COMMONWEALTH of VIRGINIA

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August 28, 2013

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

Re: Authority to Promulgate Amendments to the General VPDES Permit for Discharges of Stormwater from Small Municipal Separate Storm Sewer Systems (9 VAC 25-890)

Dear Director Paylor:

I have reviewed the amendments to the above-referenced regulations. It is my opinion that the State Water Control Board has the authority to promulgate the amendments to the regulations under 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)(4)(a). Specifically, the amendments are necessary to conform to changes in Virginia statutory law where no agency discretion is involved. *See* 2013 Acts of Assembly Chs. 756 and 793.

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

Sincerely,

David C. Grandis
Assistant Attorney General