



COMMONWEALTH *of* VIRGINIA

Office of the Attorney General

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Attorney General
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Richmond, Virginia

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September 19, 2005

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

Re: Amendments to Water Quality Standards:
Regulation for Nutrient Enriched Waters and Dischargers Within the Chesapeake Bay
Watershed, 9 VAC 25-40; and
Water Quality Management Planning Regulation, 9 VAC 25-720

Dear Director Burnley:

I have reviewed the above-referenced regulations. Based upon your agency's representations, it is my opinion that the State Water Control Board has authority to promulgate the regulations under applicable law, including Chapter 3.1 of Title 62.1 of the Code of Virginia.

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