

MEMORANDUM

FROM: Paul Kugelman, Jr.
Senior Assistant Attorney General

DATE: June 26, 2019

RE: Revising 9 Va. Admin. Code § 20-110-110 to conform with federal law

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.

The Virginia Waste Management Board (“Board”) has the authority to revise 9 Va. Admin. Code § 20-110-110 to bring that regulation into conformity with federal law. Here, the Board’s proposed amendment will bring this regulation up to date with the latest update to Title 49 of the CFR as published on October 1, 2018.

The Administrative Process Act, in § 2.2-4006(A)(4)(c), allows the Board to adopt this regulatory amendment as a final exempt action as the changes are necessary to conform to changes in the federal regulations.

The foregoing conclusion is my own. It does not constitute an opinion, formal or informal, of the Attorney General.