

US EPA ARCHIVE DOCUMENT



COMMONWEALTH of VIRGINIA

Office of the Attorney General

Richmond 23219

Judith Williams Jagdmann
Attorney General

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May 2, 2005

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

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

Dear Mr. Burnley:

Under the authority delegated to me by Attorney General Jagdmann, 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 and to meet other applicable requirements of 40 C.F.R. § 271. 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. The MOA is not an agency action or regulation under the Virginia Administrative Process Act, Va. Code Ann. § 2.2-4000 through -4033, 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 that reads "Roger L. Chaffe".

Roger L. Chaffe
Senior Assistant Attorney General

cc: Cathie F. Hutchins, AAG