

**MEMORANDUM**

**FROM:** Christopher E. Bergin, Jr.  
Assistant Attorney General

**DATE:** December 19, 2019

**RE:** Review of Proposed Changes to Regulations – 9 Va. Admin. Code §§ 20-120 *et seq.* and 9 Va. Admin. Code §§ 20-121 *et seq.*

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*Please note that this memorandum does not constitute an opinion, formal or informal, of the Attorney General. Rather, this memorandum contains the legal analysis of the individual staff member providing it.*

The Virginia Waste Management Board (“Board”) has proposed to repeal 9 Va. Admin. Code §§ 20-120 *et seq.* and re-codify the regulation into a new chapter under 9 Va. Admin. Code §§ 20-121 *et seq.*

The Board has the authority to amend its regulations. *See* Va. Code § 10.1-1402(11) (conferring the Board with the authority to, among other things, promulgate regulations “necessary to carry out its powers and duties and the intent of the [Virginia Waste Management Act] and the federal acts.”).

After reviewing the proposed amendments, it is my opinion that the Board has the statutory authority to repeal 9 Va. Admin. Code §§ 20-120 *et seq.* and adopt the proposed regulations contained in 9 Va. Admin. Code §§ 20-121 *et seq.*

The foregoing conclusion is my own. It does not constitute an opinion, formal or informal, of the Attorney General.

Sincerely,



Christopher E. Bergin, Jr.  
Assistant Attorney General, Environmental  
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