



COMMONWEALTH of VIRGINIA
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MEMORANDUM

FROM: Eric M. Lansing
Assistant Attorney General

TO: Michael Rolband, Director
Department of Environmental Quality

DATE: March 30, 2023

RE: Periodic Review of Chapter: Small Renewable Energy Projects (Combustion) Permit
by Rule (9VAC15-70)

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.

Pursuant to § 2.2-4017 of the Code of Virginia, a periodic review of a regulation every four years shall include an examination by the Office of the Attorney General to ensure statutory authority. In that regard, I have reviewed the Department of Environmental Quality (DEQ)'s Regulations referenced above. In my view, these regulations may be retained without change pursuant to §§ 10.1-1197.5 through 10.1-1197.11 of the Code of Virginia. The 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.

This memorandum addresses legal matters only and is not intended to serve, nor should it be construed, as a comment for or against the merits of the regulations.