in part and stating the reasons therefor. No person who presided at an informal hearing under §  
806 45.1-285.22 shall preside at the formal hearing or participate in the decision therein or any  
807 administrative appeal therefrom.

808 C. Any applicant, or any person residing in the Commonwealth with an interest which is or may be  
809 adversely affected and who has participated in the formal hearing as an objector, aggrieved by the  
810 decision of the Director or by the failure of the Director to act within the time limits specified in this  
811 chapter shall have a right to judicial review in accordance with the provisions of the Administrative  
812 Process Act and the Rules of the Supreme Court of Virginia promulgated pursuant thereto.

813 **§ 45.1-285.24. Renewal of permits.**

814 A. A valid permit issued pursuant to this chapter shall carry with it the right of successive renewal  
815 upon expiration with respect to area within the boundaries of the existing permit. The holder of a permit  
816 may apply for renewal and such renewal shall be issued on the basis of the following requirements and  
817 written findings by the Director that:

818 1. The terms and conditions of the existing permit are being satisfactorily met;

819 2. The present uranium mining and reclamation operation is in compliance with the environmental  
820 protection standards of this chapter and any and all applicable state permits issued for the site to  
821 protect public health and the environment;

822 3. The renewal requested does not jeopardize the operator's continuing responsibility on existing  
823 permit areas;

824 4. The renewal requested does not contain any modifications to the existing permit;

825 5. The operator has provided evidence that the performance bond in effect for said operation will  
826 continue in full force and effect for any renewal requested in such application as well as any additional  
827 bond the Director might require pursuant to § 45.1-285.25;

828 6. The notice required under subsections B and C of § 45.1-285.22 has been provided with respect to  
829 the application for renewal; and

830 7. Any additional revised or updated information required by the Director has been provided.

831 B. The provisions of subsections B and C of § 45.1-285.23 shall be applicable to permit renewals.

832 C. Any permit renewal shall be for a term not to exceed the period of the original permit established  
833 by this chapter. Application for permit renewal shall be made at least 180 days prior to the expiration  
834 of the valid permit. If a permit renewal application is timely filed and accepted, the existing permit shall  
835 remain valid until a final decision is rendered.

836 **§ 45.1-285.25. Performance bonds.**

837 A. Prior to the issuance of a mine permit, the applicant shall file with the Director on a form  
838 prescribed and furnished by the Director, a bond for performance payable to the Commonwealth and  
839 conditioned upon faithful performance of all the requirements of this chapter and the permit. The bond  
840 shall cover that area of land within the permit area upon which the operator will initiate and conduct  
841 uranium mining operations within the initial term of the permit. As succeeding increments of mining and  
842 reclamation operations are initiated and conducted within the permit area, the permittee shall file with  
843 the Director an additional bond or bonds to cover such increments in accordance with this section. The  
844 amount of the bond required for each bonded area shall depend upon the reclamation requirements of  
845 the approved permit; shall reflect the probable difficulty of reclamation giving consideration to such  
846 factors as topography, geology of the site, hydrology, and revegetation potential; and shall be  
847 determined by the Director. The amount of the bond shall be sufficient to assure the completion of the  
848 reclamation plan by a third party and any monitoring required during the reclamation phase, if the  
849 work has to be performed by the Director in the event of forfeiture.

850 B. Liability under the bond shall be for the duration of the uranium mining operation and for a  
851 period coincident with the operator's responsibility for reclamation as required under regulations  
852 promulgated pursuant to § 45.1-285.26. The bond shall be executed by the operator and a corporate  
853 surety permitted to do business in the Commonwealth, except that the operator may elect to deposit  
854 cash, negotiable bonds of the United States Government or of the Commonwealth, or negotiable  
855 certificates of deposit of any bank organized for transacting business in the United States, or irrevocable  
856 letters of credit issued by a bank approved by the Director. The cash deposit or market value of such  
857 securities shall be equal to or greater than the amount of the bond required for the bonded area.

858 C. Cash or securities shall be deposited with the same terms upon which surety bonds may be

deposited. Such securities shall be security for the repayment of such negotiable certificate of deposit and shall be placed in a special, nongeneral fund account solely for the purposes of reclamation.

### Article 3.

#### Performance Standards.

#### **§ 45.1-285.26. Regulations governing uranium mining.**

A. The Department shall adopt regulations governing uranium mining pursuant to this chapter. Such regulations shall be developed in consultation with the Department of Environmental Quality, Department of Health, State Corporation Commission, Department of Conservation and Recreation, Department of Game and Inland Fisheries, Department of Historic Resources, and Department of Agriculture and Consumer Services, pursuant to the requirements of the Virginia Administrative Process Act (§ 2.2-4000 et seq.). The Department may consult with and seek the advice of any other agency in developing regulations required by this chapter. The Department may convene one or more scientific and technical advisory committees for the purpose of developing proposed regulations and shall hold at least two public hearings on the proposed regulations prior to their final adoption.

B. The regulations shall be designed and implemented so as to ensure that mining of uranium under permits issued pursuant to this chapter is conducted so as to protect public health and safety, mine workers, the environment, natural resources, historic resources, tourism, and agricultural resources from the adverse effects of such mining. In adopting such regulations, the Department shall consider, and shall incorporate requirements based upon, the best practices recognized in the uranium mining industry.

C. Any permit issued pursuant to this chapter to conduct uranium mining operations shall require that such operations meet all applicable regulations established by the Director.

D. General performance standards shall be applicable to all uranium mining operations and shall require the operation at a minimum to:

1. Conduct mining operations so as to maximize the utilization and conservation of the resource being recovered so that re-affecting the land in the future through mining can be minimized;

2. Restore the land affected to a condition capable of supporting the uses which it was capable of supporting prior to any mining, or such other beneficial uses as approved by the Director, so long as such uses do not present any hazard to public health or safety or pose any threat of water diminution or pollution, and the permit applicant's declared proposed land use following reclamation is not deemed to be (i) impractical or unreasonable, (ii) inconsistent with applicable land use policies and plans, (iii) characterized by unreasonable delay in implementation, or (iv) violation of federal, state, or local law;

3. Require any significant structure to be designed and constructed by a licensed professional engineer or licensed professionals of an appropriate discipline.

4. Backfill and compact to ensure stability or to prevent leaching of radioactive materials, and grade in order to restore the land to the approximate pre-mining condition, with all highwalls, waste rock piles, and depressions eliminated to the maximum extent possible or as otherwise authorized pursuant to this chapter;

5. Stabilize and protect all surface areas including waste rock piles affected by the mining operation to effectively control erosion and attendant air and water pollution;

6. Remove the topsoil from the land in a separate layer, replace it on the backfill area, or if not utilized immediately, segregate it in a separate pile from other waste rock and when the topsoil is not replaced on a backfill area within a time short enough to avoid deterioration of the topsoil, maintain a successful cover by quick-growing plants or other means thereafter so that the topsoil is preserved from wind and water erosion, remains free of any contamination by other acid, radioactive, or toxic material, and is in a usable condition for sustaining vegetation when restored during reclamation, except if topsoil is of insufficient quantity or of poor quality for sustaining vegetation, or if other strata can be shown to be more suitable for vegetation requirements, then the operator shall remove, segregate, and preserve in a like manner such other strata which are best able to support vegetation;

7. Restore to the surface the topsoil or the best available subsoil which is capable of supporting vegetation;

8. Demonstrate that permanent impoundments of water proposed as part of reclamation activities meet the ground water standards established by the State Water Control Board;

9. Minimize the disturbances of the prevailing hydrologic balance at the mine site and in associated offsite areas and to the quality and quantity of water in surface water and ground water systems both during and after mining operations and during reclamation by:

a. Requiring compliance with any water quality permits issued by the State Water Control Board and in addition imposing any other condition determined by the Director for:

(1) Preventing or removing water from contact with deposits containing acid, radioisotopes, or toxins;

(2) Treating drainage to reduce acid, radioisotopes, or toxic content that adversely affects



920 downstream water upon being released to water courses; and

921 (3) Casing, sealing, or otherwise managing boreholes, shafts, and wells to keep acid-forming,  
922 radioisotopes, or other toxic drainage from entering ground and surface waters outside of the permitted  
923 mining area;

924 b. Requiring mining operations to be conducted so as to comply with all applicable state water  
925 quality permits and any further conditions imposed by the Director to control additional contributions of  
926 suspended solids to streamflow, or runoff outside the permit area, but in no event shall contributions be  
927 in excess of requirements set by applicable state or federal laws and regulations;

928 c. Requiring construction of any siltation structures pursuant to subdivision 9 (b) prior to  
929 commencement of mining operations, such structures to be certified by a licensed professional engineer  
930 to be constructed as designed and as approved in the reclamation plan;

931 d. Cleaning out and removing temporary or large settling ponds or other siltation structures from  
932 drainways after disturbed areas are revegetated and stabilized, and depositing the silt and debris at a  
933 site and in a manner approved by the Director;

934 e. Restoring recharge capacity of the mined area to approximate pre-mining conditions;

935 f. Avoiding channel deepening or enlargement in operations requiring the discharge of water from  
936 the mine; and

937 g. Such other actions as the Director may prescribe;

938 10. Identify, segregate, and stabilize all waste rock materials in designated areas using accepted  
939 geotechnical engineering standards including compacted layers if necessary and assure that any  
940 leachate will meet water quality standards established by the State Water Control Board, assure waste  
941 rock accumulation will be compatible with natural surroundings and that the site is stabilized and  
942 revegetated according to the provisions of this chapter, with respect to surface disposal of mine wastes,  
943 and other wastes in areas other than the mine workings or excavations;

944 11. Dispose of non-mineralized waste rock to ensure structural stability, seismic design stability, dust  
945 controls, and surface water diversion and control. Non-mineralized waste rock disposal sites shall be  
946 designed and periodically reviewed during construction by a licensed professional engineer;

947 12. Dispose of mineralized waste rock to ensure structural stability, seismic design stability, dust  
948 controls, surface water diversion and control, internal water control, isolation of toxic, acid-forming, or  
949 radioactive materials, and cover requirements to ensure radon releases are as low as reasonably  
950 achievable. Surface water and ground water protection plans with periodic monitoring requirements  
951 shall also be required. The sites shall be designed and periodically reviewed during construction by a  
952 licensed professional engineer;

953 13. Refrain from mining within 500 feet from active and abandoned underground mines in order to  
954 prevent breakthroughs and to protect health and safety of miners; however, the Director may permit an  
955 operator to mine near, through, or partially through an abandoned underground mine or closer to an  
956 active underground mine if (i) the nature, timing, and sequencing of the approximate coincidence of  
957 specific surface mine activities with specific underground mine activities are jointly approved by the  
958 Director and the regulatory authorities concerned with the health and safety of underground miners and  
959 (ii) such operations will result in improved resource recovery, abatement of water pollution, or  
960 elimination of hazards to public health and safety;

961 14. Ensure that explosives used on uranium mining operations are used only in accordance with 30  
962 C.F.R. Parts 57 and 58 and § 45.1-161.305 and the regulations promulgated according to this chapter,  
963 which shall include provisions to:

964 a. Provide adequate advance written notice to local governments and residents who might be affected  
965 by the use of such explosives by publication of the planned blasting schedule in a newspaper of general  
966 circulation in the locality and by mailing a copy of the proposed blasting schedule to every resident  
967 living within one-half mile of the proposed blasting site and by providing daily notice to residents and  
968 other occupiers in such areas prior to any blasting;

969 b. Require that all blasting operations be conducted in accordance with § 45.1-161.292:19; and

970 c. Provide that upon the request of a resident or owner of a manmade dwelling or structure within  
971 one-half of any portion of the permitted area, the applicant or permittee shall conduct a pre-blasting  
972 survey of such structures and submit the survey to the Director and a copy to the resident or owner  
973 making the request. The area of the survey shall be determined by the Director;

974 15. Comply with all conditions of all permits during periods of suspended activity;

975 16. Ensure that all reclamation efforts proceed in an environmentally sound manner and as  
976 contemporaneously as practicable with the mining operations; provided that where the applicant  
977 proposed to combine surface mining operations with underground mining operations to assure maximum  
978 practical recovery of the mineral resources, the Director may grant a variance for specific areas within  
979 the reclamation plan from the requirement that reclamation efforts proceed as contemporaneously as  
980 practicable to permit underground mining operations prior to reclamation:

981 a. If the Director finds in writing that:



(1) The applicant has presented, as part of the permit application, specific, feasible plans for the proposed underground mining operations;

(2) The proposed underground mining operations are necessary or desirable to assure maximum practical recovery of the mineral resource and will avoid multiple disturbances of the surface;

(3) The applicant has satisfactorily demonstrated that the plan for the underground mining operations conforms to requirements for underground mining in the jurisdiction and that permits necessary for the underground mining operations have been issued by the appropriate authority;

(4) The areas proposed for the variance have been shown by the applicant to be necessary for the implementing of the proposed underground mining operations; and

(5) No substantial adverse environmental damage, either on site or off site, will result from the delay in completion of reclamation as required by this chapter;

b. Provided that variances granted under provisions of this subsection are to be reviewed by the Director not more than three years from the date of issuance of the permit; and

c. Further provided that liability under the bond filed by the applicant with the Director pursuant to this chapter shall be for the duration of the underground mining operations and until the requirements of § 45.1-285.31 have been fully complied with;

17. Ensure that the construction, maintenance, and postmining conditions of access roads into and across the site of operations will control or prevent erosion and siltation, pollution of water, damage to fish or wildlife or their habitat, or public or private property;

18. Refrain from the construction of roads or other access ways up a stream bed or drainage channel or in such proximity to such channel so as to seriously alter the normal flow of water;

19. Establish on the regraded areas, and all other lands affected, a diverse, effective, and permanent vegetative cover of the same seasonal variety native to the area of land to be affected and capable of self-regeneration and plant succession at least equal in extent of cover to the natural vegetation of the area; however, introduced species may be used in the revegetation process where desirable and necessary to achieve the approved postmining land use plan;

20. Assure the responsibility for successful revegetation, as required by subdivision 19, for a period of five full years after the last year of augmented seeding, fertilizing, irrigation, or other work in order to assure compliance with subdivision 19;

21. Ensure radon flux from reclaimed areas is within applicable standards for a period of five full years after final reclamation;

22. Ensure surface water and ground water systems remain in compliance with water quality standards established by the State Water Control Board a period of five full years after final reclamation;

23. Ensure compliance with state air quality standards established by the State Air Pollution Control Board;

24. Protect offsite areas from slides or damage occurring during the uranium mining and reclamation operations and not deposit waste rock material or locate any part of the operations or waste accumulations outside of the permit area;

25. Meet such other criteria as are necessary to achieve reclamation in accordance with the purpose of this chapter, taking into consideration the physical, seismic, climatological, topographical, and other characteristics of the site; and

26. To the extent possible using the best technology currently available, minimize disturbances and adverse impacts of the operation such as to assure compliance with air and water quality standards to assure the protection of the environment.

#### **§ 45.1-285.27. Surface effects of underground uranium mining operations.**

A. The Director shall promulgate regulations directed toward the surface effects of underground uranium mining operations. The provisions of this chapter relating to permits, performance bonds and standards, inspections and enforcement, public review, and administrative and judicial review shall be applicable to surface operations and surface impacts incident to an underground mine with such modifications to the permit application requirements, permit approval or denial procedures, and bond requirements as are necessary to accommodate the distinct difference between surface and underground mining.

B. For each permit relating to underground mining, the operator shall;

1. Adopt measures consistent with known technology in order to prevent subsidence causing material damage to the extent technologically and economically feasible, maximize mine stability, and maintain the value and reasonably foreseeable use of such surface lands, except in those instances where the mining technology used requires planned subsidence in a predictable and controlled manner;

2. Seal all portals, entryways, drifts, shafts, or other openings between the surface and underground mine working when no longer needed for the conduct of the mining operations;

3. Seek and receive approval from the Director prior to storing any waste materials in mine

1043 workings or excavations;

1044 4. Maximize to the extent technologically and economically feasible the return of mine waste to the  
1045 mine workings or excavations;

1046 5. Minimize the disturbances of the prevailing hydrologic balance at the mine site and in associated  
1047 offsite areas and to the quality and quantity of water in surface and ground water both during and after  
1048 mining operations and during reclamation by:

1049 a. Minimizing drainage containing acid, radioisotopes, or toxins and complying with any water  
1050 quality permits issued by the State Water Control Board, and by such measures as, but not limited to:

1051 (1) Preventing or removing water from contact with deposits containing acid, radioisotopes, or  
1052 toxins;

1053 (2) Treating drainage to reduce acid, radioisotopes, or toxic content which adversely affects  
1054 downstream water upon being released to water courses; and

1055 (3) Casing, sealing, or otherwise managing boreholes, openings to the surface, and wells to keep  
1056 acid, radioactive, or other toxic drainage from entering surface waters and ground water; and

1057 b. Conducting mining operations in accordance with the laws and regulations as referenced in  
1058 subsection A of § 45.1-285.14 and Chapter 5 (§ 10.1-500 et seq.) of Title 10.1 so as to prevent  
1059 additional contributions of suspended solids to streamflow or runoff outside the permit area, but in no  
1060 event shall such contributions be in excess of requirements set by applicable state or federal law, and  
1061 avoiding channel deepening or enlargement in operations requiring the discharge of water from mines;

1062 6. With respect to other surface impacts not specified in this subsection, including the construction of  
1063 new roads or the improvement of use of existing roads to gain access to the site of such activities and  
1064 for haulage, repair areas, storage areas, shipping areas, and other areas upon which are sited  
1065 structures, facilities, or other property or materials on the surface, resulting from or incident to such  
1066 activities, operate in accordance with the standards established under § 45.1-285.26 for such effects  
1067 which result from surface mining operations; however, the Director shall make such modifications in the  
1068 requirements imposed by this subsection as are necessary to accommodate the distinct difference  
1069 between surface and underground mining; and

1070 7. Locate opening for all mines in such a manner as to prevent a gravity discharge of water from  
1071 the mine.

1072 C. In order to protect the stability of the land, the Director shall suspend underground mining under  
1073 urbanized areas, cities, towns, and communities, and adjacent to industrial or commercial buildings,  
1074 major impoundments or permanent streams if he finds imminent danger to the inhabitants of the  
1075 urbanized areas, cities, towns, and communities.

1076 Article 4.

1077 Monitoring and Enforcement.

1078 § 45.1-285.28. Inspections and monitoring.

1079 A. For the purpose of administering and enforcing any permit issued under this chapter or of  
1080 determining whether any person is in violation of any requirement of this chapter or any regulation  
1081 promulgated hereunder:

1082 1. The Director shall require any permittee to (i) establish and maintain appropriate records, (ii)  
1083 make periodic reports to the Division, (iii) install, use, and maintain any necessary monitoring  
1084 equipment or methods, (iv) evaluate results in accordance with such methods, at such locations,  
1085 intervals, and in such manner as the Director shall prescribe, and (v) provide such other information  
1086 relative to the uranium mining operations as the Director deems reasonable and necessary;

1087 2. For those uranium mining operations that remove or disturb strata that serve as aquifers which  
1088 significantly ensure the hydrologic balance of water use either on or off the mining site, the Director  
1089 shall specify those (i) monitoring sites to record the quantity and quality of surface drainage above and  
1090 below the mine site as well as in the potential zone of influence, and to record level, amount, and  
1091 samples of ground water and aquifers potentially affected by mining and also directly below the deepest  
1092 strata to be mined, and to record precipitation, and (ii) records of well logs and borehole data to be  
1093 maintained. The monitoring data collection and analysis required by this section shall be conducted  
1094 according to standards and procedures set forth in regulations promulgated by the Director in order to  
1095 assure their reliability and validity; and

1096 3. The authorized representative of the Director, without advance notice and upon presentation of  
1097 appropriate credentials, (i) shall have the right of entry to, upon, or through any uranium mining  
1098 operations and (ii) shall have the right to inspect any monitoring equipment, method of operation,  
1099 method of exploration, or any records required by this chapter, and shall have the right to copy any  
1100 such records.

1101 B. The inspections by the Director shall (i) occur on an irregular basis averaging not less than one  
1102 partial inspection per month and one complete inspection per calendar quarter for the uranium mining  
1103 operations covered by each permit, (ii) occur without prior notice to the permittee or his agents or  
1104 employees except for necessary onsite meetings with the permittee, and (iii) include the filing of

inspection reports adequate to enforce the requirements of and carry out the terms and purposes of this chapter.

C. Each permittee shall conspicuously maintain at the entrance to the uranium mining operation a clearly visible sign setting forth such information as shall be prescribed by regulation.

D. Each inspector, upon detection of each violation of any requirement of this chapter or of the regulations promulgated hereunder, shall inform the operator in writing and shall report in writing any such violation to the Director.

E. Data and reports produced under this section shall be made available to the public except as otherwise prohibited by law or regulation.

**§ 45.1-285.29. Enforcement of chapter generally.**

A. Whenever the Director determines that any condition or practices exist, or that any permittee is in violation of any condition of any regulations promulgated hereunder or of any condition of any permits or applicable air or water quality permit, which condition, practice or violation also creates an imminent danger to the public health or safety, or is causing or can reasonably be expected to cause significant, environmental harm to land, air or water resources, the Director shall immediately order a cessation of uranium mining operations or the portion thereof relevant to the condition, practice or violation. Such cessation order shall remain in effect until the Director determines that the condition, practice, or violation has been abated, or until such order is modified, vacated, or terminated by the Director. Whenever the Director finds that the ordered cessation of uranium mining operations, or any portion thereof, will not completely abate the imminent danger to health or safety or the public or the significant imminent environmental harm to land, air, or water resources, the Director shall, in addition to the cessation order, impose affirmative obligations on the operator and require him to take whatever steps the Director determines necessary to abate the imminent danger or the significant environmental harm.

B. Whenever the Director determines that any permittee is in violation of any requirement of this chapter or any regulation thereunder, or any permit condition, but such violation does not create an imminent danger to the health or safety of the public, or cannot reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources, the Director shall issue a notice of violation to the permittee or his agent setting a reasonable time for the abatement of the violation. If the permittee disagrees with the notice of violation, the permittee may request within 30 days an informal fact finding proceeding in accordance with Article 3 (§ 2.2-4018 et seq.) of the Administrative Process Act.

If, upon expiration of the period of time as originally set or subsequently extended for good cause shown upon the written finding of the Director, the Director finds that a violation has not been abated, he shall immediately order a cessation of uranium mining operations or the portion thereof relevant to the violation. Such cessation order shall remain in effect until the Director or his authorized representative determines that the violation has been abated, or until modified, vacated, or terminated by the Director pursuant to subsection D. The Director shall include in the cessation order the necessary measures to abate the violation in the most expeditious manner possible.

C. Whenever the Director determines that a pattern of violation of the requirements of this chapter exists, and if the Director also finds that such violations are caused by the unwarranted failure of the permittee to comply with any such requirements, or that such violations are willfully caused by the permittee, the Director shall issue an order to the permittee to show cause as to why the permit should not be suspended or revoked and shall provide opportunity for a formal public hearing. If a hearing is requested, the Director shall inform all interested parties of the time and place of the hearing. Upon the permittee's failure to show cause as to why the permit should not be suspended or revoked, the Director shall order cessation of mining operations and suspend or revoke the permit. If the Director revokes the permit, the permittee shall immediately cease uranium mining operations on the permit area and shall complete reclamation within a period specified by the Director, or the Director shall declare as forfeited the performance bonds for the operation.

D. Notices and orders issued pursuant to this section shall set forth with reasonable specificity the nature of the violation and the remedial action required, the period of time established for abatement, and a reasonable description of the portion of the uranium mining operation to which the notice or order applies. Each notice or order shall be given promptly to the permittee or his agent by the Director, and all such notices and orders shall be in writing and signed by the Director. Any notice or order issued pursuant to this section may be modified, vacated, or terminated by the Director. Any notice or order issued pursuant to this section which requires cessation of mining by the operator shall be subject to review within 30 days under § 2.2-4020, unless the parties consent to informal proceedings.

E. The Director may institute a civil action for injunctive or other relief in any court of competent jurisdiction whenever any permittee or his agent or any other person:

- 1166 1. Violates or fails or refuses to comply with any order or decision issued by the Director;  
1167 2. Interferes with, hinders, or delays the Director in carrying out the provisions of this chapter or  
1168 the regulations thereunder;  
1169 3. Refuses to admit such authorized representative to the mine;  
1170 4. Refuses to permit inspection of the mine;  
1171 5. Refuses to furnish any information or report requested by the Director pursuant to the provisions  
1172 of this chapter or the regulations thereunder;  
1173 6. Refuses to permit access to, and copying of, such records as the Director determines necessary in  
1174 carrying out the provisions of this chapter or the regulations thereunder;  
1175 7. Conducts uranium mining or exploration operations without first obtaining a permit, or after a  
1176 permit has lapsed, or in violation of a permit, or after suspension or revocation of a permit; or  
1177 8. Fails to pay any required fees pursuant to Article 5 (§ 45.1-285.33 et seq.).

1178 **§ 45.1-285.30. Civil and criminal penalties.**

1179 A. Any permittee who violates any permit condition or the conditions of a license issued under  
1180 § 45.1-161.292:30 or any other provision of this chapter or the regulations thereunder shall be assessed  
1181 a civil penalty by the Director in an amount not to exceed \$32,500 for each violation. Each day of  
1182 continuing violation may be deemed a separate violation for the purposes of assessing penalties. In  
1183 determining the amount of the penalty, consideration shall be given but not limited to the permittee's  
1184 history of previous violations at the particular uranium mining operation; the seriousness of the  
1185 violation, including any irreparable harm to the environment and any hazard to the health or safety of  
1186 the public; whether the permittee was negligent; and the demonstrated good faith of the permittee  
1187 charged in attempting to achieve rapid compliance after notification of the violation.

1188 B. A civil penalty may be assessed by the Director only after the person charged with a violation has  
1189 been given an opportunity for a public hearing. Where such a public hearing has been held, the  
1190 Director shall make findings of fact and issue a written decision as to the occurrence of the violation  
1191 and the amount of the penalty which is warranted, incorporating, when appropriate, an order therein  
1192 requiring that the penalty be paid. When appropriate, the Director shall consolidate such hearings with  
1193 other proceedings pursuant to the provisions of this chapter. When the person charged with such a  
1194 violation fails to avail himself of the opportunity for a public hearing, a civil penalty shall be assessed  
1195 by the Director after the Director determines that a violation has occurred and the amount of the  
1196 penalty warranted, and issues an order requiring that the penalty be paid.

1197 C. Upon the issuance of a notice or order charging that a violation described under subsection A  
1198 has occurred, the Director shall inform the permittee within 30 days of the proposed amount of the  
1199 penalty. The permittee charged with the penalty shall then have 30 days to pay the proposed penalty in  
1200 full or, if the permittee wishes to contest either the amount of the penalty or the fact of the violation,  
1201 request administrative review. If after review of the proposed penalty, in accordance with Article 3  
1202 (§ 2.2-4018 et seq.) of the Administrative Process Act, the full or a lesser penalty is upheld, the  
1203 permittee shall within 30 days of that determination remit the appropriate amount to the Director.  
1204 Failure to request review within 30 days shall result in a waiver of all legal rights to contest the  
1205 violation or the amount of the penalty.

1206 D. If a permittee who is required to pay a civil penalty fails to do so, the Director may transmit a  
1207 true copy of the final order assessing such penalty to the clerk of the court of any county or city  
1208 wherein it is ascertained that the permittee owing the penalty has any estate, and the clerk to whom  
1209 such copy is so sent shall record it, as a judgment is required by law to be recorded, and shall index  
1210 the same as well in the name of the Commonwealth as of the person owing the penalty, and thereupon  
1211 there shall be a lien in the amount of the penalty. The Director may collect civil penalties which are  
1212 owed in the same manner as provided by law in respect to judgment of a court of record. All civil  
1213 penalties shall be paid into the Uranium Response Fund established in § 45.1-285.34.

1214 E. Any person who willfully and knowingly (i) conducts uranium mining or exploration operations  
1215 without first obtaining a permit, or after a permit has lapsed, or after suspension or revocation of a  
1216 permit; (ii) violates a condition of a permit issued pursuant to this chapter; or (iii) disregards or fails  
1217 or refuses to comply with the regulations or orders promulgated or issued pursuant to the provisions of  
1218 this chapter, except an order incorporated in a decision under subsection B, shall, upon conviction, be  
1219 punished by a fine of not more than \$32,500, by confinement in jail for not more than 12 months, or  
1220 both.

1221 F. Whenever a corporate permittee violates a condition of a permit or disregards or fails or refuses  
1222 to comply with any order issued under this chapter, except an order incorporated in a decision issued  
1223 under subsection B, any director, officer, or agent of such corporation who willfully and knowingly  
1224 authorized, ordered, or carried out such violation, failure, or refusal shall be subject to the same civil  
1225 penalties, fines, and confinement in jail that may be imposed upon a person under subsections A and E.

1226 G. Whoever knowingly makes any false statement, representation, or certification, or knowingly fails  
1227 to make any required statement, representation, or certification, in any application, objection, record,

report, plan, or other document filed or required to be maintained pursuant to this chapter, the regulations promulgated thereunder, or any order or decision issued by the Director under this chapter shall, upon conviction thereof, be punished by a fine of not more than \$2,500, or a confinement in jail for not more than 12 months, or both.

H. Any operator who fails to correct a violation for which a notice or order has been issued within the period permitted for its correction, which period shall not end until the entry of a final order by the Director, in the case of any review proceedings initiated by the operator wherein the Director orders after an expedited hearing the suspension of the abatement requirements of the notice or order after determining that the operator will suffer irreparable loss or damage from the application of those requirements, or until entry of an order of the court, in the case of any review proceedings initiated by the operator wherein the court orders the suspension of the abatement requirements, shall be assessed a civil penalty of not less than \$750 for each day during which such failure or violation occurs.

**§ 45.1-285.31. Release or forfeiture of performance bond.**

A. The Director shall promulgate regulations establishing procedures, conditions, criteria, and schedules for the release or forfeiture of performance bonds or deposits required under this chapter.

B. The permittee may file a request with the Director for the release of all or part of a performance bond or deposit. Within 30 days after any application for bond or deposit release has been filed, the operator shall submit a copy of a notice placed at least once a week for four consecutive weeks in a newspaper of general circulation in the locality of the mining operation. Such notice shall be considered part of any bond release application and shall contain a notification of the precise location of the land affected, the number of acres, the permit and the date approved, the amount of the bond filed and the portion sought to be released, and the type and appropriate dates of reclamation work performed, and a description of the results achieved as they relate to the operator's approved reclamation plan. The notice shall also be published on the Department's website. In addition, as part of any bond release application, the applicant shall submit copies of letters which he has sent to adjoining property owners, local governmental bodies, planning agencies, and sewage and water treatment authorities, or water works, or all permitted private well owners within adjacent or contiguous land to the proposed operation or any established ground water management area in the locality in which the uranium mining operations took place, notifying them of his intention to seek release from the bond.

C. Upon receipt of the notification and request, the Director shall within 30 days conduct an inspection and evaluation of the reclamation work involved. Such evaluation shall consider, the degree of difficulty to complete any remaining reclamation, and whether surface water, ground water and air quality and vegetation are in accordance with § 45.1-285.26. The Director shall notify the permittee in writing of his decision to release all or part of the performance bond or deposit within a reasonable time determined by regulation from the filing of the request.

D. The Director may release in whole or in part said bond or deposit if the authority is satisfied the reclamation covered by the bond or deposit or portion thereof has been accomplished as required by this chapter.

E. If the Director disapproves the application for release of the bond or portion thereof, he shall notify the permittee in writing, stating the reasons for disapproval and recommending corrective actions necessary to secure said release and allowing opportunity for public hearing.

F. When any application for total or partial bond release is filed with the Director, he shall notify the locality in which a uranium mining operation is located by certified mail at least 30 days prior to the release of all or a portion of the bond.

G. Any person residing in the Commonwealth with an interest which might be adversely affected by release of the bond, or the responsible officer or head of any federal, state, or local governmental agency that has jurisdiction by law shall have the right to file written objections to the proposed release from bond by the Director within 30 days after the last publication of notice, as required by regulation. If written objections are filed, and a hearing requested, the Director shall inform all interested parties of the time and place of the hearing and hold a public hearing in the locality of the uranium mining operation proposed for bond release, or in the locality of the operation, or at the Department's central office at the option of the objector, within 30 days of the request for such hearing.

H. Without prejudice to the rights of the objectors or the applicant, or the responsibilities of the Director pursuant to this section, the Director may establish an informal conference, in accordance with regulations promulgated pursuant to subsection C of § 45.1-285.22 to resolve written objections.

I. For the purpose of such hearing the Director is authorized to administer oaths, subpoena witnesses or written or printed materials, compel the attendance of witnesses or production of materials, and take evidence including but not limited to inspections of the land affected or other uranium mining operations carried on by the applicant in the general vicinity. A verbatim record of each public hearing under this section shall be made and a transcript made available on the motion of any party or by order of the Director.

1289 **§ 45.1-285.32. Performance of reclamation operations by Director.**

1290 *In the event of forfeiture of a performance bond, in whole or in part, the Director shall deposit the*  
1291 *proceeds in the State Treasurer's office in a special fund to be used by the Director to complete the*  
1292 *reclamation plan and other regulatory requirements pertaining to the operation for which the forfeited*  
1293 *bond had been posted. The Director may enter into contracts for performance of such reclamation with*  
1294 *any individual, corporation, partnership, association, or any other legal entity, any soil conservation*  
1295 *district, or any agency of the state or federal government. After completion of the reclamation and*  
1296 *payment of all costs and administrative expenses associated with the completion of reclamation, any*  
1297 *remaining funds from the performance bond shall be placed in the Uranium Response Fund established*  
1298 *in § 45.1-285.34.*

1299 **Article 5.**

1300 **Fees and Financial Assurances.**

1301 **§ 45.1-285.33. Annual fees; Uranium Administrative Fund.**

1302 *A. In addition to the fees assessed and collected pursuant to § 45.1-285.18, the Department shall*  
1303 *assess an annual fee to be paid by the permit holder. The annual fee shall be in an amount sufficient to*  
1304 *defray the costs of administering the uranium mining program to the Department of Mines, Minerals*  
1305 *and Energy, Department of Environmental Quality, and Department of Health, including costs of*  
1306 *inspecting and monitoring the mining operation authorized by the permit and conducting necessary*  
1307 *sampling and monitoring within the area surrounding any mining operation potentially impacted*  
1308 *thereby. The Department, in consultation with the Department of Environmental Quality and Department*  
1309 *of Health, shall prescribe by regulation the method for calculating such fee and the manner and*  
1310 *schedule for payment.*

1311 *B. There is hereby created in the state treasury a special nonreverting fund to be known as the*  
1312 *Uranium Administrative Fund, hereafter referred to in this section as "the Fund." The Fund shall be*  
1313 *established on the books of the Comptroller. Annual fees collected pursuant to subsection A shall be*  
1314 *paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall*  
1315 *remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon,*  
1316 *at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. The*  
1317 *disbursement of moneys from the Fund shall be made by the State Comptroller at the written request of*  
1318 *the Director of the Department of Mines, Minerals and Energy, the Director of the Department of*  
1319 *Environmental Quality, or the Commissioner of Health. Disbursements from the Fund may be made for*  
1320 *personnel, administrative, laboratory, and equipment costs and expenses directly incurred by such*  
1321 *agencies in connection with administration and oversight of uranium mining and associated activities in*  
1322 *the Commonwealth.*

1323 *C. Prior to commencement of uranium mining, the permit holder shall be directed to deposit a sum*  
1324 *into the Fund which the Director, in consultation with the Department of Environmental Quality and the*  
1325 *Department of Health, has reasonably estimated as necessary for the first year of administering the*  
1326 *uranium mining program.*

1327 *D. Fees imposed under this section shall be in addition to any fees imposed under other provisions*  
1328 *of law.*

1329 **§ 45.1-285.34. Uranium Response Fund.**

1330 *A. The Uranium Response Fund, hereinafter referred to in this section as the "Fund," is hereby*  
1331 *established in perpetuity to be administered by the Director consistent with the purposes set forth*  
1332 *herein. The Fund shall consist of all payments made into the Fund by uranium mine permittees and*  
1333 *from civil penalties and forfeitures of performance bonds in accordance with the provisions of this*  
1334 *section. The Fund shall be available for use by the Commonwealth in responding to the release or*  
1335 *threatened release of any pollutant or contaminant into the environment from any uranium mine*  
1336 *operation. The Fund shall be used by the Commonwealth in the event the Commonwealth's costs in*  
1337 *responding to the release or threatened release are not immediately available from one or more of the*  
1338 *security and financial assurance mechanisms required by this chapter during uranium mining operations*  
1339 *and to respond to releases or threatened releases that occur after operations have ceased and*  
1340 *performance bonds have been released.*

1341 *B. Each uranium mine permittee pursuant to this chapter shall pay into the Fund an amount of*  
1342 *\$200,000 per operation per year until their share of the Fund reaches \$1 million at which time the*  
1343 *Director shall levy a fee not to exceed \$2 per ton of uranium ore suitable for processing. Proceeds from*  
1344 *the fee shall be deposited into the Fund. If, after five years from the date of commencing production*  
1345 *from such mine, the sum of such payments from the permittee does not total \$1 million, the permittee*  
1346 *shall pay into the Fund the unpaid balance so that the payments to the Fund by the permittee totals \$1*  
1347 *million exclusive of civil penalties and interest earned on the moneys in the Fund.*

1348 *C. To ensure the full sum required by subsection B is available to the Fund from the date that the*  
1349 *permittee begins uranium mining operations, the permittee shall furnish to the Director, a \$1 million*  
1350 *bond payable to the Fund, with surety acceptable to the Director, guaranteeing payment of the full*

amount of the bond into the Fund in the event (i) the permittee fails or refuses to make the payments required by subsection B in accordance with regulations promulgated by the Director or (ii) there are insufficient moneys in the Fund to make those disbursements from the Fund authorized by subdivision D 2 and such regulations as may be promulgated by the Director. The amount of the surety bond may be adjusted annually to reflect payments to the Fund by the permittee during each preceding year. The permittee shall remain liable under the bond until the total payments required by subsection B have been made to the Fund. No permittee may commence uranium mining operations until the surety bond required by this subsection has been provided to the Director.

D. The Fund shall be administered by the Director consistent with the purposes of this section and in accordance with the following provisions:

1. The Fund shall be maintained in a special interest bearing nongeneral fund account. An accounting of moneys received and disbursed shall be kept, and furnished upon request to the Governor or the General Assembly.

2. Disbursements from the Fund shall be available to the Commonwealth for the following purposes:

a. All costs of abatement, removal, or remedial action incurred at any time by or at the direction of the Commonwealth with respect to a release or threatened release from the uranium mining operations.

b. All costs of response, including but not limited to, the cost of inspections, investigations, assessments, and health and environmental studies incurred by or at the direction of the Commonwealth with respect to a release or threatened release from uranium mining operations.

c. Damages for injury to, destruction of, or loss of natural resources, including the reasonable costs of assessing such injury, destruction, or loss resulting at any time from a release from uranium mining operations.

E. The Director shall adopt such regulations as may be necessary to carry out the purposes of this section.

#### **§ 45.1-285.35. Long-Term Monitoring Fund.**

A. The Long-Term Monitoring Fund, hereafter referred to as the "Monitoring Fund", is hereby established in perpetuity to be administered by the Director consistent with the purposes set forth herein. The Monitoring Fund shall consist of all payments made into the Monitoring Fund by uranium mining permittees in accordance with the provisions of this section. The Monitoring Fund shall be available for use by the Commonwealth in monitoring sites associated with uranium mining operations after operations have ceased and performance bonds have been released in accordance with § 45.1-285.31.

B. Each uranium mine permittee pursuant to this chapter shall pay into the Monitoring Fund an amount to be determined by the Director. If, after five years from the date of commencing production from such mine, the sum of such payments from the permittee does not total \$1 million, the permittee shall pay into the Monitoring Fund the unpaid balance so that the payments to the Monitoring Fund by the permittee totals \$1 million.

C. The Director shall levy a fee on every operator engaging in uranium mining operations. Such fee shall not exceed \$2 per ton of uranium ore suitable for processing. Proceeds from the fee shall be deposited into the Monitoring Fund.

D. To ensure the full sum required by subsection B is available to the Monitoring Fund from the date that the permittee begins uranium mining operations, the permittee shall furnish to the Director, a \$1 million bond payable to the Monitoring Fund, with surety acceptable to the Director, guaranteeing payment of the full amount of the bond into the Monitoring Fund in the event (i) the permittee fails or refuses to make the payments required by subsection B in accordance with regulations promulgated by the Director, or (ii) there are insufficient moneys in the Monitoring Fund to make those disbursements from the Monitoring Fund authorized by subdivision E 2 and such regulations as may be promulgated by the Director. The amount of the surety bond may be adjusted annually to reflect payments to the Monitoring Fund by the permittee during each preceding year. The permittee shall remain liable under the bond until the total payments required by subsection B have been made to the Monitoring Fund. No permittee may commence uranium mining operations until the surety bond required by this subsection has been provided to the Director.

E. The Monitoring Fund shall be administered by the Director consistent with the purposes of this section and in accordance with the following provisions:

1. The Monitoring Fund shall be maintained in a special, interest bearing nongeneral fund account. An accounting of moneys received and disbursed shall be kept, and furnished upon request to the Governor or the General Assembly; and

2. Disbursements from the Monitoring Fund shall be made by the Commonwealth for all costs of monitoring sites associated with uranium mining operations after operations have ceased and performance bonds have been released to ensure air, surface water, and ground water quality continue to meet applicable federal and state standards.



F. The Director shall adopt such regulations as may be necessary to carry out the purposes of this section.

**§ 45.1-285.36. Reporting requirements; payment of fees.**

A. Every permittee, within 30 days after the expiration of each quarter, expiring respectively on the last day of March, June, September, and December of each year, shall file with the Director the following information on forms prescribed by the Director:

1. The amount in tons of uranium ore suitable for processing; and
2. Other reasonable and necessary information as the Director may require for the proper enforcement of the provisions of this chapter.

B. At the time of rendering such quarterly returns, the permittee shall pay to the Director the fees imposed by this article with respect to all uranium ore suitable for processing that is mined in the Commonwealth.

**§ 45.1-285.37. Recordkeeping.**

It shall be the duty of every permittee to keep and preserve records and other such books or accounts as may be necessary to determine the amount of fees for which such permittee is liable, under the provisions of this article. Such records and books shall be kept and preserved for a period of time to be determined by Director through regulation, and shall be open for examination in demand by the Director or his duly authorized agents.

**§ 45.1-285.38. Penalty for failure to make return, keep records, or permit examination of records.**

Any permittee who fails to make the returns, refuses to permit examination of his records by the Director or his duly authorized agents, or fails to keep the records as required herein is guilty of a Class 1 misdemeanor. Each month of failure to make such returns or keep such records and each refusal of a written demand of the Director to examine, inspect, or audit such records shall constitute a separate offense.

**§ 45.1-285.39. Penalty and interest for failure to pay fee when due.**

Any permittee who fails to pay any fee levied pursuant to this chapter within the time required by this chapter shall pay, in addition to the fee, a penalty of 10 percent of the amount of fee due. Six months from the date at which the fee herein levied became due and payable, interest shall be assessed upon the entire amount due in accordance with § 58.1-15. Such penalty and interest shall be assessed and collected as a part of the fee.

Article 6.

Miscellaneous Provisions.

**§ 45.1-285.40. Impeding Director or agents a misdemeanor.**

Any person who willfully resists, prevents, impedes, or interferes with the Director or any of his agents in the performance of duties pursuant to this chapter is guilty of a Class 1 misdemeanor.

**§ 45.1-285.41. Provision of water supply.**

The operator of any uranium mining operation shall provide an alternate water supply to an owner of interest in real property who obtains all or part of his supply of water for domestic, agricultural, industrial, or other legitimate use from an underground or surface source where such supply has been affected by contamination, diminution, or interruption proximately resulting from such uranium mining operation.

2. That the State Water Control Board shall review the Water Quality Standards for radionuclides for both ground water and surface waters and, if required, adopt amendments to the existing standards. Such review shall be conducted with assistance from a scientific advisory group appointed by the Department of Environmental Quality specifically to advise the State Water Control Board.

3. That the State Water Control Board shall establish Virginia New Source Technology Effluent Limits for process wastewater from any uranium mining operation or combined uranium mining and milling operation. Such standards shall be established with assistance from the scientific advisory group established pursuant to the second enactment of this act.

4. That notwithstanding the criteria set forth in § 62.1-257 of the Code of Virginia, the State Water Control Board shall by regulation declare a ground water management area surrounding the location of any uranium mining operation or combined uranium mining and milling operation in order to conserve, protect, and beneficially utilize the ground water of the Commonwealth and ensure public welfare, safety, and health. Any rulemaking to declare an area shall not be initiated prior to receipt of ground water data and information required to be submitted pursuant to subdivision D 2 of § 45.1-285.18 created by this act and regulations adopted thereunder, and a proposed regulation shall not be approved prior to ground water modeling information being available to appropriately define the boundaries of an area.

5. That the State Air Pollution Control Board shall take appropriate action to incorporate radon and radionuclides to its lists of regulated toxic pollutants.

6. That notwithstanding the provisions of the State Air Pollution Control Law (§ 10.1-1300 et seq.



1474 of the Code of Virginia), the State Water Control Law (§ 62.1-44.2 et seq. of the Code of Virginia),  
1475 and the Ground Water Management Act (§ 62.1-254 et seq. of the Code of Virginia) and any  
1476 regulations adopted thereunder, neither the Department of Environmental Quality, the State Air  
1477 Pollution Control Board, nor the State Water Control Board shall consider any application for a  
1478 permit associated with a uranium mining operation or combined uranium mining and milling  
1479 operation complete prior to the effective date of such regulations applicable to the permit if the  
1480 adoption of a regulation is necessary in order to implement the provisions of Chapter 21.1  
1481 (§ 45.1-285.11 et seq.), created by this act, of Title 45.1 of the Code of Virginia.

**INTRODUCED**

SB1353