



COMMONWEALTH of VIRGINIA

Office of the Attorney General

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Attorney General

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

**RE: Amendment to Water Quality Management Regulation as to
Frederick-Winchester Service Authority, 9VAC25-720-50.C.**

Dear Dave:

I have reviewed amendment to this regulation as posted to the Town Hall. The State Water Control Board has authority to adopt this amendment.

The Circuit Court of the City of Winchester ordered the Board to adopt this amendment by a decree entered on October 19, 2010 in the case *Frederick-Winchester Service Authority v. State Water Control Bd.*, Case No. CL09000407.00. The adoption was thus required by order of a state court of competent jurisdiction where no agency discretion was involved. Accordingly, the adoption was exempt from the Art. 2 of the Administrative Process Act pursuant to CODE § 2.2-4006.A.4.b.

With kindest regards, I am

Sincerely,

A handwritten signature in black ink, appearing to read "John R. Butcher".

John R. Butcher
Special Assistant Attorney General

Copy: Cindy Berndt
Jefferson Reynolds