



# COMMONWEALTH of VIRGINIA

Office of the Attorney General

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September 10, 2021

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

Re: Authority to Promulgate Amendments to the Small Renewable Energy Projects  
(Combustion) Permit by Rule (9 VAC 15-70 *et seq.*)

Dear Director Paylor:

I have reviewed the amendments to the above-referenced regulation. It is my opinion that the Department of Environmental Quality has the authority to promulgate the amendments to the regulation under applicable law including Article 5 of Chapter 11.1 of Title 10.1 of the Code of Virginia. It is also my view that the amendments are exempt from Article 2 of the Administrative Process Act pursuant to Va. Code § 2.2-4006(A)(4).

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

Sincerely,

A handwritten signature in cursive script that reads "David C. Grandis".

David C. Grandis  
Senior Assistant Attorney General