



COMMONWEALTH of VIRGINIA

Office of the Attorney General

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7-1-1

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

Re: Authority to Promulgate Model Public
Participation Guidelines, 9 VAC 20-11

Dear Director Paylor:

I have reviewed the above-referenced public participation guidelines. These are consistent with the Model Public Participation Guidelines prepared by the Department of Planning and Budget. It is my view that the Virginia Waste Management Board has the authority to adopt these regulations under applicable law, including Chapter 14 of Title 10.1 of the Code of Virginia.

Adoption of these regulations as exempt from the operation of Article 2 of the Administrative Process Act, §§ 2.2-4006, *et seq.* of the *Code of Virginia*, was authorized by HB 1167/SB734, Chapters 321 and 575 respectively of the 2008 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,

Kerri L. Nicholas
Assistant Attorney General
Environmental Section

cc:Cindy Berndt