



COMMONWEALTH of VIRGINIA
Office of the Attorney General
Richmond 23219

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January 9, 2007

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

Re: Authority to Promulgate Mercury Switch Regulations
9 VAC 20-200
APA Exempt

Dear Mr. Paylor:

I have reviewed the above-referenced regulation. It is my opinion that the Waste Management Board has authority to promulgate the regulation under applicable law, including Chapter 14 of Title 10.1 of the Code of Virginia and that the regulation comports with the applicable state law. Based upon your agency's representations, it is also my view that the Board has authority to promulgate the regulation under Va. Code Ann. § 2.2-4006.A.4.a.

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

Sincerely,

Cathie F. Hutchins
Assistant Attorney General