



COMMONWEALTH of VIRGINIA
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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 of Motor Vehicle Emissions in Northern Virginia (9 VAC 5-91)

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, under Chapters 216 and 824 of the 2012 Acts of Assembly.

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