



COMMONWEALTH of VIRGINIA

Office of the Attorney General

Robert F. McDonnell
Attorney General

June 21, 2007

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

Re: Amendments to Water Quality Standards for Designation of Exceptional State Waters, Final Adoption - 9 VAC 25-260-30

Dear Director Paylor:

I have reviewed the above-referenced amended regulation designating a specific section of the Hazel River as a Tier III, or, exceptional state water according to the above regulation. Based upon your agency's representations, it is my opinion that the State Water Control Board has authority to promulgate the regulation under applicable law, including Chapter 3.1 of Title 62.1 of the *Code of Virginia* and specifically, under *Va. Code* § 2.2-4012.1 as a fast-track regulation.

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 black ink, appearing to read "Alfred B. Albiston".

Alfred B. Albiston
Assistant Attorney General
Environmental Section

cc: Cindy Berndt