



COMMONWEALTH of VIRGINIA

Office of the Attorney General

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MEMORANDUM

TO: David A. Johnson, Director
Department of Conservation and Recreation

FROM: Elizabeth A. Andrews *EAA*
Senior Assistant Attorney General

DATE: November 1, 2010

RE: Proposed Fast Track Rulemaking: Amendment to 4 VAC 50-20,
Virginia Impounding Structure Regulations

I have reviewed the proposed amendment to the Virginia Impounding Structure Regulations [“the Regulations”] to provide certain dam owners holding Construction or Alteration Permits with an extended period of time to comply with additional requirements of the Regulations that became effective on September 26, 2008. It is my opinion as agency counsel that the Soil and Water Conservation Board has the statutory authority to promulgate this amendment to the Regulations pursuant to Article 2 of Chapter 6 of Title 10.1 of the Code of Virginia.

If I may be of further assistance, please advise.

cc: David C. Dowling