



**COMMONWEALTH of VIRGINIA**  
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MEMORANDUM

TO: Mike Rolband, Director  
Department of Environmental Quality

FROM: Jackson Brown  
Assistant Attorney General

DATE: July 16, 2024

RE: Review of Final Regulations — 9 VAC 25-31, 115, 151, 210, 830, 890, and 900  
(collectively “the Regulations”)

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*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 reviewed the above-referenced regulations of the State Water Control Board.

The Department has the authority to amend and reissue the Regulations relating to the Virginia Pollutant Discharge Elimination System (VPDES) Permit Regulation pursuant to §§ 62.1-44.15, 62.1-44.15(10), 62.1-44.15:5, 62.1-15:67, 62.1-44.15:28, and 62.1-44.19:20 of the Code of Virginia, § 402 of the federal Clean Water Act, and 40 CFR Parts 122, 123, 124, 403, and 503. After reviewing the final regulations, it is my opinion that the State Water Control Board has the authority to so amend and reissue the Regulations. It is also my opinion that the final regulation is exempt from the Administrative Process Act pursuant to §§ 2.2-4006(A)(4)(a) and 2.2-4006(A)(3) of the Code of Virginia.