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MEMORANDUM

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

FROM: Matthew L. Gooch
Assistant Attorney General

DATE: November 28, 2018

RE: Proposed Regulations for Emissions Trading, 9VAC5-140

Pursuant to Va. Code § 2.2-4013 and Executive Order 14 (2018), I have reviewed the above-referenced proposed regulations of the Air Pollution Control Board. It is my opinion that the Board has statutory authority for the regulations, including sections 10.1-1307 and 10.1-1308 of Chapter 13 of Title 10.1 of the Code of Virginia, and has not exceeded its rulemaking authority.

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