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September 19, 2012

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

Re: Authority to Promulgate Amendments to Regulations for the Control and Abatement of Air Pollution (9 VAC 5-10)

Dear Director Paylor:

I have reviewed the amendments to the above-referenced regulation. It is my opinion that the State Air Pollution Control Board has authority to promulgate this regulation 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 this regulation is exempt from the Virginia Administrative Process Act, Va. Code §§ 2.2-4000, *et seq.*, pursuant to Va. Code § 2.2-4006(A)(4)(c).

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

Sincerely,

Sarah J. Surber
Assistant Attorney General