



COMMONWEALTH of VIRGINIA
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December 6, 2012

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

Re: Authority to Promulgate Amendments to Regulations for Open Burning (9 VAC 5-130)

Dear Director Paylor:

I have reviewed the proposed amendments to the above-referenced regulations. It is my opinion that the State Air Pollution Control Board has authority to promulgate these regulations under applicable law, including Chapter 13 of Title 10.1 of the Code of Virginia, and that the proposed amendments comport with applicable state law.

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

Sincerely,

Sarah J. Surber
Assistant Attorney General