



COMMONWEALTH of VIRGINIA

Office of the Attorney General

William C. Mims
Attorney General

November 12, 2009

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Karen Remley, M.D., M.B.A.
State Health Commissioner
Department of Health
P.O. Box 2448
Richmond, Virginia 23218-2448

Authority to Promulgate Emergency Regulations for Alternative Onsite Sewage Systems, 12 VAC 5-613

Dear Dr. Remley:

I have reviewed the above-referenced regulations. It is my opinion that the Board of Health has authority to promulgate these regulations under applicable law, including §§ 32.1-12, 32.1-163.6 and 32.1-164 of the Code of Virginia, and with the approval of the Governor to promulgate them as emergency regulations under § 2.2-4011(B) 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 "Kerri L. Nicholas".

Kerri L. Nicholas
Assistant Attorney General
Environmental Section

cc: Robert W. Hicks
Allen Knapp
Doug Harris