

## **MEMORANDUM**

TO: Stephen Walz, Director  
Department of Mines, Minerals and Energy (“DMME” or “Department”)

FROM: Sharon M.B. Pigeon  
Sr. Assistant Attorney General

DATE: March 6, 2009

RE: DMME Proposed Regulations Amending §§ 4 VAC 25-160-30, 4 VAC 25-160-40, 4 VAC 25-160-50, 4 VAC 25-160-60, 4 VAC 25-160-70, 4 VAC 25-100, and 4 VAC 25-160-200.

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I have reviewed the referenced legislative draft, as attached, and as proposed by the Division of Gas and Oil (“DGO”) within the Department of Mines, Minerals and Energy (“DMME”). These regulatory amendments are proposed to make technical corrections, improve clarity, increase efficiency and provide consistency with other chapters. These proposed revisions and amendments will reduce workload and increase efficiency for applicants and agency personnel, and should benefit industry, the public and the Commonwealth.

Based on this review, it is my opinion that the proposal is consistent with State law, does not conflict with federal law and is constitutional. The Department is authorized to enact this proposed regulation pursuant to Va. Code §§ 45.1-161.3, 45.1-361.4 and 45.1-361.27.

If you require anything more, please advise.

c.c. David Spears