



# COMMONWEALTH of VIRGINIA

Office of the Attorney General

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December 3, 2007

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

Re: Proposed Rulemaking to Amend Nutrient Waste Load Allocations for Merck and FWSA-Opequon STP in the WQMP- 9 VAC 25-720-50.C

Dear Director Paylor:

I have reviewed the above-referenced recommendation to proceed to public comment on proposed amendments to the Water Quality Management Planning (WQMP) Regulation regarding requested expanded Nutrient Waste Load Allocations (WLA's) for Merck, Inc.'s facility and Frederick-Winchester Service Authority's water reclamation facility.

Based upon your agency's representations, it is my opinion that the State Water Control Board has authority to promulgate the amendments 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,

A handwritten signature in cursive script, appearing to read "Alfred B. Albiston".

Alfred B. Albiston  
Assistant Attorney General

cc: Cindy Berndt