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COMMONWEALTH OF PENNSYLVANIA
OFFICE OF ATTORNEY GENERAL

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EPA, REGION III
OFFICE OF REGIONAL ADMINISTRATOR

July 17, 2003

MIKE FISHER
ATTORNEY GENERAL

15th Fl., Strawberry Square
Harrisburg, PA 17120
717-783-1111

Mr. Donald S. Welsh
Regional Administrator
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

Dear Mr. Welsh:

You have been provided with a Supplemental Legal Statement prepared by the Office of General Counsel in support of Pennsylvania's application for program authorization under the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6901, *et seq.* (Legal Statement). In the cover letter accompanying these documents the Office of General Counsel indicated that the Pennsylvania Office of Attorney General would submit a letter concurring in the Legal Statement.

Under Section 204(c) of the Commonwealth Attorneys Act, Act of October 15, 1980 (P.L. 950, No. 164), 71 P.S. § 732.101, *et seq.*, the Office of Attorney General is responsible, in the first instance, for representing Commonwealth agencies in civil litigation. Therefore, this letter of concurrence is submitted to satisfy the requirement of 40 CFR. 271.7 respecting legal counsel's "full authority to independently represent the State Agency in court on all matters pertaining to the State program."

The Office of Attorney General has reviewed the Legal Statement dated June 17, 2003, and is in agreement with its contents. The Office of Attorney General concurs in the conclusions of the Legal Statement that the Commonwealth has adequate authority to carry out the program set forth in the revised Program Description submitted by the Department of Environmental Protection as part of the application program authorization.

Sincerely yours,

Cristina S. Papson
Senior Deputy Attorney General
Review and Advice Section

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