



COMMONWEALTH of VIRGINIA

Office of the Attorney General

Robert F. McDonnell
Attorney General

900 East Main Street
Richmond, Virginia 23219
804-786-2071
FAX 804-786-1991
Virginia Relay Services
800-828-1120
7-1-1

September 30, 2008

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

Re: Authority to Amend Water Quality Management Planning (WQMP)
Regulation, 9 VAC 25-720-120.C, York River Basin Nutrient Waste Load
Allocations – Revised WLA's for New Kent County's Parham Landing
WWTP

Dear Director Paylor:

I have reviewed the above-referenced regulations revising downward nutrient waste load allocations for New Kent County's Parham Landing wastewater treatment plant. Based upon your agency's representations, it is my opinion that the State Water Control Board has authority to promulgate the amended regulations 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,

A handwritten signature in black ink, appearing to read "Alfred B. Albiston".

Alfred B. Albiston
Assistant Attorney General

c: Cindy Berndt