



COMMONWEALTH of VIRGINIA
Office of the Attorney General

Jay Jones
Attorney General

202 North 9th Street
Richmond, Virginia 23219
804-786-2071
FAX 804-786-1991
Virginia Relay Services
800-828-1120

MEMORANDUM

TO: Mike Rolband, Director
Department of Environmental Quality

FROM: Emily Little
Assistant Attorney General

DATE: April 8, 2026

RE: Review of Final Exempt Regulation — 9 VAC 25-820 (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 have reviewed the above-referenced Regulation, which constituted Tab B of the State Water Control Board’s April 7, 2026 meeting agenda.

The State Water Control Board has the authority to amend 9 VAC 25-820 pursuant to Va. Code § 62.1-44.19:14. After reviewing the Regulation, it is my opinion that the State Water Control Board has the authority to so amend 9 VAC 25-820. It is also my opinion that the Regulation is exempt from the Administrative Process Act pursuant to Va. Code § 2.2-4006(A)(8) because it is a general permit issued by the Board pursuant to the State Water Control Law, Va Code § 62.1-44.2 *et seq.*