



COMMONWEALTH of VIRGINIA
Office of the Attorney General

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June 26, 2013

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

Re: Authority to Promulgate Amendments for Regulations for the Control and Abatement of Air Pollution and Regulation for General Administration—Commercial/Industrial Solid Waste Incinerators (9 VAC 5-40 and 9 VAC 5-20-21)

Dear Director Paylor:

I have reviewed the 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. Further, it is my opinion that the promulgation of these regulations is exempt from the Virginia Administrative Process Act, Va. Code §§ 2.2-4000, *et seq.*, pursuant to Va. Code § 2.2-4006(A)(4)(a) and will comport with the process under § 2.2-4006(B).

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 blue ink that reads "Sarah J. Surber".

Sarah J. Surber
Assistant Attorney General