



COMMONWEALTH of VIRGINIA
Office of the Attorney General

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November 9, 2011

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

Small Renewable Energy Projects (Combustion) Permit by Rule

Dear Director Paylor:

I have reviewed the proposed *Small Renewable Energy Project (Combustion) Permit by Rule*, 9 VAC 15-70-10 through 9 VAC 15-70-140. The Small Renewable Energy Project Regulations are being promulgated pursuant to Virginia Code § 10.1-1197.5 through 10.1-1197.11. It is my view that the Department of Environmental Quality has legal authority to promulgate these regulations pursuant to *Code of Virginia* § 10.1-1197.5 through 10.1-1197.11.

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

cc: Carol C. Wampler, Department of Environmental Quality