



***COMMONWEALTH of VIRGINIA***  
*Office of the Attorney General*  
*Richmond 23219*

**Jerry W. Kilgore**  
Attorney General

900 East Main Street  
Richmond, Virginia 23219  
804-786-2071  
804-371-8947 TDD

August 16, 2004

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

Re: Authority to Promulgate Proposed Amendments to the Water Quality Management Planning Regulations; 9 VAC 25-720-90.B.

Dear Director Burnley:

I have reviewed the above-referenced proposed amendments that will be submitted to the State Water Control Board at its August 31, 2004 meeting to obtain approval to proceed to a public hearing on the 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.

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