



COMMONWEALTH of VIRGINIA
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April 23, 2019

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 Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Nonmetallic Mineral Mining (9 VAC 25-190, *et seq.*)

Dear Director Paylor:

I have reviewed the amendments to the above-referenced regulation. It is my opinion that the State Water Control Board has authority to promulgate the amendments to the regulation under applicable law including Chapter 3.1 of Title 62.1 of the Code of Virginia. It is also my view that the amendments are exempt from Article 2 of the Administrative Process Act pursuant to Va. Code § 2.2-4006(A)(8).

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 cursive script that reads "David C. Grandis".

David C. Grandis
Senior Assistant Attorney General