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MEMORANDUM

FROM: Michael A. Jagels
Senior Assistant Attorney General

TO: Michael Rolband, Director
Department of Environmental Quality

DATE: July 13, 2022

RE: Periodic Review of State Air Pollution Control Board Regulations — 9 VAC 5-50 *et seq.*

Please note that this memorandum does not constitute an opinion, formal or informal, of the Attorney General. Rather, this memorandum contains the legal analysis of the individual staff member providing it.

The State Air Pollution Control Board (“Board”) is in the process of its periodic review of 9 Va. Admin. Code §§ 5-50 *et seq.* and is not proposing any changes to these regulations at this time. If the Board concludes this periodic review without proposing any changes to these regulations, no further review is required. If the Board seeks to amend these regulations, further review may be required. It is my view that the Board has the statutory authority to maintain these regulations pursuant to § 2.2-4017 of the Code of Virginia.

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