



# COMMONWEALTH of VIRGINIA

Office of the Attorney General

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September 28, 2020

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 Water Protection Permit Program Regulation (9 VAC 25-210 *et seq.*); the Virginia Water Protection General Permit for Impacts Less Than One-Half Acre (9 VAC 25-660 *et seq.*); the Virginia Water Protection General Permit for Facilities and Activities of Utility and Public Service Companies Regulated by the Federal Energy Regulatory Commission or the State Corporation Commission and Other Utility Line Activities (9 VAC 25-670 *et seq.*); the Virginia Water Protection General Permit for Linear Transportation Projects (9 VAC 25-680 *et seq.*); and the Virginia Water Protection General Permit for Impacts from Development and Certain Mining Activities (9 VAC 25-690 *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 these amendments are exempt from the requirements of 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 blue ink that reads "David C. Grandis".

David C. Grandis  
Senior Assistant Attorney General