



COMMONWEALTH of VIRGINIA
Office of the Attorney General

Jason S. Miyares
Attorney General

202 N. 9th Street
Richmond, Virginia 23219
(804) 786-2071
Fax (804) 786-1991
Virginia Relay Services
800-828-1120
7-1-1

MEMORANDUM

FROM: Eric M. Lansing
Assistant Attorney General

TO: Michael Rolband, Director
Department of Environmental Quality

DATE: December 3, 2024

RE: Review of New Regulation to Incorporate Federal Emissions Guidelines for Existing Crude Oil and Natural Gas Facilities (Rev. B24): Article 60 (9VAC5-40-9000 et seq.) of 9VAC5-40

In response to a request from the Virginia Department of Environmental Quality, I have reviewed the above-referenced regulations of the State Air Pollution Control Board.

The State Air Pollution Control Board has the authority to amend its regulations and adopt new regulations. *See* Va. Code § 10.1-1308. After reviewing the proposed amendments, it is my opinion that the State Air Pollution Control Board has the authority to adopt the above-referenced regulations. The proposed 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.

Furthermore, these new regulations are necessary to meet the requirements of federal law or regulations, and do not differ materially from those required by federal law or regulation.

Therefore, in my view, the proposed regulations are exempt from the requirements of Article II of the Administrative Process Act under Va. Code § 2.2-4006(A)(4)(c), provided that the Registrar so determines in writing.