



COMMONWEALTH of VIRGINIA
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MEMORANDUM

TO: Mike Rolband, Director
Department of Environmental Quality

FROM: Emily Little
Assistant Attorney General

DATE: September 21, 2026

RE: Review of Fast-Track Regulation — 9 VAC 25-875 (the “Regulation”)

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 have reviewed the above-referenced Regulation, which constituted Tab D of the State Water Control Board’s September 21, 2026 meeting agenda.

The State Water Control Board has the authority to amend the Regulation pursuant to Va. Code §§ 62.1-44.15, 62.1-44.15:28, and 62.1-44.15:52. After reviewing the Regulation, it is my opinion that the State Water Control Board has the authority to so amend the Regulation. It is also my opinion that the Regulation may be promulgated in accordance with the fast-track rulemaking process set out in Va. Code § 2.2-4012.1 because the Regulation is expected to be non-controversial.