

MEMORANDUM

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

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

DATE: April 28, 2009

RE: DMME Proposed Regulation Amending § 4 VAC 25-150.

I have again reviewed the referenced legislative draft, the third such draft and as attached, proposed by the Division of Gas and Oil (“DGO”) within the Department of Mines, Minerals and Energy (“DMME”). This extensive regulatory amendment is proposed as a result of a periodic review in order to update archaic references, correct and clarify technical references for accuracy, improve worker safety, and further clarify existing regulatory provisions. These proposed revisions and amendments should reduce workload while increasing efficiency for permit applicants and agency personnel performing regulatory review. It should be of benefit to 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