



**COMMONWEALTH of VIRGINIA**  
*Office of the Attorney General*

**Mark R. Herring**  
Attorney General

202 N. Ninth Street  
Richmond, Virginia 23219  
804-786-2071  
FAX 804-786-1991  
Virginia Relay Services  
800-828-1120  
7-1-1

**MEMORANDUM**

**TO:** David Paylor, Director  
Virginia Department of Environmental Quality

**FROM:** Matthew L. Gooch  
Assistant Attorney General

**DATE:** March 5, 2019

**RE:** Small Renewable Wind Energy Projects Permit by Rule, 9VAC15-40

Pursuant to Va. Code § 2.2-4017 and Executive Order 14 (2018), I have reviewed the above-referenced regulations of the Department of Environmental Quality. It is my opinion that the Department has statutory authority for the regulations, including Virginia Code section 10.1-1197.6, and has not exceeded its rulemaking authority.

If I may be of any further assistance to you relating to this matter, please do not hesitate to contact me.