



COMMONWEALTH of VIRGINIA
Office of the Attorney General
Richmond 23219

Judith Williams Jagdmann
Attorney General

900 East Main Street
Richmond, Virginia 23219
804-786-2071
804-371-8947 TDD

May 24, 2005

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

Re: Authority to Promulgate Administrative Procedures for Hazardous Waste Facility Siting Criteria,
9 VAC 20-50, Immediate Final Rule

Dear Director Burnley:

I have reviewed the above-referenced regulation. It is my opinion that the Waste Management Board has authority to promulgate the regulation under applicable law, including Chapter 14 of Title 10.1 of the Code of Virginia. Based upon your agency's representations, it is also my view that the Board has authority to promulgate the regulation under Va. Code Ann. § 2.2-4006.A.4.a.

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

Sincerely,

Cathie F. Hutchins
Assistant Attorney General
Environmental Unit