



**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:** December 9, 2013

**RE:** Fast-track regulation amending the definition of volatile organic compound, 9VAC5-10.

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I have reviewed the above-referenced fast-track regulation of the State Air Pollution Control Board. The regulation was posted on the Virginia Regulatory Town Hall this morning. It is my opinion that the Board has the authority to adopt this regulation based upon applicable law, including Article 1 of Chapter 13 of Title 10.1 of the Code of Virginia, and specifically, Code § 10.1-1308. The regulation does not appear to conflict with the Constitution of the United States or the Constitution of the Commonwealth of Virginia, not do they appear to conflict with any federal or state law currently in effect.

This memorandum addresses legal matters only and is not intended to serve, nor should it be construed, as a comment for or against the merits of the proposed regulations.

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