



COMMONWEALTH of VIRGINIA
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August 12, 2004

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

Re: Authority to Promulgate Final Amendments to 9 VAC 25-71-10 *et seq.*, Regulations Governing the Discharge of Sewage and Other Wastes from Boats to Conform to Va. Code § 62.1-44.33, as Amended.

Dear Director Burnley:

I have reviewed the above-referenced final amendments. It is my opinion that the State Water Control Board has authority to promulgate such amendments under applicable law, including Chapter 3.1 of Title 62.1 of the Code of Virginia. It is also my opinion that amendments meet the requirements of § 2.2-4006.A.4.a and are therefore exempt from the operation of Article 2 of the Administrative Process Act, §§ 2.2-4006 *et seq.* 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,

Rick R. Linker
Assistant Attorney General
Environmental Unit