



COMMONWEALTH *of* VIRGINIA

Office of the Attorney General

Richmond 23219

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March 4, 2005

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

Re: Proposed Amendments to Regulations Concerning Open Burning
(9 VAC 5 Chapter 40, Rev. H03)

Dear Mr. Burnley:

I have reviewed the above-referenced proposed regulation amendments, as approved for public comment by the State Air Pollution Control Board on March 2, 2005.

It is my view that the Board possesses statutory authority to promulgate the above-referenced proposed regulation amendments.

This communication, concerning the legal authority of the Board, does not address any policy matters embodied in the proposed regulation amendments. It is the Board's responsibility to determine policy issues arising in connection with the adoption of regulations within its authority.

Sincerely,

Carl Josephson
Senior Assistant Attorney General