



COMMONWEALTH of VIRGINIA

Office of the Attorney General

Robert F. McDonnell
Attorney General

December 3, 2007

900 East Main Street
Richmond, Virginia 23219
804-786-2071
FAX 804-786-1991
Virginia Relay Services
800-828-1120
7-1-1

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

Re: Authority to Initiate Rulemaking Designating Two Waters as Exceptional
State Waters, 9 VAC 25-260-30.A.3.c

Dear Director Paylor:

I have reviewed the above-referenced proposal to initiate rulemaking designating two water bodies as Exceptional State Waters. Based upon your agency's representations, it is my opinion that the State Water Control Board has authority to promulgate the amended regulations 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,

A handwritten signature in cursive script, appearing to read "Alfred B. Albiston".

Alfred B. Albiston
Assistant Attorney General

cc: Cindy Berndt