



COMMONWEALTH of VIRGINIA
Office of the Attorney General
Richmond 23219

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Attorney General

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March 29, 2011

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

Re: Authority to Promulgate Exempt Final Regulation Cg, Biomass Energy Generator
General Permit, 9 VAC 5-520 *et seq.*

Dear Director Paylor:

I have reviewed the above-referenced regulation. It is my opinion that the State Air Pollution Control Board has authority to promulgate this regulation under applicable law, including Chapter 13 of Title 10.1 of the Code of Virginia. Further, it is my opinion that the regulation meets the exemption set forth in Va. Code § 2.2-4006(A)(8) as a general permit issued by the State Air Pollution Control Board...

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