



# ***COMMONWEALTH of VIRGINIA***

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January 26, 2006

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

Re: Proposed Amendments to Regulations Concerning Clean Air Interstate Rule  
(9 VAC 5 Chapter 140, Rev. E05)

Dear Mr. Burnley:

I have reviewed the above-referenced regulation amendments, as approved for public comment by the State Air Pollution Control Board on December 8, 2005.

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