



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

May 24, 2006

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

Re: Amendments to Water Quality Standards:
Designation of Exceptional State Waters, Final Adoption 9 VAC 25-260

Dear Director Paylor:

I have reviewed the above-referenced amended regulation designating three tributaries of Simpson Creek as exceptional state waters. Based upon your agency's representations, it is my opinion that the State Water Control Board has authority to promulgate the regulation under applicable law, including Chapter 3.1 of Title 62.1 of the *Code of Virginia*.

If I may be of any further assistance to you relating to this matter, please do not hesitate to contact me.

Sincerely,

Alfred B. Albiston
Assistant Attorney General
Environmental Unit

cc: Cindy Berndt