



COMMONWEALTH of VIRGINIA
Office of the Attorney General

Mark R. Herring
Attorney General

900 East Main Street
Richmond, Virginia 23219
804-786-2071
FAX 804-786-1991
Virginia Relay Services
800-828-1120
7-1-1

MEMORANDUM

TO: David K. Paylor, Director
Virginia Department of Environmental Quality

FROM: Matthew L. Gooch
Assistant Attorney General

DATE: April 8, 2014

RE: Exempt action amending regulations for control and abatement of air pollution, 9VAC5-80 (permits for stationary sources).

I have reviewed the above-referenced amendments to the regulations of the State Air Pollution Control Board. It is my opinion that the Board has the authority to adopt these amendments to the regulations based upon applicable law, including Article 1 of Chapter 13 of Title 10.1 of the Code of Virginia, and specifically, Code § 10.1-1308. Further, it is my opinion that, pursuant to Code § 2.2-4006(A)(4)(c), the amendments to the regulations qualify as exempt from Article II of the Administrative Process Act as necessary to meet the requirements of federal law or regulations and as not materially different from those required by federal law or regulation

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