



COMMONWEALTH of VIRGINIA

Office of the Attorney General

William C. Mims
Attorney General

November 23, 2009

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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 Regulation Concerning
Case-by-case RACT (9VAC5 Chapter 40, Rev. E04c)

Dear Mr. 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