



COMMONWEALTH of VIRGINIA
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November 12, 2003

The Honorable Robert G. Burnley, Director
Department of Environmental Quality
Commonwealth of Virginia
629 East Main Street
Richmond, Virginia 23219

Re: Final Regulations Concerning VOC Emission Standards
(9 VAC 5 Chapter 40, Rev. C02)

Dear Mr. Burnley:

I have reviewed the above-referenced final regulations, as adopted by the State Air Pollution Control Board on November 5, 2003.

It is my view that the Board possesses statutory authority to promulgate subject regulations.

This communication, concerning the legal authority of the Board to adopt subject regulations, does not address the policy embodied in the regulations. Promulgation of subject regulations was a policy decision within the jurisdiction of the Board.

Sincerely,

Carl Josephson
Assistant Attorney General