



COMMONWEALTH of VIRGINIA

Office of the Attorney General

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June 19, 2013

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 Virginia Pollutant Discharge Elimination System Permit Regulation (9 VAC 25-31); the Virginia Pollution Abatement Permit Regulation (9 VAC 25-32); the Surface Water Management Area Regulation (9 VAC 25-220); and Procedural Rule No. 1 - Public and Formal Hearing Procedures (9 VAC 25-230)

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 and Chapter 24 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). Specifically, the amendments are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. *See* 2013 Act of Assembly Ch. 348.

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