



COMMONWEALTH of VIRGINIA
Office of the Attorney General

Jason S. Miyares
Attorney General

202 N. 9th 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: September 6, 2022

RE: Review of Proposed Regulations — 9 VAC 25-780

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 proposed 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. It is my opinion that the State Water Control Board has authority to promulgate the proposed amendments to 9 VAC 25-780 under Va. Code §§ 62.1-44.36, 62.1-44.38, and 62.1-44.38:1. Further, this regulatory proposal is required to amend the existing Local and Regional Water Supply Plan Regulation to reflect the amendments made to the Code of Virginia and to conform the existing regulation to changes in the Va. Code.

Chapter 1105 of the 2020 Acts of Assembly, as amended, requires the regulation. The proposed regulation does not conflict with applicable law.