



COMMONWEALTH of VIRGINIA

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MEMORANDUM

TO: Marissa J. Levine, M.D., M.P.H.
Commissioner, Virginia
Department of Health

FROM: Karri B. Atwood
Assistant Attorney General

DATE: June 27, 2014

RE: Amendments to the Regulations for Alternative Discharging Sewage Systems, 12VAC5-640

I have reviewed the above-referenced proposed revisions to the Alternative Discharging Sewage Treatment Regulations, 12VAC5-640-10, et seq. The amendments are proposed to update and modify the regulations for systems designed for less than or equal to 1000 gallons per day for individual single family homes. The revisions incorporate policy documents and new technology as well as requirements in order to meet the Chesapeake Bay Total Maximum Daily Load (TMDL).

It is my view that the Board of Health, contingent on approval by the Governor, has legal authority to promulgate the subject revisions to the regulations pursuant to *Code of Virginia* § 32.1-12, § 32.1-163, and § 32.1-164. If I may be of any further assistance to you relating to this matter, please do not hesitate to contact me.