

MEMORANDUM

FROM: Christopher E. Bergin
Assistant Attorney General

DATE: March 31, 2021

RE: Periodic Review of Regulations — 9 Va. Admin. Code §§ 25-71 *et seq.*

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.

The Virginia Department of Environmental Quality (“DEQ”) is in the process of its periodic review of 9 Va. Admin. Code § 25-71 *et seq.* and is not proposing any changes to these regulations at this time. If DEQ concludes this periodic review without proposing any changes to these regulations, no further review is required. If DEQ seeks to amend these regulations, further review may be required. With that, and in light of § 2.2-4017 of the *Code of Virginia*, it is my view that the State Water Control Board has the statutory authority to adopt and maintain these regulations.

The foregoing conclusion is my own. It does not constitute an opinion, formal or informal, of the Attorney General.