



COMMONWEALTH of VIRGINIA
Office of the Attorney General

Kenneth T. Cuccinelli, II
Attorney General

900 East Main Street
Richmond, Virginia 23219
804-786-2071
FAX 804-786-1991
Virginia Relay Services
800-828-1120
7-1-1

June 17, 2013

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

Re: Authority to Promulgate Amendments to Incorporate Provisions of Chapter 348 of the 2013 Acts of Assembly and to Update DEQ Mailing Address (9VAC15-20, 9VAC15-40, 9VAC15-60, and 9VAC15-90)

Dear Director Paylor:

I have reviewed the amendments to the above-referenced regulations. It is my opinion that the Department of Environmental Quality has authority to promulgate these regulations under applicable law, including Chapter 13 of Title 10.1 of the Code of Virginia and Chapter 348 of the 2013 Virginia Acts of Assembly and that the proposed amendments comport with applicable state law. Further, it is my opinion that the promulgation of these regulations is exempt from the Virginia Administrative Process Act, Va. Code §§ 2.2-4000, *et seq.*, pursuant to Va. Code § 2.2-4006.A.3 and Va. Code § 2.2-4006.A.4.a.

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 blue ink that reads "Sarah J. Surber".

Sarah J. Surber
Assistant Attorney General