



# COMMONWEALTH of VIRGINIA

Office of the Attorney General

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September 30, 2008

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

Re: Authority to Adopt General Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation for Potable Water Treatment Plants, Final Regulation; 9 VAC 25-860;

Dear Director Paylor:

I have reviewed the above-referenced final regulation adopting a General VPDES Permit regulation for potable water treatment plants. Based upon your agency's representations, the State Water Control Board has authority to adopt these provisions as a final regulation under applicable law. Based upon your agency's representations, it is also my view that the regulation is excluded as a General Permit under *Va. Code* § 2.2-4006.A.9(b), from Article 2 of the Virginia Administrative Process Act.

If I may be of any further assistance to you regarding this matter, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Alfred B. Albiston".

Alfred B. Albiston  
Assistant Attorney General