



**COMMONWEALTH of VIRGINIA**  
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**MEMORANDUM**

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

**FROM:** Matthew L. Gooch  
Assistant Attorney General

**DATE:** July 31, 2018

**RE:** Periodic review of portions of 9VAC5-80, Permits for Stationary Sources

Pursuant to Va. Code § 2.2-4017 and Executive Order 14 (2018), I have reviewed the following regulations of the State Air Pollution Control Board within the above-referenced chapter:

Part I, Permit Actions and Public Hearings Before the Board  
Part II, Permit Procedures:  
Article 4, Insignificant activities  
Article 5, State Operating Permits  
Article 6, Permits for New and Modified Stationary Sources

It is my opinion that the Board has statutory authority for the regulations, including section 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.