



# COMMONWEALTH *of* VIRGINIA

Office of the Attorney General

Judith Williams Jagdmann  
Attorney General

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July 5, 2005

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

Re: Amendments to Water Quality Standards:  
Regulation for Nutrient Enriched Waters and Dischargers Within the Chesapeake Bay Watershed, 9 VAC 25-40;  
Water Quality Management Planning Regulation, 9 VAC 25-720; and  
Numerical Water Quality Criteria for Chlorophyll *a* in the James River and Dissolved Oxygen in the Mattaponi and Pamunkey Rivers, 9 VAC 25-260-310

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