



COMMONWEALTH of VIRGINIA
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Richmond 23219

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June 17, 2010

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

Re: Authority to Promulgate Final Amendment B10 to the Regulations for the Control and Abatement of Air Pollution, Parts II, III and Part IV of 9VAC5-140

Dear Director Paylor:

I have reviewed the above-referenced regulatory amendment. It is my opinion that the State Air Pollution Control Board has authority to promulgate the regulation under applicable law, including Chapter 13 of Title 10.1 of the Code of Virginia and that the proposed amendment comports with applicable state law. Further, it is my opinion that the regulations meet the exemptions set forth in Va. Code § 2.2-4006(A)(4)(a) and 2.2-4006(A)(4)(b) as necessary to conform to Virginia statutory law and are necessary to conform to an order of the court.

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

Sincerely,

Kerri L. Nicholas
Assistant Attorney General