



COMMONWEALTH of VIRGINIA
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June 10, 2004

The Honorable Robert G. Burnley, Director
Virginia Department of Environmental Quality
629 East Main Street
Richmond, Virginia 23219

Re: Authority to Promulgate Draft Amendments to the Water Quality Standards to Protect Designated Uses from the Impacts of Nutrients and Suspended Sediments in the Chesapeake Bay and its Tidal Tributaries; 9 VAC 25-260-5 *et seq.*

Dear Director Burnley:

I have reviewed the above-referenced proposed amendments. It is my opinion that the State Water Control Board has authority to promulgate such amendments 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,

Rick R. Linker
Assistant Attorney General
Environmental Unit