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2

CHAPTER ~~15.1~~ 20.

3

GEOTHERMAL ENERGY.

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**Drafting note: Existing Chapter 15.1, concerning geothermal energy, is retained as proposed Chapter 20.**

6

Article 1.

7

General Provisions.

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**Drafting note: Existing Article 1, concerning general provisions, is retained as proposed Article 1.**

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~~§ 45.1-179.1. Short title; purpose.~~

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~~This chapter may be cited as the Virginia Geothermal Resource Conservation Act. It is the policy of the Commonwealth of Virginia and the purpose of this law to: (i) foster the development, production, and utilization of geothermal resources, (ii) prevent waste of geothermal resources, (iii) protect correlative rights to the resource, (iv) protect existing high quality state waters, and safeguard potable waters from pollution, (v) safeguard the natural environment, (vi) promote geothermal and water resource conservation and management, and (vii) safeguard the health, safety, and welfare of the citizens of the Commonwealth.~~

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**Drafting note: The first sentence of this section is deleted as unnecessary pursuant to § 1-244, which states that throughout the Code the caption of a subtitle, chapter, or article serves as a short title citation. The remainder of this section containing a declaration of policy is stricken in accordance with the Code Commission's policy that policy statements do not have general and permanent application and thus are not to be included in the Code.**

23

~~§ 45.1-179.2~~ 45.2-2000. Definitions.

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~~The following terms As used in this chapter have the meanings respectively ascribed thereto,~~ unless the context ~~clearly~~ requires ~~otherwise~~ a different meaning:

26

"Board" means the State Water Control Board.

27 "Correlative ~~rights~~ right" means the right of each geothermal owner in a geothermal  
28 system to produce without waste his just and equitable share of the geothermal resources in the  
29 geothermal system~~;~~.

30 "Geothermal energy" means the usable energy that is produced or ~~which that~~ can be  
31 produced from a geothermal ~~resources;~~ resource.

32 "Geothermal resource" means the natural heat of the earth and the energy<sub>1</sub> in whatever  
33 form, that is present in, associated with, or created by, or ~~which that~~ may be extracted from, ~~that~~  
34 such natural heat, as determined by the ~~rules and~~ regulations of the Department~~;~~.

35 "Geothermal system" means any aquifer, pool, reservoir, or other geologic formation  
36 containing geothermal resources~~;~~ ~~and~~.

37 **Drafting note: The term "Board" is moved into alphabetical order and technical**  
38 **changes are made, including changes pursuant to § 1-227, which states that throughout the**  
39 **Code any word used in the singular includes the plural and vice versa. Language is updated**  
40 **for modern usage.**

41 § ~~45.1-179.3~~ 45.2-2001. Application.

42 The provisions of this chapter regarding (i) permitting, well regulations, reservoir  
43 management<sub>2</sub> and allocation apply to geothermal resources at temperatures above the minimum  
44 temperature set forth by the Department pursuant to § ~~45.1-179.7~~, 45.2-xxx and (ii) leasing  
45 requirements, royalties<sub>3</sub> or severance taxes apply to geothermal resource applications producing  
46 more than the volumetric rate set forth by the Department pursuant to § ~~45.1-179.7~~ 45.2-xxx.

47 **Drafting note: Technical changes.**

48 § ~~45.1-179.4~~ 45.2-2002. Ownership.

49 Ownership rights to a geothermal ~~resources shall be~~ resource are in the owner of the  
50 surface property underlain by the geothermal ~~resources~~ resource unless such rights have been  
51 otherwise explicitly reserved or conveyed. Nothing in this section shall divest the people or the  
52 Commonwealth of any rights, title, or interest they ~~may~~ might have in any geothermal ~~resources~~  
53 resource.

54 **Drafting note: Technical changes are made, including changes pursuant to § 1-227,**  
55 **which states that throughout the Code any word used in the singular includes the plural and**  
56 **vice versa. Language is updated for modern usage.**

57 § ~~45.1-179.5~~ 45.2-2003. Findings; clarification of nature of the resource.

58 Geothermal resources are found and hereby declared to be sui generis, being neither ~~a~~  
59 mineral ~~resource~~ resources nor ~~a~~ water ~~resource~~. ~~Mineral estates~~ resources. No mineral estate shall  
60 ~~not~~ be construed to include geothermal resources unless such inclusion is explicit in the terms of  
61 the deed or other instrument of conveyance.

62 **Drafting note: Changes are made pursuant to § 1-227, which states that throughout**  
63 **the Code any word used in the singular includes the plural and vice versa. The prohibitory**  
64 **language at the end of this section is recast in affirmative form consistent with current**  
65 **drafting practice.**

66 Article 2.

67 Resource Regulation.

68 **Drafting note: Existing Article 2, concerning resource regulation, is retained as**  
69 **proposed Article 2.**

70 § ~~45.1-179.6~~ 45.2-2004. ~~Duties~~ Powers and ~~responsibilities~~ duties of the Department.

71 A. The Department ~~shall have and is hereby given~~ has jurisdiction and authority over all  
72 persons and property, public and private, necessary to enforce the provisions of this chapter and  
73 ~~shall have~~ has the power and authority to make and enforce ~~rules~~, regulations, and orders and do  
74 whatever ~~may~~ is reasonably ~~be~~ necessary to carry out the provisions of this chapter. Any ~~such~~  
75 ~~rules and~~ regulations adopted by the Department pursuant to the provisions of this chapter shall  
76 be ~~promulgated~~ adopted in compliance with ~~the provisions of~~ the Administrative Process Act  
77 (~~Chapter 40 of Title 2.2~~, § 2.2-4000 et seq.).

78 § ~~45.1-179.7~~. ~~Additional powers of Department.~~

79 B. The Department shall:

- 80 1. Consult with the Board in carrying out ~~all of~~ its powers and duties ~~and responsibilities~~  
81 pursuant to the provisions of this chapter;
- 82 2. Develop a comprehensive geothermal permitting system for the Commonwealth, ~~which~~  
83 ~~shall provide~~ that provides for the exploration and development of geothermal resources;
- 84 3. ~~Promulgate such rules and~~ Adopt regulations ~~as may be~~ necessary to provide for  
85 geothermal drilling and the exploration for and development of geothermal resources in the  
86 Commonwealth; ~~such rules and~~ Such regulations shall be based on a system of correlative rights;
- 87 4. Establish minimum temperature levels and volumetric rates in order to determine  
88 Department jurisdiction over geothermal resource development. In establishing such temperature  
89 levels ~~(i)~~, the Department shall set (i) minimum temperature levels for permitting, well  
90 regulations, reservoir management, and allocation of ~~the geothermal resource~~ resources; and (ii)  
91 ~~the Department shall set~~ minimum volumetric rates for geothermal leasing, royalties, and  
92 severance taxes, as necessary. The Department shall ~~also be responsible for reviewing the review~~  
93 established temperature level and volumetric rate requirements biennially and ~~revising~~ revise the  
94 figures as necessary. Revision of temperature levels or volumetric rate requirements shall not  
95 occur more often than every two years, and such revision shall not operate retroactively; and
- 96 5. Consult with the State Department of Health, as necessary, to protect potable waters of  
97 the Commonwealth and ~~in carrying to carry~~ out its the powers and duties ~~and responsibilities of~~  
98 the Department pursuant to the provisions of this chapter.

99 **Drafting note: Existing §§ 45.1-179.6 and 45.1-179.7 are combined. The use of**  
100 **"promulgate," with regard to regulations is changed to "adopt" in keeping with recent title**  
101 **revisions because "adopt" is more widely used and includes the promulgation process, and**  
102 **the term "rules" is stricken to reflect the use of "regulations" rather than "rules and**  
103 **regulations" per recommendation of the Code Commission in keeping with the definitions**  
104 **in the Administrative Process Act. Technical changes are made and language is updated for**  
105 **modern usage.**

106 § ~~45.1-179.8~~ 45.2-2005. Reinjection policy.

107 The Department, the Board, and the State Department of Health shall jointly develop; and  
108 revise as necessary; a policy on reinjection of spent geothermal fluids. Such policy shall refer to  
109 the reinjection into the ground of waters extracted from the earth in the process of geothermal  
110 development, production, or utilization.

111 **Drafting note: Technical changes.**

112 § ~~45.1-179.9~~ 45.2-2006. Cancellation or suspension of permit.

113 ~~Whenever,~~ If the Department determines, after a public hearing held in conjunction with  
114 the Board, ~~the Department determines~~ that a holder of a permit issued pursuant to the provisions  
115 of this chapter ~~is has~~ willfully ~~violating~~ violated any provision of such permit or any provision of  
116 this chapter, the Department may cancel or suspend such permit for cause or impose limitations  
117 on the future use thereof in order to prevent future violations.

118 **Drafting note: Language is updated for modern usage.**

119 § ~~45.1-179.10~~ 45.2-2007. Penalties; injunctions.

120 A. Any person who ~~shall be adjudged to have violated~~ violates any ~~provisions~~ provision  
121 of this chapter ~~shall be~~ is guilty of a misdemeanor ~~and shall be liable to,~~ punishable by a civil  
122 penalty of not less than \$10 ~~nor~~ or more than \$250 for each violation.

123 B. In addition, upon violation of any ~~of the provisions~~ provision of this chapter; ~~or the~~  
124 ~~regulations~~ regulation of the Department ~~hereunder~~ adopted pursuant to this chapter, the  
125 Department may, either before or after the institution of proceedings ~~for the collection of the~~  
126 ~~penalty imposed by this section for such violation~~ pursuant to subsection A, institute a civil action  
127 in the circuit court ~~wherein~~ where the well is located for injunctive relief to restrain the violation  
128 and for ~~such~~ any other or further relief ~~in the premises as said~~ that the court ~~shall deem~~ deems  
129 proper.

130 **Drafting note: Technical changes are made, including changes pursuant to § 1-227,**  
131 **which states that throughout the Code any word used in the singular includes the plural and**  
132 **vice versa. Language is updated for modern usage.**

133 § ~~45.1-179.11~~ 45.2-2008. Judicial review.

134 Any person aggrieved by a final decision of the Department pursuant to the provisions of  
135 § ~~45.1-179.9~~ [45.2-xxx](#) is entitled to judicial review ~~thereof~~ [of such final decision](#) in accordance  
136 with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

137 **Drafting note: A technical change is made and language is updated for modern usage.**

138 CHAPTER ~~14~~ [21](#).

139 ~~VIRGINIA-NUCLEAR ENERGY-CONSORTIUM.~~

140 **Drafting note: Existing Chapter 14 (§ 67-1400 et seq.) of Title 67, concerning the**  
141 **Virginia Nuclear Energy Consortium, is retained as proposed Chapter 21. The chapter**  
142 **name is updated to reflect its content.**

143 [Article 1.](#)

144 [General Provisions.](#)

145 **Drafting note: Existing § 67-1400 is combined with existing § 67-1700 to form**  
146 **proposed Article 1 of Chapter 21, concerning general provisions.**

147 § ~~67-1400~~ [45.2-2100](#). Definitions.

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

149 "Authority" means the Virginia Nuclear Energy Consortium Authority established  
150 pursuant to this chapter.

151 "Board" means the board of directors of the Authority.

152 "Consortium" means the ~~nonstock, nonprofit corporation~~ [Virginia Nuclear Energy](#)  
153 [Consortium](#) established by the Authority pursuant to § ~~67-1404~~ [45.2-xxx](#).

154 "Member" means a member of the Consortium.

155 **Drafting note: Technical changes.**

156 § ~~67-1700~~ [45.2-2101](#). Nuclear energy; strategic plan.

157 A. The Department and the Secretaries of Commerce and Trade and Education shall  
158 work in coordination with the ~~Virginia Nuclear Energy Consortium~~ Authority (~~VNECA~~),  
159 established pursuant to ~~Chapter 14 (§ 67-1400 et seq.)~~ [Article 2 \(§ 45.2-xxx\)](#), and the Virginia  
160 Economic Development Partnership Authority, established pursuant to Article 4 (§ 2.2-2234 et

161 seq.) of Chapter 22 of Title 2.2, to develop a strategic plan for nuclear energy as part of the  
162 Commonwealth's overall goal of carbon-free energy.

163 B. Such plan may include (i) the promotion of new technologies and opportunities for  
164 innovation, including advanced manufacturing; (ii) the establishment of a collaborative  
165 research center and university nuclear leadership program to promote education in fields that  
166 meet the workforce demands of Virginia's nuclear industry; and (iii) recognition of the role of  
167 nuclear energy in the Commonwealth's goal of employing 100 percent carbon-free sources of  
168 energy by 2050.

169 C. Such plan shall be completed by October 1, 2020, ~~shall be~~ updated every four years  
170 thereafter, and ~~shall be~~ published on the Internet by ~~VNECA~~ [the Authority](#).

171 **Drafting note: This section is relocated from existing Chapter 17 of Title 67.**  
172 **Technical changes are made.**

173 [Article 2.](#)

174 [Virginia Nuclear Energy Consortium Authority.](#)

175 **Drafting note: Existing Chapter 14 of Title 67, except for § 67-1400, is retained as**  
176 **proposed Article 2, concerning the Virginia Nuclear Energy Consortium Authority.**

177 ~~§ 67-1401~~ [45.2-2102](#). Virginia Nuclear Energy Consortium Authority established.

178 There is hereby ~~created and constituted~~ [established](#) a political subdivision of the  
179 Commonwealth ~~to be~~ known as the Virginia Nuclear Energy Consortium Authority ~~(the~~  
180 ~~Authority)~~. The Authority's exercise of powers conferred by this ~~chapter~~ [article](#) shall be deemed  
181 to be the performance of an essential governmental function and matters of public necessity for  
182 which public moneys may be spent and private property acquired.

183 **Drafting note: Technical changes.**

184 ~~§ 67-1402~~ [45.2-2103](#). Purposes; powers of Authority.

185 A. The Authority is established for the purposes of making the Commonwealth a  
186 national and global leader in nuclear energy and serving as an interdisciplinary study, research,  
187 and information resource for the Commonwealth on nuclear energy issues.

188           B. The Authority is granted all powers necessary or convenient for the carrying out of  
189 its statutory purposes, including, ~~but not limited to,~~ the following rights, powers, and duties to:

- 190           1. Adopt, use, and alter at will a corporate seal;
- 191           2. Acquire, purchase, hold, use, lease, or otherwise dispose of property, real, personal,  
192 or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out  
193 the purposes of the Authority;
- 194           3. Adopt bylaws for the management and regulation of its affairs;
- 195           4. Develop and adopt a strategic plan for carrying out the purposes set out in this ~~chapter~~  
196 [article](#);
- 197           5. Make and enter into ~~all contracts and agreements~~ [any contract or agreement](#) necessary  
198 or incidental to the performance of its duties, the furtherance of its purposes, and the execution  
199 of its powers under this ~~chapter~~ [article](#), including ~~agreements~~ [an agreement](#) with any person or  
200 federal agency;
- 201           6. Consult with the General Assembly; federal, state, and local agencies; nonprofit  
202 organizations; private industry; and other potential developers and users of nuclear energy;
- 203           7. Promote and facilitate agreements among public and private institutions of higher  
204 education in the Commonwealth and other research entities to carry out research projects  
205 relating to nuclear energy;
- 206           8. Disseminate information and research results;
- 207           9. Identify and support, in cooperation with Virginia's nuclear entities and the public  
208 and private sectors, the development of education programs related to Virginia's nuclear  
209 industry;
- 210           10. Provide for the establishment of the Consortium by the Board as provided in § ~~67-~~  
211 ~~1404~~ [45.2-xxx](#);
- 212           11. Develop a policy regarding any interest in intellectual property ~~that may be~~ acquired  
213 or developed by the Consortium;

214 12. In order to fund and support the activities of the Authority and the Consortium, apply  
215 for, solicit, and accept from any source, including any agency of the federal government, the  
216 Commonwealth, or any other state; ~~any municipality, county, locality~~ or other political  
217 subdivision ~~thereof~~; any member; or any private corporation or other entity, (i) grants,  
218 including grants made available pursuant to federal legislation; (ii) aid; or (iii) contributions  
219 of money, property, or other things of value, which shall be held, used, and applied for the  
220 purposes set out by this chapter;

221 13. Facilitate the collaboration of members toward ~~the attainment of~~ obtaining grants  
222 and ~~the expenditure of~~ expending funds in accomplishing the purposes set out by this chapter;

223 14. Encourage, facilitate, and support the application, commercialization, and transfer  
224 of new nuclear energy technologies;

225 15. Provide public information and communication about nuclear energy and related  
226 educational and job opportunities;

227 16. Provide advice, assistance, and services to institutions of higher education and to  
228 other persons providing services or facilities for nuclear research or graduate education;

229 17. Foster innovative partnerships and relationships among the Commonwealth, the  
230 Commonwealth's public institutions of higher education, private companies, federal  
231 laboratories, and not-for-profit organizations to accomplish the purposes set out by this chapter;  
232 and

233 18. Do all acts and things necessary or convenient to carry out the powers granted to it  
234 by law.

235 **Drafting note: In subsection B, "but not limited to" is removed following the term**  
236 **"including" on the basis of § 1-218, which states that throughout the Code "'Includes'**  
237 **means includes, but not limited to." Technical changes are made for clarity.**

238 § ~~67-1403~~ 45.2-2104. Board of the Authority.

239 A. The Authority shall be governed by a board of directors consisting of 17 members  
240 appointed as follows:

- 241 1. The Director ~~of the Department of Mines, Minerals and Energy~~ or his designee;
- 242 2. The President and Chief Executive Officer of the Virginia Economic Development  
243 Partnership or his designee;
- 244 3. The Chancellor of the Virginia Community College System or his designee;
- 245 4. The President of Virginia Commonwealth University or his designee;
- 246 5. The President of the University of Virginia or his designee;
- 247 6. The President of Virginia Polytechnic Institute and State University or his designee;
- 248 7. The President of George Mason University or his designee;
- 249 8. Two individuals ~~to represent an~~ each representing a single institution of higher  
250 education in the Commonwealth that is not already represented on the Board, ~~at~~ At least one  
251 of ~~which~~ the institutions shall be a private institution of higher education;
- 252 9. Six individuals, each ~~to represent~~ representing a single business entity located in the  
253 Commonwealth that is engaged in activities directly related to the nuclear energy industry;
- 254 10. One individual ~~to represent~~ representing a nuclear energy-related nonprofit  
255 organization; and
- 256 11. One individual ~~to represent a Virginia-based~~ representing a Commonwealth-based  
257 federal research laboratory.
- 258 B. The members of the Board described in subdivisions A 1 through ~~A~~ 7 shall serve  
259 terms coincident with their terms of office.
- 260 C. The 10 members of the Board described in subdivisions A 8 through ~~A~~ 11 shall be  
261 appointed by the Governor. ~~The original terms of five of such members shall end on June 30,~~  
262 ~~2015, and the original term of the five other such members shall end on June 30, 2017, all as~~  
263 ~~designated by the Governor.~~ After the initial staggering of terms, such members shall be  
264 appointed for terms of four years. Vacancies in the membership of the Board shall be filled in  
265 the same manner as the original appointments for the unexpired portion of the term. Members  
266 of the Board described in subdivisions A 8 through ~~A~~ 11 may serve two successive terms on  
267 the Board.

268 D. Any appointment to fill a vacancy on the Board shall be made for the unexpired term  
269 of the member whose death, resignation, or removal created the vacancy.

270 E. Meetings of the Board shall be held at the call of the chairman or ~~of~~ any seven  
271 members. Nine members of the Board ~~shall~~ constitute a quorum for the transaction of the  
272 business of the Authority. An act of the majority of the members of the Board present at any  
273 regular or special meeting at which a quorum is present ~~shall be~~ is an act of the Board.

274 F. Immediately after appointment, the members of the Board shall enter upon the  
275 performance of their duties.

276 G. The Board shall annually elect from among its members a chairman, a vice-chairman,  
277 and a treasurer. The Board shall also elect annually a secretary, who need not be a member of  
278 the Board, and may also elect such other subordinate officers, who need not be members of the  
279 Board, as it deems proper. The chairman, or in his absence, the vice-chairman, shall preside at  
280 ~~all meetings~~ each meeting of the Board. In the absence of both the chairman and vice-chairman,  
281 the Board shall appoint a chairman pro tempore, who shall preside at such ~~meetings~~ meeting.

282 H. Notwithstanding the provisions of any other law, no officer or employee of the  
283 Commonwealth shall be deemed to have forfeited or shall ~~have forfeited~~ forfeit his ~~or her~~  
284 or employment by reason of acceptance of membership on the Board or by providing service  
285 to the Authority or to the Consortium.

286 I. On or before November 15 of each year, the Authority shall submit its updated  
287 strategic plan, an annual summary of its activities, and recommendations for the support and  
288 expansion of the nuclear energy industry in Virginia to the Governor and the Chairmen of the  
289 House ~~Appropriations~~ Committee on Appropriations, the Senate ~~Finance~~ Committee on  
290 Finance and Appropriations, the House Committee on Labor and Commerce, and the ~~House~~  
291 ~~and~~ Senate Committee on Commerce and Labor ~~Committees~~.

292 **Drafting note: A change is made in subsection H pursuant to § 1-216, which states**  
293 **that a word used in the masculine includes the feminine and neuter. Technical changes**  
294 **are made, including changes pursuant to § 1-227, which states that throughout the Code**

295 any word used in the singular includes the plural and vice versa, and updating House and  
296 Senate committee names changed in the 2020 Session. Language in subsection C related  
297 to the staggering of initial terms is stricken as obsolete. Language is updated for modern  
298 usage.

299 § ~~67-1404~~ [45.2-2105](#). Establishment of the Consortium.

300 A. The Board shall provide for the formation, by January 1, 2014, of a nonstock  
301 corporation under Chapter 10 (§ 13.1-801 et seq.) of Title 13.1, not organized for profit, ~~which~~  
302 ~~corporation~~ [that](#) shall include in its name the words "Virginia Nuclear Energy Consortium," or  
303 some variation thereof that is approved by the Board.

304 B. The Consortium shall be established for the purpose of conducting activities useful  
305 in (i) making the Commonwealth a leader in nuclear energy; (ii) serving as an interdisciplinary  
306 study, research, and information resource for the Commonwealth on nuclear energy issues; and  
307 (iii) carrying out the provisions of this ~~chapter~~ [article](#), including raising money on behalf of the  
308 Authority in the corporate and nonprofit community and from other nonstate sources.

309 C. The membership of the Consortium shall be open to:

- 310 1. Public or private institutions of higher education in the Commonwealth;
- 311 2. ~~Virginia-based~~ [Commonwealth-based](#) federal research laboratories;
- 312 3. Nuclear energy-related nonprofit organizations;
- 313 4. Business entities with operating facilities located in the Commonwealth that are  
314 engaged in activities directly related to the nuclear energy industry; and
- 315 5. Other individuals or entities whose membership is approved by the board of directors  
316 of the Consortium through a process established by the bylaws of the Consortium.

317 D. The board of directors of the Consortium shall consist of members selected and  
318 approved by the Consortium pursuant to a process established by its bylaws.

319 E. The board of directors of the Consortium shall appoint an executive director to serve  
320 as the principal administrative officer of the Consortium. The executive director shall carry out  
321 the specific duties assigned to him by the board of directors, [and](#) develop appropriate policies

322 and procedures for the operation of the Consortium; employ ~~such~~ persons and secure ~~such~~  
323 services as ~~may be~~ required to carry out the purposes of the Consortium; expend funds as  
324 authorized by the Authority; and accept moneys from federal or private sources on behalf of  
325 the Authority, including moneys contributed by Consortium members to the Authority, for cost-  
326 sharing on nuclear energy research or projects. The executive director and any other employee  
327 of the Consortium (i) shall be compensated in the manner provided by the board of directors of  
328 the Authority, (ii) shall not be subject to the provisions of the Virginia Personnel Act (§ 2.2-  
329 2900 et seq.), and (iii) shall not be deemed to be an officer or employee for purposes of the  
330 State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.).

331 F. The articles of incorporation of the Consortium shall provide that upon dissolution  
332 the net assets of the Consortium shall be transferred to the Authority.

333 G. The Consortium shall not be deemed to be a state or governmental agency, advisory  
334 agency, public body, or agency or instrumentality for purposes of ~~Chapters~~ [Chapter 8](#) (§ 2.2-  
335 800 et seq.), 18 (§ 2.2-1800 et seq.), 24 (§ 2.2-2400 et seq.), 29 (§ 2.2-2900 et seq.), 31 (§ 2.2-  
336 3100 et seq.), 37 (§ 2.2-3700 et seq.), 38 (§ 2.2-3800 et seq.), 43 (§ 2.2-4300 et seq.), 44 (§ 2.2-  
337 4400 et seq.), 45 (§ 2.2-4500 et seq.), 46 (§ 2.2-4600 et seq.), ~~and or~~ [47](#) (§ 2.2-4700 et seq.) of  
338 Title 2.2, Chapter 14 (§ 30-130 et seq.) of Title 30, or Chapter 1 (§ 51.1-124.1 et seq.) of Title  
339 51.1.

340 H. The board of directors of the Consortium shall adopt, alter, and repeal bylaws  
341 governing the manner in which its business shall be transacted and the manner in which the  
342 activities of the Consortium shall be conducted.

343 I. The Consortium shall report on all of its ~~non-proprietary~~ [nonproprietary](#) activities at  
344 least twice a year to the Authority.

345 **Drafting note: Technical changes are made and language is updated for modern**  
346 **usage.**

347 § ~~67-1405~~ [45.2-2106](#). Moneys of Authority.

348 All moneys of the Authority, from whatever source derived, shall be paid to the treasurer  
349 of the Authority. Such moneys shall be deposited in the first instance by the treasurer in one or  
350 more banks or trust companies, in one or more special accounts. All banks and trust companies  
351 are authorized to give such security for such deposits, if required by the Authority. The moneys  
352 in such accounts shall be paid out on the warrant or other orders of such persons as the Authority  
353 ~~may authorize~~ authorizes to execute such warrants or orders.

354 **Drafting note: Language is updated for modern usage.**

355 § ~~67-1406~~ 45.2-2107. Audits; external reviews.

356 A. The Auditor of Public Accounts, or his legally authorized representatives, shall  
357 annually audit the financial accounts of the Authority. The audit report and any nonproprietary  
358 information provided to the auditor in connection with the audit shall be made available to the  
359 public, upon request, in accordance with the provisions of the Virginia Freedom of Information  
360 Act (§ 2.2-3700 et seq.).

361 B. The Authority, if it receives state funds, shall be subject to periodic external review  
362 either (i) under the provisions of the Legislative Program Review and Evaluation Act (§ 30-64  
363 et seq.) or (ii) by an entity appointed for that purpose by the Governor.

364 **Drafting note: Technical change.**

365 ~~CHAPTER 21.~~

366 ~~EXPLORATION FOR URANIUM ORE.~~

367 Article 3.

368 Exploration for Uranium Ore.

369 **Drafting note: Existing Chapter 21, concerning exploration for uranium ore, is**  
370 **retained as proposed Article 3. Throughout the article, references to the Chief of the**  
371 **Division of Mines, which predate the formation of the Department in 1985, are changed**  
372 **to refer to the Director of the Department.**

373 ~~§ 45.1-272. Legislative findings; declaration of policy.~~

374 ~~The mining of uranium within the Commonwealth has the potential to provide its~~  
375 ~~citizens with employment opportunities and other economic benefits.~~

376 ~~It also offers the Commonwealth and the nation the possibility of developing valuable~~  
377 ~~resources that can be used to produce energy in a clean, efficient manner and lessen this~~  
378 ~~country's dependence on foreign energy supplies.~~

379 ~~At the same time, the General Assembly finds that the improper and unregulated~~  
380 ~~exploration for uranium can adversely affect the health, safety, and general welfare of the~~  
381 ~~citizens of this Commonwealth.~~

382 ~~The General Assembly also finds that the adoption of additional statutes during the 1983~~  
383 ~~Session of the General Assembly may be necessary in order to assure that any uranium mining~~  
384 ~~and milling which may occur in the Commonwealth will not adversely affect the environment~~  
385 ~~or the public health and safety.~~

386 ~~The purposes of this chapter are to encourage and promote the safe and efficient~~  
387 ~~exploration for uranium resources within the Commonwealth, and to assure, pursuant to § 45.1-~~  
388 ~~284 of this Code, that uranium mining and milling will be subject to statutes and regulations~~  
389 ~~which protect the environment and the health and safety of the public.~~

390 **Drafting note: This section, enacted by Acts 1982, c. 269, is currently not set out.**  
391 **This section, containing a statement of legislative findings and a declaration of policy, is**  
392 **stricken in accordance with the Code Commission's policy that such statements do not**  
393 **have general and permanent application and thus are not to be included in the Code.**

394 ~~§ 45.1-273~~ [45.2-2108](#). Definitions.

395 ~~The following words shall have the meanings respectively ascribed thereto:~~ [As used in](#)  
396 [this article, unless the context requires a different meaning:](#)

397 "Exploration activity" means and ~~shall be~~ [is](#) limited to the drilling of test holes or  
398 stratigraphic or core holes of a depth in excess of ~~fifty~~ [50](#) feet for the purpose of determining  
399 the location, quantity, or quality of uranium ore.

400 "Person" ~~shall mean~~ means any individual, firm, corporation, partnership, association,  
401 or other legal entity.

402 "Usable quality water" ~~is defined as ground water~~ means groundwater that is used or  
403 can be used for a beneficial purpose, including, ~~but not limited to,~~ a domestic, livestock, or  
404 irrigation ~~uses~~ use.

405 **Drafting note: The definition of "usable quality water" is relocated from existing**  
406 **§ 45.1-277 and "but not limited to" is removed from that definition following the term**  
407 **"including" on the basis of § 1-218, which states that throughout the Code "'Includes'**  
408 **means includes, but not limited to." Technical changes are made, including changes**  
409 **pursuant to § 1-227, which states that throughout the Code any word used in the singular**  
410 **includes the plural and vice versa. Language is updated for modern usage.**

411 ~~§ 45.1-279~~ 45.2-2109. ~~Rules and regulations~~ Regulations.

412 The Director shall ~~promulgate such rules and~~ in accordance with the Administrative  
413 Process Act (§ 2.2-4000 et seq.), adopt regulations as may be necessary and proper to carry out  
414 the provisions of this ~~chapter~~ article.

415 **Drafting note: The term "promulgate such rules and regulations" is changed to**  
416 **"adopt regulations" in keeping with recent title revisions because "adopt" is more widely**  
417 **used and includes the promulgation process, and the term "rules" is stricken to reflect**  
418 **the use of "regulations" rather than "rules and regulations" per recommendation of the**  
419 **Code Commission in keeping with the definitions in the Administrative Process Act. A**  
420 **reference to the Administrative Process Act is added from existing § 45.1-281.**

421 ~~§ 45.1-274~~ 45.2-2110. Permit for exploration activity required; fee.

422 A. It ~~shall be~~ is unlawful for any person to commence any exploration activity ~~as defined~~  
423 ~~herein~~ without first obtaining a permit to do so from the ~~Chief~~ Director. The application for the  
424 permit shall be in ~~such a~~ form ~~as the Chief may prescribe~~ Director prescribes and shall be  
425 accompanied by a fee of \$250 and ~~such by any~~ other information ~~as may be~~ required by this  
426 ~~chapter~~ article.

427 B. The application for a permit to carry out~~any~~ exploration activity shall be  
428 accompanied by a bond, payable to the Commonwealth, with surety acceptable to the~~Chief~~  
429 Director. The bond shall ensure compliance with the provisions of this~~chapter article~~ and any  
430 regulations~~promulgated~~ adopted hereunder relating to the drilling, redrilling, plugging~~and, or~~  
431 abandoning of any exploration activity. The bond shall be set by the~~Chief~~ Director in~~such an~~  
432 amount~~as may be~~ deemed reasonable and necessary.

433 C. An initial permit shall be valid for a period of one year; and may be renewed~~for a~~  
434 ~~like period of time~~ annually.

435 **Drafting note: The term "regulations promulgated" is changed to "regulations**  
436 **adopted" in keeping with recent title revisions because "adopt" is more widely used and**  
437 **includes the promulgation process. References to the Chief of the Division of Mines, which**  
438 **predate the formation of the Department in 1985, are changed to refer to the Director of**  
439 **the Department. Technical changes are made and language is updated for modern usage.**

440 §~~45.1-275~~ 45.2-2111. Maps or plats of proposed exploration activity area.

441 Before undertaking any exploration activity on any tract of land, the person proposing  
442 the exploration activity shall prepare or have prepared and file with the~~Chief~~ Director, together  
443 with the application required by §~~45.1-274~~ 45.2-xxx, an accurate map, on a scale~~to be~~ stated  
444 thereon, showing the location of the proposed exploration activity; the courses and distances of  
445 such activity from two permanent points or landmarks on the tract; the approximate location  
446 areas in which test holes or core or stratigraphic holes may be drilled; the name of the owner;  
447 and boundaries and acreage of the tract on which the exploration activity is to take place.

448 **Drafting note: A reference to the Chief of the Division of Mines, which predates**  
449 **the formation of the Department in 1985, is changed to refer to the Director of the**  
450 **Department. A technical change is made and language is updated for modern usage.**

451 §~~45.1-276~~ 45.2-2112. Abandoning exploration hole; affidavits required.

452 Within~~forty five~~ 45 days after the abandonment of any exploration hole, the permittee  
453 shall notify the~~Chief~~ Director that such exploration hole has been plugged and abandoned,

454 giving the location of ~~such~~ the hole. The permittee shall submit an affidavit, ~~in triplicate, which~~  
455 ~~shall set~~ setting forth the time and manner in which the hole was plugged and filled. One copy  
456 of ~~this~~ the affidavit shall be retained by the permittee, one shall be sent to the State Geologist,  
457 and the third shall be ~~mailed~~ sent to the ~~Chief~~ Director.

458 **Drafting note: A technical change is made and language is updated for modern**  
459 **usage. The requirement that the affidavit be submitted in triplicate is deleted and the**  
460 **mailing requirement is replaced by a requirement that a copy be sent to the Director.**  
461 **References to the Chief of the Division of Mines, which predate the formation of the**  
462 **Department in 1985, are changed to refer to the Director of the Department.**

463 § ~~45.1-277~~ 45.2-2113. Plugging.

464 The plugging of an exploration ~~holes~~ hole shall be as follows:

465 1. ~~All~~ Each exploration ~~holes~~ hole shall be adequately plugged with cement from the  
466 bottom of the hole upward to a point three feet below plow depth. The remainder of the hole  
467 between the top of the plug and the surface shall be filled with cuttings or nontoxic material.

468 2. If multiple aquifers alternating usable quality water and salt water zones, or other  
469 conditions determined by the ~~Chief~~ Director to be potentially deleterious to surface water or  
470 ~~ground-water~~ groundwater are encountered, the conditions ~~must~~ shall be isolated immediately  
471 by cement plugs. ~~"Usable quality water" is defined as ground water that is used or can be used~~  
472 ~~for a beneficial purpose, including, but not limited to, domestic, livestock, or irrigation uses.~~  
473 Each hole shall be plugged with cement to prevent water from flowing into or out of the hole  
474 or mixing within the hole. The length of the plug shall be determined by the ~~Chief~~ Director  
475 based on available data on the specific site.

476 3. Each exploration hole shall be plugged as soon as reasonably practical after drilling,  
477 unless multiple aquifers are encountered.

478 4. Alternative plugging procedures and materials may be utilized ~~when~~ if the applicant  
479 ~~has demonstrated~~ demonstrates to the ~~Chief's~~ Director's satisfaction that the alternatives will  
480 protect ~~ground-waters~~ groundwater and comply with the provisions of this ~~chapter~~ article. In

481 the event that a hole is more suitably plugged with a nonporous material other than cement, the  
482 material shall have characteristics at least equal to cement.

483 5. In the event that an exploration hole is to remain unplugged pursuant to the provisions  
484 of § ~~45.1-278~~ [45.2-xxx](#), the procedure contained in subdivision 2, if applicable, shall be applied  
485 and the exploration hole shall be plugged to the extent required by that ~~paragraph~~ [subdivision](#).

486 **Drafting note: The second sentence of subdivision 2, which contains a definition of**  
487 **"usable quality water," is relocated to § 45.2-xxx, the definitions section for the article.**  
488 **Changes are made pursuant to § 1-227, which states that throughout the Code any word**  
489 **used in the singular includes the plural and vice versa. References to the Chief of the**  
490 **Division of Mines, which predate the formation of the Department in 1985, are changed**  
491 **to refer to the Director of the Department. Technical changes are made and language is**  
492 **updated for modern usage.**

493 § ~~45.1-278~~ [45.2-2114](#). Developing [an](#) exploration hole as [a](#) water well.

494 If any exploration hole drilled for the purpose of determining the location, quantity, or  
495 quality of uranium ore indicates a stratum or source of potable fresh water ~~which~~ [that](#) could be  
496 developed pursuant to established ~~EPA~~ [U.S. Environmental Protection Agency](#) safe drinking  
497 water standards for a community water system, upon the request of the owner of the property  
498 on which the exploration hole is located and ~~on~~ [following](#) application to and approval by the  
499 [Chief Director](#), who shall secure concurrence from the [State](#) Department of Health, the well, in  
500 lieu of being plugged and abandoned, may be developed and completed as a water well. The  
501 development and completion of an exploration hole as a water well shall be performed in  
502 accordance with applicable state water control ~~law~~ [laws](#) and ~~regulation~~ [regulations](#).

503 **Drafting note: The standard reference to the U.S. Environmental Protection**  
504 **Agency is substituted for a short reference and a reference to the Chief of the Division of**  
505 **Mines, which predates the formation of the Department in 1985, is changed to refer to the**  
506 **Director of the Department. Language is updated for modern usage.**

507 § ~~45.1-280~~ [45.2-2115](#). Right of inspection by ~~Chief Director~~.

508 For the purposes of carrying out the provisions of this ~~chapter~~ [article](#), the ~~Chief~~ [Director](#)  
509 is hereby vested with authority to inspect at reasonable times and in a reasonable manner any  
510 area ~~or areas~~ for which he has received an application for a permit, or [has](#) granted a permit, for  
511 exploration activity.

512 **Drafting note: Technical changes are made, including a change pursuant to § 1-**  
513 **227, which states that throughout the Code any word used in the singular includes the**  
514 **plural and vice versa. References to the Chief of the Division of Mines, which predate the**  
515 **formation of the Department in 1985, are changed to refer to the Director of the**  
516 **Department. Language is updated for modern usage.**

517 ~~§ 45.1-281. Administrative Process Act applicable.~~

518 ~~The provisions of the Administrative Process Act (§ 2.2-4000 et seq.) shall be applicable~~  
519 ~~to the provisions of this chapter.~~

520 **Drafting note: This section, which refers to the Administrative Process Act, is**  
521 **deleted as unnecessary and a reference to the Administrative Process Act is added to §**  
522 **45.2-xxx [existing § 45.1-279].**

523 ~~§ 45.1-283~~ [45.2-2116](#). Uranium mining permit applications; ~~when accepted~~; uranium  
524 mining deemed to have significant effect on surface.

525 Notwithstanding any other provision of law, ~~permit applications~~ [no application](#) for a  
526 uranium mining [permit](#) shall ~~not~~ be accepted by any agency of the Commonwealth ~~prior to July~~  
527 ~~1, 1984, and~~ until a program for permitting uranium mining is established by statute. For the  
528 purpose of construing [the definition of "mining" in](#) § ~~45.1-180 (a)~~ [45.2-xxx](#), uranium mining  
529 ~~shall be~~ [is](#) deemed to have a significant effect on the surface.

530 **Drafting note: The prohibitory language of this section is recast in affirmative**  
531 **form consistent with current drafting practice and the obsolete 1984 date is stricken.**  
532 **Technical changes are made, including changes pursuant to § 1-227, which states that**  
533 **throughout the Code any word used in the singular includes the plural and vice versa.**  
534 **Language is updated for modern usage.**

535 § ~~45.1-284~~ 45.2-2117. State and local authority.

536 Nothing ~~contained~~ in this ~~chapter~~ article shall be construed to alter the authority of any  
537 state or local governing body, including ~~the authorities~~ any authority conferred under Chapter  
538 22 (§ 15.2-2200 et seq.) of Title 15.2, ~~relative~~ relating to ~~matters which are~~ any matter that is  
539 the subject of this ~~chapter~~ article.

540 **Drafting note: Technical changes are made, including changes pursuant to § 1-227,**  
541 **which states that throughout the Code any word used in the singular includes the plural**  
542 **and vice versa. Language is updated for modern usage and clarity.**

543 § ~~45.1-285~~ 45.2-2118. Confidentiality of logs, surveys, and reports.

544 A. The ~~Chief~~ Director shall hold confidential all logs, surveys, plats, and reports filed  
545 under this ~~chapter~~ article by ~~those~~ any person engaged in the exploration for uranium for a  
546 period of two years after the completion of the exploratory activities.

547 ~~Further, upon~~ B. Upon written request by any person engaged in ~~the~~ exploration for  
548 uranium, the ~~Chief~~ Director shall hold confidential all logs, surveys, plats, and reports filed  
549 under this chapter for ~~all an~~ additional two-year ~~periods. Such request shall be granted by the~~  
550 Chief period. The Director shall grant such request if the requesting party certifies that he  
551 considers all such information to be of a proprietary nature relating to his competitive rights.  
552 The requesting party may renew his request every two years.

553 C. Nothing in this section shall be construed to deny ~~to~~ the State Geologist ~~the~~ access to  
554 ~~all logs, surveys, plats and reports~~ any log, survey, plat, or report filed under this ~~chapter~~ article.  
555 ~~The~~ However, the State Geologist, ~~however,~~ shall ~~be bound to~~ hold ~~this~~ such information  
556 confidential to the same extent as the ~~Chief is bound~~ Director.

557 **Drafting note: The ambiguous reference to confidentiality "for all additional two-**  
558 **year periods" is stricken and a two-year renewal provision is added. Technical changes**  
559 **are made, including changes pursuant to § 1-227, which states that throughout the Code**  
560 **any word used in the singular includes the plural and vice versa. References to the Chief**  
561 **of the Division of Mines, which predate the formation of the Department in 1985, are**

562 changed to refer to the Director of the Department. Language is updated for modern  
563 usage and subsection designations are added for clarity.

564 § ~~45.1-282~~ 45.2-2119. ~~Penalties~~ Civil penalty.

565 A. Any person who violates any provision of this ~~chapter~~ article, or who fails, neglects,  
566 or refuses to comply with any ~~rule or~~ regulation ~~issued~~ adopted by the Director, or final order  
567 of a court lawfully issued, shall be subject to a civil penalty, not to exceed \$10,000, for each  
568 violation. Each day of violation shall constitute a separate offense. All civil penalties shall be  
569 paid into the state treasury and deposited by the State Treasurer into the Minerals Reclamation  
570 Fund pursuant to § 45.2-xxx [existing § 45.1-197.8].

571 B. The ~~Chief shall have the authority to~~ Director may restrain violations of this ~~chapter~~  
572 article in accordance with the provisions of § ~~45.1-358~~ 45.2-xxx.

573 **Drafting note: This section, which provides for civil penalties, is relocated to the**  
574 **end of the article. The term "regulation issued" is changed to "regulation adopted" in**  
575 **keeping with recent title revisions because "adopt" is more widely used and includes**  
576 **issuance. A provision is added directing civil penalties to an appropriate nonreverting**  
577 **fund consistent with current drafting practice. A reference to the Chief of the Division of**  
578 **Mines, which predates the formation of the Department in 1985, is changed to refer to the**  
579 **Director of the Department. Technical changes are made and language is updated for**  
580 **modern usage.**

581 Article 2.

582 Uranium Administrative Group; Functions. [Not set out]

583 **Drafting note: Existing Article 2 (§§ 45.1-285.1 through 45.1-285.10) of Chapter**  
584 **21, enacted by Acts 1983, c. 3, which is currently not set out in the Code, is recommended**  
585 **for repeal as obsolete because the Uranium Administrative Group created by the article**  
586 **was required by § 45.1-285.5 to submit its report by December 1, 1983 and is no longer in**  
587 **existence.**

588 § 45.1-285.1. Findings; declaration of policy. [Not set out]

589 ~~The General Assembly finds: (i) that while uranium mining and milling activity can~~  
590 ~~generate substantial benefits, it also raises a wide range of environmental and other local~~  
591 ~~concerns; and (ii) that a preliminary study, identifying many potential environmental and other~~  
592 ~~effects of uranium development and describing procedures and responsibilities that the~~  
593 ~~Commonwealth and a proponent would be obligated to accept if development were to proceed,~~  
594 ~~has not identified any environmental or public health concern that could preclude uranium~~  
595 ~~development in Virginia.~~

596 ~~The General Assembly further finds, however, that a possibility exists that certain~~  
597 ~~impacts of uranium development activity may reduce or potentially limit certain uses of~~  
598 ~~Virginia environment and resources, and that therefore additional evaluation of the costs and~~  
599 ~~benefits of such activity is necessary before a final decision can be made regarding its~~  
600 ~~acceptability in the Commonwealth. The General Assembly encourages private industry to~~  
601 ~~participate in further studies and analyses of the costs and benefits of uranium mining and~~  
602 ~~milling activity in the Commonwealth. Evaluation of these costs and benefits will be enhanced~~  
603 ~~by further studies pertaining to Pittsylvania County where preliminary study has focused and~~  
604 ~~where uranium development activity is currently contemplated by proponents.~~

605 ~~The General Assembly emphasizes that uranium mining and milling activity presents~~  
606 ~~issues of great concern to the public. It therefore encourages public participation in the~~  
607 ~~deliberations concerning these issues.~~

608 **Drafting note: This section is recommended for repeal as obsolete.**

609 ~~§ 45.1-285.2. Definitions. [Not set out]~~

610 ~~The following words shall have the meanings respectively ascribed thereto:~~

611 ~~"Commission" shall mean the Virginia Coal and Energy Commission.~~

612 ~~"Decommissioning" shall mean the process by which mining, milling and tailings~~  
613 ~~management operations are terminated and the associated facilities removed or rendered~~  
614 ~~inactive.~~

615 ~~"Group" shall mean the Uranium Administrative Group established in § 45.1-285.3 of~~  
616 ~~this Code.~~

617 ~~"Milling" shall mean the operation by which uranium ore is processed or treated to~~  
618 ~~extract uranium.~~

619 ~~"Mining" shall mean any activity meeting the definition of mining in § 45.1-180(a) of~~  
620 ~~Chapter 16 of this title. For the purpose of construing § 45.1-180(a) of Chapter 16 of this title,~~  
621 ~~uranium mining shall be construed to have a significant effect on the surface.~~

622 ~~"Person" shall mean any individual, firm, corporation, partnership, association or other~~  
623 ~~legal entity.~~

624 ~~"Reclamation" shall mean any activity meeting the definition of reclamation in § 45.1-~~  
625 ~~180(k) of Chapter 16 of this title.~~

626 ~~"Tailings" shall mean the residue remaining after extraction of uranium from uranium~~  
627 ~~ore whether or not the residue is left in piles, but shall not include ore bodies or ore stock piles.~~

628 ~~"Tailings management" means the methods by which tailings are handled, stored or disposed~~  
629 ~~of.~~

630 **Drafting note: This section is recommended for repeal as obsolete.**

631 ~~§ 45.1-285.3. Uranium Administrative Group. [Not set out]~~

632 ~~In order to effectuate the provisions of this Chapter, there is created a Uranium~~  
633 ~~Administrative Group which shall be composed of the following: the Chairman of the~~  
634 ~~Commission or his designee who shall also serve as Chairman of the Group; the Administrator~~  
635 ~~of the Council on the Environment or her designee; the Executive Director of the State Water~~  
636 ~~Control Board; the Executive Director of the State Air Pollution Control Board; the~~  
637 ~~Commissioner of the State Board of Health; the Director of the Department of Conservation~~  
638 ~~and Economic Development; the Commissioner of the Department of Agriculture and~~  
639 ~~Consumer Services; the Director of the Division of Industrial Development; one member to be~~  
640 ~~designated by the local governing body of Pittsylvania County; one member to be designated~~  
641 ~~by the local governing body of Halifax County; two members to be designated by the Chairman~~

642 ~~of the Commission from the State at large and two members to be designated by the Governor~~  
643 ~~from the State at large.~~

644 **Drafting note: This section is recommended for repeal as obsolete.**

645 ~~§ 45.1-285.4. Employment of consultants; other support. [Not set out]~~

646 ~~In performing the duties established in this article, the Group shall have the authority to~~  
647 ~~employ consultants and each state agency representative shall designate one or more individuals~~  
648 ~~from the respective agencies to assist in the administrative functions necessitated by the duties~~  
649 ~~established in this chapter. For purposes of the performance of these duties, the individuals shall~~  
650 ~~be directly responsible to the Chairman of the Group.~~

651 **Drafting note: This section is recommended for repeal as obsolete.**

652 ~~§ 45.1-285.5. Duties of the Group. [Not set out]~~

653 ~~The Group shall perform the following duties:~~

654 ~~A. Review, comment on and approve any proposals submitted by persons for studying~~  
655 ~~the effects of uranium development activity at specific sites in Pittsylvania County to determine~~  
656 ~~whether such study proposals address each of the statutory criteria established by § 45.1-285.6~~  
657 ~~of this article.~~

658 ~~B. Evaluate, in light of the statutory criteria established by § 45.1-285.6 of this Code~~  
659 ~~and with the aid of independent consultants, and participation by the public, if appropriate, any~~  
660 ~~study submitted by private parties which analyzes the effects of uranium development activity~~  
661 ~~at specific sites in Pittsylvania County.~~

662 ~~C. Based on studies that analyze each of the statutory criteria established by § 45.1-~~  
663 ~~285.6 of this Code submitted pursuant to a study plan filed in accordance with § 45.1-285.9,~~  
664 ~~present a report to the Commission by December 1, 1983. The report shall:~~

665 ~~1. Explain with respect to each specific site in Pittsylvania County that has been subject~~  
666 ~~to a study meeting the criteria of this chapter: the costs and benefits of permitting uranium~~  
667 ~~development at the specific site, including any beneficial or adverse effects that cannot be~~  
668 ~~quantified and a description of the persons or classes of persons likely to receive the benefits or~~

669 ~~bear the costs; the reasonable alternatives for achieving the identified benefits of the uranium~~  
670 ~~development activity, including an alternative siting analysis; and~~

671 ~~2. In light of the results of site-specific studies under this chapter, discuss the advantages~~  
672 ~~and disadvantages of enacting legislation under which permits could be issued for uranium~~  
673 ~~mining and milling in Pittsylvania County or at specified locations therein; and~~

674 ~~3. Include draft legislation for consideration of the Commission, if appropriate,~~  
675 ~~regulating the mining and milling of uranium in Pittsylvania County and reasonably assuring~~  
676 ~~that appropriate planning, design, operating, decommissioning and post-closure procedures are~~  
677 ~~followed to minimize adequately any adverse environmental or human health consequences;~~  
678 ~~and~~

679 ~~4. Discuss the advantages and disadvantages of seeking agreement with the federal~~  
680 ~~government providing for discontinuance of the federal government's responsibility for~~  
681 ~~regulating uranium milling and tailings management. In making this recommendation the~~  
682 ~~Group shall assess the adequacy of existing federal and state health, safety and environmental~~  
683 ~~standards pertaining to uranium development activity; and~~

684 ~~5. Discuss the Group's consultation with federal and state agencies, including the United~~  
685 ~~States Nuclear Regulatory Commission, having expertise relevant to regulating uranium~~  
686 ~~development activity; and~~

687 ~~6. The report of the Group to the Commission may include specific recommendations if~~  
688 ~~they are deemed appropriate, or~~

689 ~~7. Advise the Commission that additional studies or a continuation of existing studies~~  
690 ~~are necessary in order to adequately report under paragraphs 1-6 of this section.~~

691 **Drafting note: This section is recommended for repeal as obsolete.**

692 ~~§ 45.1-285.6. Study criteria. [Not set out]~~

693 ~~The Group shall base its analysis of the costs and benefits of permitting uranium~~  
694 ~~development at specific sites in Pittsylvania County on the criteria set out in this section. Any~~  
695 ~~study submitted to the Group pursuant to this chapter shall address each of these criteria. The~~

~~696 Group shall ensure that it shall receive information, from whatever sources, adequate to analyze  
697 each of the criteria:~~

~~698 A. Site suitability including geological, hydrological, hydrogeological, seismological,  
699 biological and meteorological characteristics, demography, and current uses of the land in the  
700 vicinity of the site.~~

~~701 B. Analysis of all pathways by which radionuclides and other contaminants may enter  
702 or affect ground waters, receiving surface waters, and the air and the biota and be transmitted  
703 to critical receptors as a result of mining, milling and tailings management at the specific site;  
704 the estimated cumulative dose to such critical receptors; and available data on the baseline  
705 radioactive, chemical and physical characteristics of the ground waters, receiving surface  
706 waters, air and the biota identified in the pathway analysis as potentially subject to increased  
707 levels of contamination.~~

~~708 C. Plans for monitoring changes from the baseline radioactive and chemical  
709 characteristics of the ground water, receiving surface waters, air and the biota identified in the  
710 pathway analysis as potentially subject to increased levels of contamination.~~

~~711 D. The qualifications of the potential applicant or applicants to conduct uranium  
712 development activity at the specific site, including technical and financial qualifications and  
713 past operating experience and practices.~~

~~714 E. The specific nature of the proposed mining, milling and tailings management activity,  
715 including:~~

~~716 1. With respect to mining activity, the type of mining operation and the equipment to be  
717 used; the anticipated duration of the mining operation and the number of acres to be affected; a  
718 detailed map of the site; the result of test borings or core samplings from the site; the amount  
719 of soil and waste rock to be stockpiled; plans for surface water and ground water drainage and  
720 diversion facilities; plans for domestic and mine water and waste handling systems; the quantity  
721 and quality of atmospheric releases and the methods for controlling such releases; and plans for  
722 protecting the occupational health and safety of employees working in the mines.~~

723 ~~2. With respect to milling activity, the capacity of the mill; the processes to be used in~~  
724 ~~milling and ore extraction; the reagents and processing materials to be used; flow diagrams and~~  
725 ~~materials balance for raw materials, reagents, processing materials, finished products and by-~~  
726 ~~products for the various process units; the quantity of water to be used and the water balance in~~  
727 ~~the plant; the quantity and quality of liquid and solid wastes to be produced; the quantity and~~  
728 ~~quality of atmospheric releases and the methods for controlling such releases; the methods for~~  
729 ~~monitoring emissions from the processing facilities; the method for conveying tailings and~~  
730 ~~wastewater from the mill; and plans for protecting the occupational health and safety of~~  
731 ~~employees working in the mill.~~

732 ~~3. With respect to tailings management, the quantity and characteristics of the tailings;~~  
733 ~~the method of disposal; the size of the tailings disposal area; the method of liquid effluent~~  
734 ~~treatment; the hydrology, hydrogeology, and surficial and bedrock geology of the disposal area;~~  
735 ~~stability analysis for all embankments; seepage management techniques; seepage and ground~~  
736 ~~water monitoring facilities; treatment systems for the removal of solids, radionuclides, heavy~~  
737 ~~metals and other substances from wastewaters; systems for diversion of fresh water away from~~  
738 ~~the tailings management area; and the quantity and quality of atmospheric releases and the~~  
739 ~~methods for controlling such releases.~~

740 ~~F. Plans, during active operations, transition and post-closure phases, for~~  
741 ~~decommissioning, reclamation and securing of the mining, milling and tailings management~~  
742 ~~facilities, including any research required to demonstrate the effectiveness of such plans.~~

743 ~~G. Analysis of potential accidents in connection with the proposed mining, milling,~~  
744 ~~tailings management, decommissioning and post-closure activity and contingency plans for~~  
745 ~~responding to such accidents.~~

746 ~~H. The extent of radiological, or nonradiological impacts resulting from mining, milling,~~  
747 ~~tailings management, decommissioning and post-closure activities with particular attention to~~  
748 ~~the following possible effects:~~

749 ~~1. The contamination of local ground water and surface water by discharges from~~  
750 ~~mining, milling and tailings management, and the loss of such waters as suitable water supply~~  
751 ~~sources, including the extent to which applicable regulatory standards may be exceeded.~~

752 ~~2. The reduction or loss of yields from wells due to mine dewatering, or other mining,~~  
753 ~~milling or tailings management activities, and the subsequent drawdown of the surrounding~~  
754 ~~water table.~~

755 ~~3. The loss of use of local ground water and surface water sources resulting from the~~  
756 ~~migration of radionuclides and other contaminants from the former mining or tailings area after~~  
757 ~~decommissioning, including the extent to which applicable regulatory standards may be~~  
758 ~~exceeded.~~

759 ~~4. The need to avoid full-time human residency within a certain radius of the property~~  
760 ~~during operations due to emission of radon, other radionuclides, or dust from mining, milling~~  
761 ~~and tailings management.~~

762 ~~5. The permanent preclusion of the tailings management area after decommissioning~~  
763 ~~from certain land use activities.~~

764 ~~6. Any other effects that would impair use of the local environment during operations~~  
765 ~~or after decommissioning.~~

766 ~~I. The socioeconomic effects of the uranium development activity at the specific site~~  
767 ~~and its associated regulation on the local community and the Commonwealth.~~

768 ~~J. A description of the costs and benefits of allowing the proposed uranium development~~  
769 ~~activity to proceed at the specific site, including any beneficial or adverse effects that cannot be~~  
770 ~~quantified and a description of the persons or groups of persons likely to receive the benefits or~~  
771 ~~bear the costs; a description of reasonable alternatives for achieving the identified benefits of~~  
772 ~~the uranium development activity, including an alternative siting analysis; and an explanation~~  
773 ~~of how, if at all, the benefits of uranium development activity at the specific site are likely to~~  
774 ~~justify the costs and adverse effects and an explanation of why conducting uranium~~  
775 ~~development activity at that site is preferable to conducting it at alternative sites.~~

776 **Drafting note: This section is recommended for repeal as obsolete.**

777 ~~§ 45.1-285.7. Additional factors. [Not set out]~~

778 ~~The Group is authorized to specify criteria in addition to those enumerated in paragraphs~~  
779 ~~A through J of § 45.1-285.6 of this Code as it deems necessary to formulate its report to the~~  
780 ~~Commission.~~

781 **Drafting note: This section is recommended for repeal as obsolete.**

782 ~~§ 45.1-285.8. Recommendations to the General Assembly. [Not set out]~~

783 ~~Upon the receipt of the report of the Group, the Commission shall hold one or more~~  
784 ~~public hearings in Pittsylvania County, Halifax County and the City of Richmond and shall~~  
785 ~~thereafter report to the General Assembly with specific recommendations concerning the~~  
786 ~~subject matter of the report, together with specific draft legislation implementing those~~  
787 ~~recommendations, if appropriate.~~

788 **Drafting note: This section is recommended for repeal as obsolete.**

789 ~~§ 45.1-285.9. Study filing procedure. [Not set out]~~

790 ~~Any person who intends to file a study plan with the Group pursuant to this chapter must~~  
791 ~~submit, as a condition of filing such a study, the following items to the Group within thirty days~~  
792 ~~of the enactment of this act or at such later time: (i) notice of intent to file a study and (ii) a~~  
793 ~~schedule for completing and filing the study.~~

794 **Drafting note: This section is recommended for repeal as obsolete.**

795 ~~§ 45.1-285.10. Applicability of studies under this chapter to any future licensing~~  
796 ~~proceedings. [Not set out]~~

797 ~~In the event that a procedure for licensing uranium development activity in Pittsylvania~~  
798 ~~County is established by statute or regulation, the information in any study submitted to the~~  
799 ~~Group pursuant to this chapter may be used in part or in full to meet any requirement of the~~  
800 ~~licensing procedure which such information, in the judgment of any agency responsible for~~  
801 ~~interpreting such requirement, is sufficient to fulfill. However, no finding or conclusion of any~~

802 ~~such study shall be binding on any agency with respect to any issue in any future licensing~~  
803 ~~proceeding.~~

804 **Drafting note: This section is recommended for repeal as obsolete.**

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