

MEMORANDUM

FROM: Paul Kugelman, Jr.
Senior Assistant Attorney General

DATE: March 7, 2017

RE: Proposed Fast-track Regulation - 4 Va. Admin. Code §§ 25-170-10 *et seq.*

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

It is my view that the Department of Mines, Minerals and Energy (DMME) has the authority to promulgate these proposed amendments to its geothermal regulations, 4 Va. Admin. Code §§ 25-170-10 *et seq.*, which arise out of its periodic review.

It is also my view that the Virginia Administrative Process Act, §§ 2.2-4000 to -4032, applies here. Further, as DMME is employing the fast-track rule making process set forth in § 2.2-4012.1, adopting these amendments through this process is subject to there being no more objections than provided for in § 2.2-4012.1.

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