



COMMONWEALTH of VIRGINIA
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MEMORANDUM

TO: David K. Paylor, Director
Virginia Department of Environmental Quality

FROM: Matthew L. Gooch
Assistant Attorney General

DATE: October 2, 2018

RE: Amendments to 9VAC5-220 (Variance for Rocket Motor Test Operations At Atlantic Research Corporation Orange County Facility)

Pursuant to Va. Code § 2.2-4017 and Executive Order 14 (2018), I have reviewed the above-referenced final regulations of the Air Pollution Control Board. It is my opinion that the Board has statutory authority for the regulations, including section 10.1-1308 of Chapter 13 of Title 10.1 of the Code of Virginia, and has not exceeded its rulemaking authority. It is further my opinion that this action is exempt from Article 2 of the Administrative Process Act, pursuant to Code § 2.2-4006(A)(3) as consisting only of changes in style or form or corrections of technical errors.

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