



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: December 15, 2014

RE: Exempt action amending regulations for the control of air pollution, 9VAC5-20 ("PM2.5 Nonattainment and Maintenance Areas")

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.