



COMMONWEALTH of VIRGINIA
Office of the Attorney General

Jason S. Miyares
Attorney General

202 N. 9th Street
Richmond, Virginia 23219
(804) 786-2071
Fax (804) 786-1991
Virginia Relay Services
800-828-1120
7-1-1

MEMORANDUM

FROM: Jackson Brown
Assistant Attorney General

TO: Michael Rolband, Director
Department of Environmental Quality

DATE: December 17, 2024

RE: Review of Proposed Regulation — 9 VAC 25-110 (“Virginia Pollutant Discharge Elimination System (VPDES) General Permit Regulation for Domestic Sewage Discharges of Less Than or Equal to 1,000 Gallons Per Day) (the “Regulation”)

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.

In response to a request from the Department of Environmental Quality, I reviewed the above-referenced regulation of the State Water Control Board.

The State Water Control Board has the authority to amend and reissue the Regulation pursuant to §§ 62.1-44.15(5), 62.1-44.15(5a), 62.1-44.15(7), 62.1-44.15(10), 62.1-44.15(14), 62.1-44.16, 62.1-44.20, 62.1-44.21 of the Code of Virginia, Section 402 of the Clean Water Act (33 U.S.C. § 1342), and 40 CFR Parts 122, 123, and 124. After reviewing the proposed Regulation, it is my opinion that the State Water Control Board has the authority to amend and reissue the Regulation as proposed. It is also my opinion that the proposed Regulation is exempt from Article 2 of the Administrative Process Act pursuant to Va. Code § 2.2-4006(A)(8).