



COMMONWEALTH of VIRGINIA
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November 12, 2003

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 Control of Motor Vehicle Emissions
in the Northern Virginia Area (9 VAC 5 Chapter 91, Rev. MJ)

Dear Mr. Burnley:

I have reviewed the above-referenced proposed amendments to regulations, as approved for public comment by the State Air Pollution Control Board on November 5, 2003.

It is my view that the Board possesses statutory authority to promulgate subject regulation amendments.

The purpose of this communication is to provide legal advice. To the extent that this communication may advise you that certain action is lawful, the decision whether to take such action remains a policy decision within the discretion of your agency or board and this communication should not be construed as a comment for or against the merits of such action.

Sincerely,

Carl Josephson
Assistant Attorney General