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June 27, 2014

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 Stormwater Management Program (VSMP) Regulations (9 VAC 25-870)

Dear Director Paylor:

I have reviewed the amendments to the above-referenced regulations. It is my opinion that the State Water Control Board has the authority to promulgate the amendments to the regulations under 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 Enactment Clause 2 of Chapters 303 and 598 of the 2014 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,

David C. Grandis
Assistant Attorney General