



# COMMONWEALTH of VIRGINIA

Office of the Attorney General  
Richmond 23219

Jerry W. Kilgore  
Attorney General

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December 13, 2004

Dr. Lynton S. Land  
125 Airstrip Line  
P.O. Box 539  
Ophelia, Virginia 22530

Dear Dr. Land:

Thank you for your recent letter that asks the Attorney General to explain why the Virginia Department of Health fails to enforce 12 VAC 5-585-550 A. of the *Biosolids Use Regulations*. The Office of the Attorney General represents the Commonwealth and her agencies, including the Department of Health. As agency counsel, and because of the attorney - client relationship, advice that the Office of the Attorney General provides to the Department of Health regarding statutory requirements, implementation/enforcement of the *Biosolids Use Regulations*, and/or management of the biosolids program is privileged and therefore, confidential. Because of the relationship between this office and the Department of Health, the Attorney General cannot fulfill your request.

Sincerely yours,

A handwritten signature in blue ink that reads "D. Nelson Daniel".

D. Nelson Daniel  
Assistant Attorney General  
Agency Counsel

DND/erb

cc: Robert B. Stroube, M.D., M.P.H., State Health Commissioner  
C.M. Sawyer, Ph.D., P.E., Director, Division of Wastewater Engineering