

May 18, 2006

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

Re: Adoption of Virginia Pollutant Discharge Elimination System (VPDES)
General Permit for Utilities Regulated by FERC or SCC,
Final Adoption, 9 VAC 25-680-10 et seq.;

Dear Director Paylor:

I have reviewed the above-referenced regulation. Based upon your agency's representations, it is my opinion that the State Water Control Board has authority to promulgate the regulation under applicable law, including Chapter 3.1 of Title 62.1 of the *Code of Virginia*. Based upon your agency's representations, it is also my view that the regulation is excluded as a General Permit under *Va. Code* § 2.2-4006.A.9, from Article 2 of the Virginia Administrative Process Act.

If I may be of any further assistance to you relating to this matter, please do not hesitate to contact me.

Sincerely,

Alfred B. Albiston
Assistant Attorney General
Environmental Unit

c: Cindy Berndt