



**COMMONWEALTH of VIRGINIA**  
*Office of the Attorney General*

**Kenneth T. Cuccinelli, II**  
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

December 6, 2012

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

Re: Authority to Promulgate Amendments to Regulations for Permits for Stationary Sources  
of Pollutants Subject to Regulation (9 VAC 5-85)

Dear Director Paylor:

I have reviewed the proposed amendments to the above-referenced regulations. It is my opinion that the State Air Pollution Control Board has authority to promulgate these regulations under applicable law, including Chapter 13 of Title 10.1 of the Code of Virginia, and that the proposed amendments comport with applicable state law.

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

Sincerely,

Sarah J. Surber  
Assistant Attorney General