



**COMMONWEALTH of VIRGINIA**  
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MEMORANDUM

**FROM:** Jackson Brown  
Assistant Attorney General

**TO:** Mike Rolband, Director  
Department of Environmental Quality

**DATE:** October 11, 2024

**RE:** Review of 2024 40 CFR Part 136 Reference Update/Methods Update Rule (Action 6591) (9 VAC 25-31, 32, 110, 115, 120, 151, 190, 192, 193, 194, 196, 210, 610, 630, 660, 670, 680, 690, 790, 800, 820, 860, 875, 880, 890) (hereinafter the "Regulations")

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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 ("Review of 2024 40 CFR Part 136 Reference Update/Methods Update Rule (Action 6591)") pursuant to § 62.1-44.15(10) of the Code of Virginia. 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 regulations are exempt from Article 2 of the Administrative Process Act pursuant to §§ 2.2-4006(A)(4)(c) and 2.2-4006(A)(3) of the Code of Virginia.