



COMMONWEALTH of VIRGINIA
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MEMORANDUM

FROM: Katherine E. Kulbok
Assistant Attorney General

TO: Michael Rolband, Director
Department of Environmental Quality

DATE: April 29, 2026

RE: Review of Proposed Changes — 9 VAC 15-40, 15-60, 15-70, 15-100

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.

In response to a request from the Department of Environmental Quality, I have reviewed the above-referenced regulations.

The Department has the authority to adopt regulations for permits by rule for small renewable energy projects, including establishing fees. Va. Code § 10.1-1197.6. Permit fees for such projects are to cover the Department's inspection costs. *Id.* After reviewing the proposed amendments, it is my opinion that the Department has the authority to amend 9 VAC 15-40, 15-60, 15-70, and 15-100.