



# COMMONWEALTH of VIRGINIA

Office of the Attorney General

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December 10, 2012

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

Re: Authority to Repeal Virginia Procedural Rule No. 3 - Certification Pursuant to 33 U.S.C. § 1341 ("401 Certification"): Procedures for Applications, for Issuance, and for Requests for Modification or Revocation (9 VAC 25-240)

Dear Director Paylor:

I have reviewed the above-referenced regulation. It is my opinion that the State Water Control Board has authority to repeal the regulation under applicable law including Chapter 3.1 of Title 62.1 of the Code of Virginia.

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 cursive script that reads "David C. Grandis".

David C. Grandis  
Assistant Attorney General