



COMMONWEALTH of VIRGINIA
Office of the Attorney General
Richmond 23219

Kenneth T. Cuccinelli, II
Attorney General

900 East Main Street
Richmond, Virginia 23219
804-786-2071
804-371-8947 TDD

December 2, 2011

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

Re: Authority to Repeal of Mercury Budget Trading Program for Coal Fired Electric Steam
Generating Units, K11, Part VI of 9 VAC 5-140

Dear Director Paylor:

I have reviewed the above-referenced regulatory action. It is my opinion that the State Air Pollution Control Board has authority to repeal the regulation under applicable law, including Chapter 13 of Title 10.1 of the Code of Virginia and that the repeal of the regulation comports with applicable state law.

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 'Kerri L. Nicholas'.

Kerri L. Nicholas
Assistant Attorney General