



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 amendments establishing criteria for (i) water auditing plans and (ii) leak detection and repair plans, and requiring any water withdrawal permit application to include (i) a water auditing plan and (ii) a leak detection and repair plan (9 VAC 25-210; 9 VAC 25-610)

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 the above-referenced regulations.