



COMMONWEALTH of VIRGINIA
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MEMORANDUM

FROM: Eric M. Lansing
Assistant Attorney General

TO: Karen Shelton, MD, State Health Commissioner
Virginia Department of Health

DATE: July 18, 2023

RE: Review of Amendment to 12 VAC 5 - 600 (Waterworks Operation Fee)

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.

In response to a request from the Department of Health, I have reviewed the above-referenced amendment to the regulations of the State Board of Health.

The State Board of Health has the authority to amend and reissue its regulations, Va. Code § 32.1-12, and particularly, to adopt regulations that include a “[m]ethodology for determining the waterworks operation fee authorized by § 32.1-171.1.” Va. Code § 32.1-170(A)(8). After reviewing the proposed amendments, it is my opinion that the Department of Health has the authority to amend and reissue 12 VAC 5 - 600.