

MEMORANDUM

FROM: Jerald R. Hess
Assistant Attorney General

DATE: January 10, 2022

RE: Coal Surface Mining Regulations: Regulatory action to reflect agency name change and recodification of statutes - 4 Va. Admin. Code 25 §§ 130 *et al.*

Please note that this memorandum does not constitute an opinion, formal or informal, of the Attorney General. Rather, this memorandum contains the legal analysis of the individual staff member providing it.

It is my view that the Department of Energy (“Department”) has the statutory authority to promulgate the proposed regulatory changes in order to reflect the agency name change and recodification of certain statutes. These changes are based on legislation passed in 2021 that changed the Department’s name (House Bill 1855) and recodified Titles 45.1 and 67 of the Code of Virginia into the new Title 45.2 (Senate Bill 1453). The proposed regulatory changes reflect these statutory changes.

The foregoing conclusion is my own. It does not constitute an opinion, formal or informal, of the Attorney General.