



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

Mark R. Herring  
Attorney General

900 East Main Street  
Richmond, Virginia 23219  
804-786-2071  
FAX 804-786-1991  
Virginia Relay Services  
800-828-1120  
7-1-1

June 30, 2014

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

Re: Authority to Promulgate Amendments to the Erosion and Sediment Control Regulations  
(9 VAC 25-840)

Dear Director Paylor:

I have reviewed the amendments to the above-referenced regulations. It is my opinion that the State Water Control Board has the authority to promulgate the amendments to the regulations under Chapter 3.1 of Title 62.1 of the Code of Virginia. It is also my view that these amendments are exempt from the requirements of the Administrative Process Act pursuant to Enactment Clause 2 of Chapters 303 and 598 of the 2014 Acts of Assembly.

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 blue ink that reads "David C. Grandis".

David C. Grandis  
Assistant Attorney General