



# COMMONWEALTH *of* VIRGINIA

Office of the Attorney General

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Attorney General

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August 23, 2005

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

Re: Proposed Amendments to Water Quality Standards:  
Designation of Portions of the Cowpasture River and Simpson Creek as Exceptional  
State Waters, 9 VAC 25-260;  
Designation of Tributaries and Portions of the Pedlar and North Fork of the Buffalo  
Rivers as Exceptional State Waters, 9 VAC 25-260;

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: Alan Pollock  
Cindy Berndt