



# 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. 4 - Proxy Voting By Board Members  
(9 VAC 25-250-10. Proxy Conditions.)

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. It is also my view that the Board's action is exempt from the requirements of Article 2 of the Administrative Process Act pursuant to Va. Code. § 2.2-4006(A)(2).

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  
Assistant Attorney General