



# 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

June 12, 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 Regulations for the Control and  
Abatement of Air Pollution (9 VAC 5-80)

Dear Director Paylor:

I have reviewed 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 Item 365 of the 2012 Appropriation Act and that the proposed amendments comport with applicable state law. Further, it is my opinion that the promulgation of this regulation is exempt from the Virginia Administrative Process Act, Va. Code §§ 2.2-4000 et seq., pursuant to Item 365(B)(2) of the 2012 Appropriation Act.

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 that reads "David C. Grandis".

David C. Grandis  
Assistant Attorney General