



COMMONWEALTH of VIRGINIA

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October 20, 2008

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

Re: State Air Pollution Control Board Adoption of
Public Participation Guidelines

Dear Mr. Paylor:

I have reviewed the revised public participation guidelines adopted by the State Air Pollution Control Board on September 28, 2008. These are consistent with the Model Public Participation Guidelines Prepared by the Department of Planning and Budget.

It is my view that the Board possesses statutory authority to promulgate these regulations pursuant to Code of Virginia § 10.1-1308. Adoption of these regulations as exempt from the operation of Article 2 of the Administrative Process Act, Code of Virginia § 2.2-4006 *et seq.*, was authorized by the 2008 Acts of Assembly Chapters 321 and 575.

Sincerely,

Carl Josephson
Senior Assistant Attorney General