



COMMONWEALTH of VIRGINIA
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November 3, 2021

The Honorable David K. Paylor, Director
Virginia Department of Environmental Quality
629 East Main Street
Richmond, Virginia 23219

Re: Authority to Promulgate Amendments to the Guidelines for the Preparation of
Environmental Impact Assessments for Oil or Gas Well Drilling Operations in Tidewater
Virginia (9 VAC 15-20 *et seq.*)

Dear Director Paylor:

I have reviewed the amendments to the above-referenced regulations. It is my opinion that the Department of Environmental Quality has the authority to promulgate the amendments to the regulations adopted on September 8 and October 27, 2021, under applicable law including § 45.2-1646 of the Code of Virginia. It is also my view that the amendments are exempt from Article 2 of the Administrative Process Act pursuant to Va. Code § 2.2-4006(A)(4).

If I may be of any further assistance to you relating to this matter, please do not hesitate to contact me.

Sincerely,

David Grandis

David C. Grandis
Senior Assistant Attorney General