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TO: Melissa Porterfield
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Virginia Department of Environmental Quality

FROM: J. Duncan Pitchford 
Assistant Attorney General
Counsel to the Virginia Department of Environmental Quality

DATE: June 24, 2016

RE: Letter of Assurance for Proposed Fast-Track Amendments to 9 VAC § 20-200

I have reviewed the proposed amendments to 9 Virginia Administrative Code (“VAC”) § 20-200, removing the provisions of Chapter 200 in their entirety, which DEQ tendered to the Virginia Regulatory Town Hall on June 23, 2016. In my view, as counsel to the Department of Environmental Quality, these regulations may be removed from the Administrative Code due to the sunset provisions contained in Chapter 793 of the 2011 Acts of Assembly. The regulations do not appear to conflict with the Constitution of the United States or the Constitution of the Commonwealth of Virginia, nor do they appear to conflict with any federal or state law currently in effect. It is also my opinion the proposed regulatory amendments are unlikely to be controversial, and, therefore, the Department may promulgate them via the fast-track rulemaking process set forth in Code § 2.2-4012.1.

This memorandum addresses legal matters only and is not intended to serve, nor should it be construed, as a comment for or against the merits of the proposed regulatory amendment.