



COMMONWEALTH of VIRGINIA

Office of the Attorney General

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July 13, 2011

The Honorable David K. Paylor, Director
Virginia Department of Environmental Quality
629 East Main Street
Richmond, Virginia 23219

Re: Authority to Promulgate Amendments to the Virginia Pollutant Elimination System
(VPDES) Permit Program Regulation (9 VAC 25-31-940)

Dear Director Paylor:

I have reviewed the amendments to the above-referenced regulation. It is my opinion that the State Water Control Board has authority to promulgate the amendments to the regulation under applicable law including Chapter 3.1 of Title 62.1 of the Code of Virginia. It is also my view that these amendments are exempt from the requirements of Article 2 of the Administrative Process Act pursuant to Va. Code. § 2.2-4006(A)(4)(a). This final exempt regulatory action is being taken to implement Chapter 252 of the 2011 Acts of Assembly.

If I may be of any further assistance to you relating to this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "David C. Grandis".

David C. Grandis
Assistant Attorney General