



# COMMONWEALTH of VIRGINIA

Office of the Attorney General

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June 18, 2012

The Honorable David K. Paylor, Director  
Virginia Department of Environmental Quality  
629 East Main Street  
Richmond, Virginia 23219

Re: Authority to Promulgate Amendments to Virginia Solid Waste Management Permit  
Action Fees and Annual Fees  
9 VAC 20-90-113: Annual fee calculation for incinerators and energy recovery facilities  
9 VAC 20-90-114: Annual fee calculation for sanitary landfills, noncaptive industrial  
landfills, and construction and demolition debris landfills  
9 VAC 20-90-115: Annual fee calculation for other types of facilities

Dear Director Paylor:

I have reviewed the amendments to the above-referenced regulations. It is my opinion that the Virginia Waste Management Board has authority to promulgate the amendments to the regulations under applicable law including Chapter 14 of Title 10.1 of the Code of Virginia. It is also my view that these amendments are exempt from the requirements of Article 2 of the Administrative Process Act pursuant to Va. Code. § 2.2-4006(A)(4)(a).

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

Sincerely,

A handwritten signature in cursive script, appearing to read "David C. Grandis".

David C. Grandis  
Assistant Attorney General