



COMMONWEALTH of VIRGINIA

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MEMORANDUM

TO: Marissa J. Levine, MD, MPH
Commissioner, Department of Health

FROM: Grant E. Kronenberg *G EK*
Assistant Attorney General

DATE: August 30, 2016

SUBJECT: Periodic Review of Regulations
Virginia Waterworks Regulations, 12VAC5-590-10 *et seq.*

In accordance with Code of Virginia § 2.2-4017 and Executive Order 17 (2014), I have reviewed the Virginia Waterworks Regulations, 12VAC5-590-10 *et seq.* These regulations are undergoing periodic review. In my opinion, the Board of Health had the authority under Code of Virginia § 32.1-170 to adopt the current regulations other than 12 VAC 5-590-320, entitled Revocation or Suspension of a Permit. The statutory authority for the Commissioner of Health to revoke a permit is found in Code of Virginia § 32.1-174, which lays out five grounds for revocation. 12 VAC 5-590-320 includes additional grounds not found in the statutory authority. I recommend that the regulation be amended to make the grounds for revocation consistent with the statutory authority, or that the statutory authority be amended to allow for a wider range of revocation options – including those grounds found in the current regulation.