



COMMONWEALTH of VIRGINIA
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MEMORANDUM

TO: David Paylor, Director
Virginia Department of Environmental Quality

FROM: Matthew L. Gooch
Assistant Attorney General

DATE: November 16, 2017

RE: Regulations to reduce and cap carbon dioxide from fossil fuel fired electric power generating facilities by means of an interstate trading program, 9VAC-140-6010, et seq.

I have reviewed the above-referenced, proposed regulations of the State Air Pollution Control Board. It is my opinion that the Board has the statutory authority to adopt these regulations based upon applicable law, including Article 1 of Chapter 13 of Title 10.1 of the Code of Virginia, and specifically, Code § 10.1-1308. The regulations do not exceed the Board's rulemaking authority.

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