



COMMONWEALTH *of* VIRGINIA

Office of the Attorney General

Judith Williams Jagdmann
Attorney General

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

September 19, 2005

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

Re: Authority to Amend Sections of the Virginia Water Protection Program Permit
Regulation, 9 VAC 25-210

Dear Director Burnley:

I have reviewed the above-referenced regulation. Based upon your agency's representations, it is my opinion that the State Water Control Board has authority to amend the regulation based upon 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