



COMMONWEALTH of VIRGINIA
Office of the Attorney General
Richmond 23219

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Attorney General

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August 24, 2005

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

Re: Authority to Amend Regulation to Conform to Chapter 78 of the 2005 Acts of Assembly,
Final Adoption, Regulation for Poultry Waste Management, 9 VAC 25-630

Dear Director Burnley:

I have reviewed the above-referenced regulation. 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. Based upon your agency's representations, it is also my view that under Va. Code § 2.2-4006.A.4(a) the regulation is excluded from Article 2 of the Virginia Administrative Process Act because it is necessary to conform to changes in Virginia statutory law.

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: Allen Pollock
Cindy Berndt

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