



**COMMONWEALTH of VIRGINIA**  
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**MEMORANDUM**

**TO:** David Paylor, Director  
Virginia Department of Environmental Quality

**FROM:** Matthew L. Gooch  
Assistant Attorney General

**DATE:** September 15, 2014

**RE:** Exempt action amending regulations, 9VAC5-170 (conflicts of interest) (Rev. F14).

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I have reviewed the above-referenced amendments to the regulations of the State Air Pollution Control Board. It is my opinion that the Board has the authority to adopt these amendments to the regulations 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. It is further my opinion that pursuant to Code § 2.2-4006(A)(4)(c), the amendments to the regulations qualify as exempt from Article II of the Administrative Process Act as necessary to meet the requirements of federal law or regulations and as not materially different from those required by federal law or regulation.

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