



COMMONWEALTH of VIRGINIA

Office of the Attorney General

Robert F. McDonnell
Attorney General

900 East Main Street
Richmond, Virginia 23219
804-786-2071
FAX 804-786-1991
Virginia Relay Services
800-828-1120
7-1-1

October 11, 2006

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

Re: Final Amendments to Regulations Concerning Case-by-Case RACT Determinations (9 VAC 5 Chapters 40 and 51, Rev. E04)

Dear Mr. Paylor:

I have reviewed the above-referenced final regulation amendments, as adopted by the State Air Pollution Control Board on September 25, 2006.

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

Sincerely,

Carl Josephson
Senior Assistant Attorney General