



COMMONWEALTH of VIRGINIA
Office of the Attorney General
Richmond 23219

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Attorney General

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August 24, 2005

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

Re: Authority to Promulgate Water Quality Management Planning Regulation, 9 VAC 25-720
Final Adoption, Four TMDL Waste Load Allocations:
Potomac – Shenandoah River Basin, 9 VAC 25-720-50
Tennessee – Big Sandy River Basin, 9 VAC 25-720-90
New River Basin, 9 VAC 25-720-130

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: Allen Pollock
Cindy Berndt

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