



# 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

December 13, 2006

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

Re: Authority to Amend Sections of the Virginia Water Protection Program Permit  
Regulation, Final Adoption 9 VAC 25-210

Dear Director Paylor:

I have reviewed the suggested final amendments to the existing regulation identified above, and the accompanying documents supporting such changes. Based upon your agency's representations, it is my opinion that the State Water Control Board has authority to promulgate the 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,

Alfred B. Albiston  
Assistant Attorney General  
Environmental Unit

cc: Cindy Berndt