

MEMORANDUM

FROM: Gray O'Dwyer
Assistant Attorney General

DATE: January 6, 2020

RE: Revising Regulations for New and Modified Stationary Sources – 9 Va. Admin. Code §§ 5-50 *et seq.*

Please note that this memorandum does not constitute an opinion, formal or informal, of the Attorney General. Rather, this memorandum contains the legal analysis of the individual staff member providing it.

The Virginia Air Pollution Control Board (“Board”) has the authority to revise 9 Va. Admin. Code § 5-50 *et seq.* to bring that regulation into conformity with federal law. Here, the Board’s proposed amendment will bring this regulation up to date with the latest update to regulations under Section 111 of the Clean Air Act, “New Source Performance Standards” as published on July 1, 2019.

The Administrative Process Act, in § 2.2-4006(A)(4)(c), allows the Board to adopt this regulatory amendment as a final exempt action as the changes are necessary to conform to changes in the federal regulations.

The foregoing conclusion is my own. It does not constitute an opinion, formal or informal, of the Attorney General.