

Present: Kinser, C.J., Lemons, and Millette, JJ., and Carrico,
Russell, Lacy, and Koontz, S.JJ.

BLUE RIDGE ENVIRONMENTAL DEFENSE
LEAGUE, INC., ET AL.

v. Record No. 101476

PER CURIAM
January 13, 2012

COMMONWEALTH OF VIRGINIA, EX REL.
VIRGINIA STATE WATER CONTROL
BOARD, ET AL.

FROM THE COURT OF APPEALS OF VIRGINIA

We granted the petition for appeal in this case to determine whether the Court of Appeals erred in reversing a circuit court's judgment and applying the arbitrary and capricious standard of review to the State Water Control Board's (Board) decision to reissue a Virginia Pollutant Discharge Elimination System permit to Virginia Electric and Power Company for its North Lake Anna Nuclear Power Station (the Station). We also determine whether the Court of Appeals erred in reversing the circuit court and affirming the Board's determination that the discharge of heated water from the Station into a waste heat treatment facility, classified as a "waste treatment facility" under state and federal regulations, does not require a separate discharge permit.

We have considered all the issues raised in the assignments of error and for the reasons stated in the opinion of the Court of Appeals in Commonwealth v. Blue Ridge Environmental Defense

League, Inc., 56 Va. App. 469, 694 S.E.2d 290 (2010), we will affirm its judgment.

Affirmed.