



COMMONWEALTH of VIRGINIA
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MEMORANDUM

TO: David A. Johnson, Director
Virginia Department of Conservation and Recreation

FROM: Matthew L. Gooch
Assistant Attorney General

DATE: April 22, 2013

RE: Fast-track regulations, Procedures for Reviewing and Approving Design Specifications and Pollutant Removal Credits for BMPs. 4VAC50-60-1300 et seq.

I have reviewed the above-referenced fast-track regulations regarding Procedures for Reviewing and Approving Design Specifications and Pollutant Removal Credits for BMPs. It is my opinion that the Virginia Soil and Water Conservation Board has the authority to adopt these regulations based upon applicable law, including Article 1.1 of Chapter 6 of Title 10.1 of the Code of Virginia, and specifically, subsections (A)(2) and (A)(11) of section 603.4 of Article 1.1. It is also my view that these regulations are noncontroversial and accordingly are appropriate for the fast-track process provided by the Administrative Process Act, Va. Code § 2.2-4012.1.

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

cc: David C. Dowling, Policy and Planning Director