



COMMONWEALTH of VIRGINIA

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MEMORANDUM

TO: Cynthia C. Romero, MD, FAAFP
Commissioner, Virginia Department of Health

FROM: Karri B. Atwood
Assistant Attorney General

DATE: September 26, 2013

RE: Amendment to Sewage Handling Regulations for Chamber
and Bundled Expanded Polystyrene Effluent Systems

I have reviewed the proposed amendments to the *Sewage Handling and Disposal Regulations*, 12 VAC 5-610 *et seq.* The amendments are proposed in accordance with Chapter 202 of the 2013 Acts of Assembly (HB 1726), which requires the Board of Health to promulgate regulations for chamber and bundled expanded polystyrene effluent systems. HB1726 specifies that regulations must be effective within 280 days of enactment (on or before December 12, 2013).

It is my view that the Board of Health, contingent on approval by the Governor, has legal authority to promulgate the subject amendments to the regulations pursuant to Virginia Code §§ 2.2-4011, 32.1-12, 32.1-164, and Chapter 202 of the 2013 Acts of Assembly. If I may be of any further assistance to you relating to this matter, please do not hesitate to contact me.