



COMMONWEALTH of VIRGINIA
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November 24, 2003

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

Re: Final Amendments to Regulations Concerning Early Reduction Credit
(9 VAC 5 Chapters 20 and 40, Rev. C03)

Dear Mr. Burnley:

I have reviewed the above-referenced final amendments to 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 final amendments to regulations.

This communication, concerning the legal authority of the Board to adopt subject regulations, does not address any policy questions that may be embodied in the final amendments to regulations. Such policy questions are matters for the Board to consider and decide.

Sincerely,

Carl Josephson
Assistant Attorney General