

US EPA ARCHIVE DOCUMENT



COMMONWEALTH of VIRGINIA

Office of the Attorney General

Richmond 23219

Mark L. Earley
Attorney General

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June 13, 2000

Dennis H. Treacy, Director
Department of Environmental Quality
P.O. Box 10009
Richmond, VA 23240

Re: Attorney General's Statement Per 40 C.F.R. § 271.7

Dear Dennis:

Under the authority delegated to me by the Attorney General, I am pleased to certify that the laws and regulations of the Commonwealth provide adequate authority for the Virginia Waste Management Board and the Virginia Department of Environmental Quality ("DEQ") to carry out the program described under 40 C.F.R. § 271.6 and to meet other applicable requirements of 40 C.F.R. Part 271. The application submitted to EPA, including the Demonstration of Adequate Authority prepared by DEQ, is an accurate statement of the Virginia law on this subject. The authorities cited in this application are now in effect.

Moreover, as Director of the DEQ, you have authority to enter into and carry out the provisions of the Memorandum of Agreement (MOA) between the Board and EPA under Va. Code Ann. §§ 10.1-1185, -1402(9), -1404, and -1405. The MOA is not an agency action or regulation under the Virginia Administrative Process Act (Va. Code Ann. § 9-6.14:1 *et seq.*) and accordingly, there is no requirement that the MOA be promulgated as a rule in order to be binding. A review of the provisions of the MOA indicates that there is no conflict with the State laws and regulations.

With kindest regards, I am

Sincerely,

A handwritten signature in black ink that reads "Roger L. Chaffe".

Roger L. Chaffe
Senior Assistant Attorney General