



**COMMONWEALTH of VIRGINIA**  
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MEMORANDUM

FROM: Katherine E. Kulbok  
Assistant Attorney General

TO: Michael Rolband, Director  
Department of Environmental Quality

DATE: May 18, 2026

RE: Review of Proposed Changes — 9 VAC 15-100

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*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. Va. Code § 10.1-1197.6. After reviewing the proposed amendments, it is my opinion that the Department has the authority to amend 9 VAC 15-100.

Furthermore, these amendments consist only of corrections of technical errors and are therefore exempt from the requirements of Article II of the Administrative Process Act under Va. Code § 2.2-4006(A)(3).