



COMMONWEALTH of VIRGINIA

Office of the Attorney General

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December 17, 2020

The Honorable David K. Paylor, Director
Virginia Department of Environmental Quality
1111 East Main Street
Richmond, Virginia 23219

Re: Authority to Promulgate Amendments to the Policy for the Potomac River Embayments
Regulation (9 VAC 25-415 *et seq.*)

Dear Director Paylor:

I have reviewed the amendments to the above-referenced regulation. It is my opinion that the State Water Control Board has authority to promulgate the amendments to the regulation under applicable law including Chapter 3.1 of Title 62.1 of the Code of Virginia. It is also my view that these amendments are exempt from the requirements of Article 2 of the Administrative Process Act pursuant to Va. Code § 2.2-4006(A)(3).

If I may be of any further assistance to you relating to this matter, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink that reads "David C. Grandis".

David C. Grandis
Senior Assistant Attorney General