



COMMONWEALTH *of* VIRGINIA

Office of the Attorney General

Judith Williams Jagdmann
Attorney General
23219

900 East Main Street
Richmond, Virginia

804-786-2071

November 18, 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:
Special Standards (§ 9 VAC 25-260-310) for Numerical Water Quality Criteria for
Chlorophyll *a* in the James River, and Dissolved Oxygen in the Mattaponi and Pamunkey
Rivers

Dear Director Burnley:

I have reviewed the above-referenced re-adoption of revised numerical chlorophyll *a* criteria for the James River (§ 9 VAC 25-260-310). 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