



# COMMONWEALTH of VIRGINIA

Office of the Attorney General

Kenneth T. Cuccinelli, II  
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

August 9, 2011

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

Re: Authority to Promulgate Amendments to the Water Quality Management Planning Regulation (9 VAC 25-720-50.C) to Revise Nutrient Waste Load Allocations for Merck, Inc.

Dear Director Paylor:

I have reviewed the amendments to the above-referenced regulation. It is my opinion that the State Water Control Board has authority to promulgate the amendments to the regulation under applicable law including Chapter 3.1 of Title 62.1 of the Code of Virginia. It is also my view that these amendments are exempt from the requirements of Article 2 of the Administrative Process Act pursuant to Va. Code. § 2.2-4006(A)(4)(b).

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 that reads "David C. Grandis".

David C. Grandis  
Assistant Attorney General