



COMMONWEALTH *of* VIRGINIA

Office of the Attorney General

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May 26, 2006

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

Re: Amendments to Water Quality Management Planning Regulation:
Rappahannock River Basin Nutrient Waste Load Allocations, 9 VAC 25-720-70.C
Fast Track Regulation, Final Adoption

Dear Director Paylor:

I have reviewed the above-referenced amended regulation correcting two nutrient waste load allocations for the Fredericksburg waste water treatment facility. 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*, and specifically, under *Va. Code* § 2.2-4012.1 as a fast-track regulation.

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