



# COMMONWEALTH *of* VIRGINIA

Office of the Attorney General

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May 24, 2006

The Honorable David K. Paylor, Director  
Virginia Department of Environmental Quality  
629 East Main Street  
Richmond, Virginia 23219

Re: Amendments to Water Quality Standards:  
VPDES Permit Regulation – Amend to conform to federal regulation,  
Final Adoption, 9 VAC 25-31

Dear Director Paylor:

I have reviewed the above-referenced amended regulation conforming the Virginia regulation with changes in comparable federal regulations, as required by the law and mutual agreement. Based upon your agency's representations, it is my opinion that the State Water Control Board has authority to promulgate the regulation under applicable law, including Chapter 3.1 of Title 62.1 of the *Code of Virginia*. Based upon your agency's representations, it is also my view that the regulation is excluded from Article 2 of the Virginia Administrative Process Act, under *Va. Code* § 2.2-4006.A.4.c, as necessary to conform to changes in federal regulations.

If I may be of any further assistance to you relating to this matter, please do not hesitate to contact me.

Sincerely,

Alfred B. Albiston  
Assistant Attorney General  
Environmental Unit

cc: Cindy Berndt