

US EPA ARCHIVE DOCUMENT



COMMONWEALTH of VIRGINIA

Office of the Attorney General
Richmond 23219

Jerry W. Kilgore
Attorney General

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Richmond, Virginia 23219
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September 13, 2002

Robert G. Burnley, Director
Department of Environmental Quality
Post Office Box 10009
Richmond, Virginia 23240

Re: Attorney General's Statement of Adequate Authority
40 C.F.R. § 271.7 (2001)

Dear Mr. Burnley:

Under the authority delegated to me by Attorney General Kilgore, I am pleased to certify that the laws and regulations of the Commonwealth provide adequate authority for the Virginia Waste Management Board ("Board") and the Virginia Department of Environmental Quality ("DEQ") to carry out the program described under 40 C.F.R. § 271.6 (2001) and to meet other applicable requirements of 40 C.F.R. § 271 (2001). The application submitted to the U.S. Environmental Protection Agency ("EPA"), including the Demonstration of Adequate Authority prepared by DEQ, is an accurate statement of 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 (2002). The MOA is not an agency action or regulation under the Virginia Administrative Process Act (Va. Code Ann. § 2.2-4000 through -4033 (2002)) 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 state laws and regulations.

With kindest regards, I am

Sincerely,

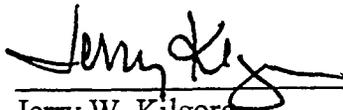
A handwritten signature in black ink, appearing to read "Roger L. Chaffe".

Roger L. Chaffe
Senior Assistant Attorney General

TO: Roger L. Chaffe, Director
Environmental Unit
Special Prosecutions Section
Public Safety and Enforcement Division

SUBJECT: Delegation of Authority to Sign Attorney General's Demonstration of
Adequate Authority, 40 C.F.R. § 271.7 (2001)

You are hereby authorized to execute the written demonstration of adequate authority required by the U.S. Environmental Protection Agency under 40 C.F.R. § 271.7 (2001). The demonstration states that the laws of the Commonwealth of Virginia provide adequate authority for the Virginia Department of Environmental Quality to carry out the Hazardous Waste Management Program described under 40 C.F.R. § 271.6 (2001).



Jerry W. Kilgore
Attorney General

9-12-02

Date