



COMMONWEALTH of VIRGINIA
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MEMORANDUM

FROM: Eric M. Lansing
Assistant Attorney General

TO: Michael Rolband, Director
Department of Environmental Quality

DATE: December 12, 2022

RE: Review of Amendment and reissuance of the VPDES general permit for Noncontact Cooling Water Discharges of 50,000 Gallons Per Day or Less (9 VAC25-196)

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 State Water Control Board, I have reviewed the above-referenced regulations of the State Water Control Board.

The State Water Control Board has the authority to amend its regulations. *See* Va. Code § 62.1-44.15. After reviewing the proposed amendments, it is my opinion that the State Water Control Board has the authority to amend and reissue 9 VAC25-196.

Furthermore, these amendments constitute a general permit issued by the State Water Control Board pursuant to the State Water Control Law. Therefore, in my view, the proposed amendments are exempt from the requirements of Article II of the Administrative Process Act under Va. Code § 2.2-4006(A)(8).