



***COMMONWEALTH of VIRGINIA***  
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May 12, 2005

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

Re: Authority to Promulgate Financial Assurance Regulations for Solid Waste Disposal, Transfer and Treatment Facilities, 9 VAC 20-70, 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.3.

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