



**COMMONWEALTH of VIRGINIA**  
*Office of the Attorney General*

**Jason S. Miyares**  
Attorney General

202 N. 9<sup>th</sup> Street  
Richmond, Virginia 23219  
(804) 786-2071  
Fax (804) 786-1991  
Virginia Relay Services  
800-828-1120  
7-1-1

MEMORANDUM

FROM: Michael A. Jagels  
Senior Assistant Attorney General

TO: Michael Rolband, Director  
Department of Environmental Quality

DATE: June 29, 2022

RE: Review of Proposed Changes to Regulations — 9 VAC 25-191 et seq.

---

*Please note that this memorandum does not constitute an opinion, formal or informal, of the Attorney General. Rather, this memorandum contains the legal analysis of the individual staff member providing it.*

In response to a request from the Department of Environmental Quality, I have reviewed the above-referenced regulations of the State Water Control Board.

The State Water Control Board has the authority to amend its regulations. See Va. Code § 62.1-44.15. After reviewing the proposed amendments, it is my opinion that the State Water Control Board has the authority to repeal 9 VAC 25-191 et seq.

It is also my view that the Virginia Administrative Process Act §§ 2.2-4000 to -4032, applies here. Further, as the Board is employing the fast-track rule making process set forth in § 2.2-4012.1, repealing these regulations is subject to there being no more objections than provided for in § 2.2-4012.1 of the Code of Virginia.