



COMMONWEALTH of VIRGINIA
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MEMORANDUM

FROM: Eric M. Lansing
Assistant Attorney General

TO: Glenn Davis, Director
Virginia Department of Energy

COPY: Randy Moore, Director of Coal Programs
Virginia Department of Energy

DATE: September 1, 2023

RE: Periodic Review of Chapter: 4 VAC 25-125

Pursuant to § 2.2-4017 of the Code of Virginia, a periodic review of a regulation every four years shall include an examination by the Office of the Attorney General to ensure statutory authority. In that regard, I have reviewed the Department of Energy's Regulations Governing Coal Stockpiles and Bulk Storage and Handling Facilities referenced above. In my view, these regulations may be retained without change pursuant to §§ 45.2-103, 45.2-701, and 45.2-901 the Code of Virginia. The regulations do not appear to conflict with the Constitution of the United States or the Constitution of the Commonwealth of Virginia, nor do they appear to conflict with any federal or state law currently in effect.

This memorandum addresses legal matters only and is not intended to serve, nor should it be construed, as a comment for or against the merits of the proposed regulations.