



# COMMONWEALTH of VIRGINIA

Office of the Attorney General

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November 23, 2009

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

Re: Authority to Promulgate Final Amendments to Regulations Concerning  
Federal Documents Incorporated by Reference (9VAC5 Chapters 50 and  
60, Rev. H09)

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.

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