



**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:** September 23, 2013

**RE:** Fast-track regulation for minor NSR non-road engine definition,  
Article 6 of Part II, 9VAC5-80-1110.

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I have reviewed the above-referenced fast-track regulation. It is my opinion that the State Air Pollution Control 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.

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