



**COMMONWEALTH of VIRGINIA**  
**Office of the Attorney General**  
**Richmond 23219**

**Kenneth T. Cuccinelli, II**  
Attorney General

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September 13, 2010

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 D10, Outer Continental Shelf Sources,  
9 VAC 5-20-21 *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 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 regulation meets the exemption set forth in Va. Code § 2.2-4006(A)(4)(a) as necessary to conform to changes to Virginia statutory 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