



COMMONWEALTH of VIRGINIA

Office of the Attorney General

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June 26, 2009

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

Re: Authority to Amend Water Quality Management Planning (WQMP)
Regulation for the Shenandoah-Potomac River Basin, Nutrient Waste Load
Allocations for Merck & Co., Inc. and FWSA-Opequon STP
Final Regulation - 9 VAC 25-720-120.C

Dear Director Paylor:

I have reviewed the above-referenced final regulation. Based upon your agency's representations, it is my opinion that the State Water Control Board has authority to adopt these provisions as a final regulation 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,

A handwritten signature in cursive script, appearing to read "Alfred B. Albiston".

Alfred B. Albiston
Assistant Attorney General

c: Cindy Berndt