



COMMONWEALTH of VIRGINIA

Office of the Attorney General

Robert F. McDonnell
Attorney General

900 East Main Street
Richmond, Virginia 23219
804-786-2071
FAX 804-786-1991
Virginia Relay Services
800-828-1120
7-1-1

February 28, 2007

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

Re: Authority to Promulgate Amended Regulation, 9 VAC 25-71 - Final Adoption,
Governing the Discharge of Sewage and Other Wastes from Boats

Dear Director Paylor:

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 promulgate the regulations under applicable law, including Chapter 3.1 of Title 62.1 of the Code of Virginia. Based upon your agency's representations, it is also my view that under Va. Code § 2.2-4006.A.4.c, the regulations are excluded from Article 2 of the Virginia Administrative Process Act.

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 Unit

cc: Cindy Berndt