

**MEMORANDUM**

**FROM:** Christopher E. Bergin, Jr.  
Assistant Attorney General

**DATE:** April 29, 2022

**RE:** Review of Proposed Changes to Regulations — 9 Va. Admin. Code § 25-720 *et seq.* and 25-860 *et seq.*

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*Please note that this memorandum does not constitute an opinion, formal or informal, of the Attorney General. Rather, this memorandum contains the legal analysis of the individual staff member providing it.*

The State Water Control Board (“Board”) has proposed to amend 9 Va. Admin. Code § 25-720 and 9 Va. Admin. Code § 25-860 *et seq.*

The Board has the authority to amend its regulations. *See* Va. Code § 62.1-44.15(10) (conferring the Board with the authority to, among other things, promulgate regulations “necessary to enforce the general water quality management program of the Board in all or part of the Commonwealth.”).

After reviewing the amendments, it is my opinion that the Board has the authority to adopt the regulatory amendments contained in 9 Va. Admin. Code § 25-720 *et seq.* and 9 Va. Admin Code § 25-860 *et seq.*

The foregoing conclusion is my own. It does not constitute an opinion, formal or informal, of the Attorney General.