



COMMONWEALTH of VIRGINIA
Office of the Attorney General

Mark R. Herring
Attorney General

202 North Ninth Street
Richmond, Virginia 23219
804-786-2071
FAX 804-786-1991
Virginia Relay Services
800-828-1120
7-1-1

July 26, 2021

The Honorable David K. Paylor, Director
Virginia Department of Environmental Quality
1111 East Main Street
Richmond, Virginia 23219

Re: Authority to Promulgate Amendments to the Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation (9 VAC 25-31 *et seq.*); the Virginia Pollution Abatement (VPA) Permit Regulation (9 VAC 25-32, *et seq.*); the Facility and Aboveground Storage Tank (AST) Regulation (9 VAC 25-91 *et seq.*); the Surface Water Management Area Regulation (9 VAC 25-220 *et seq.*); Groundwater Withdrawal Regulations (9 VAC 25-610 *et seq.*); the Aboveground Storage Tank and Pipeline Facility Financial Responsibility Requirements (9 VAC 25-640 *et seq.*); the Virginia Water Protection General Permit for Impacts from Development and Certain Mining Activities (9 VAC 25-690 *et seq.*); and the Water Quality Management Planning Regulation (9 VAC 25-720 *et seq.*)

Dear Director Paylor:

I have reviewed the amendments to the above-referenced regulations. It is my opinion that the State Water Control Board has authority to promulgate the amendments to the regulations under applicable law including Chapter 3.1 of Title 62.1 of the Code of Virginia. It is also my view that the amendments are exempt from Article 2 of the Administrative Process Act pursuant to Va. Code § 2.2-4006(A)(4)(a).

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
Senior Assistant Attorney General