



**COMMONWEALTH of VIRGINIA**  
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**MEMORANDUM**

**FROM:** Eric M. Lansing  
Assistant Attorney General

**TO:** Glenn Davis, Director  
Virginia Department of Energy

**COPY:** Randy Moore, Director of Coal Programs  
Virginia Department of Energy

**DATE:** September 22, 2023

**RE:** Periodic Review of Chapter: 4 VAC 25-130

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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 Energy's Coal Surface Mining Reclamation Regulations referenced above. In my view, these regulations may be retained without change pursuant to §§ 45.2-103 and 45.2-1003 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 proposed regulations.