



COMMONWEALTH of VIRGINIA

Office of the Attorney General

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October 20, 2008

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

Re: State Water Control Board adoption of Model Public Participation
Guidelines

Dear Director Paylor:

I have reviewed the revised public participation guidelines adopted by the State Water Control Board. These are consistent with the Model Public Participation Guidelines prepared by the Department of Planning and Budget.

Based upon your agency's representations, it is my opinion that the State Water Control Board has authority to rescind the regulations under applicable law, including Chapter 3.1 of Title 62.1 of the *Code of Virginia*. Adoption of these regulations as exempt from the operation of Article 2 of the Administrative Process Act, §§ 2.2-4006, *et seq.* of the *Code of Virginia*, was authorized by HB 1167/SB734, Chapters 321 and 575 respectively of the 2008 Acts of Assembly.

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, appearing to read "Alfred B. Albiston".

Alfred B. Albiston
Assistant Attorney General

c: Cindy Berndt