



# COMMONWEALTH *of* VIRGINIA

Office of the Attorney General

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September 5, 2006

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

Re: Amendments to Water Quality Management Planning Regulation:  
James River Basin Nutrient Waste Load Allocations, 9 VAC 25-720-60.C  
Fast Track Regulation, Final Adoption

Dear Director Paylor:

I have reviewed the above-referenced amended regulation correcting a nutrient waste load allocation for the Tyson Foods – Glen Allen Facility. 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*, and specifically, under *Va. Code* § 2.2-4012.1 as a fast-track regulation.

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