



# COMMONWEALTH *of* VIRGINIA

Office of the Attorney General

Richmond 23219

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July 11, 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 VOC and NO<sub>x</sub>  
Emissions Control Areas (9 VAC 5 Chapter 20, Rev. D04)

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 June 22, 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