



COMMONWEALTH of VIRGINIA

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MEMORANDUM

To: E. Brooke Philpy, Chair
Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals
Department of Professional and Occupational Regulation

Trisha Henshaw, Executive Director
Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals
Department of Professional and Occupational Regulation

From: Steven P. Jack
Assistant Attorney General

Date: April 19, 2013

Subject: Letter of Assurance for Amendments to Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals Licensing Regulations, 18 VAC 160-20-10 *et seq.*

I have reviewed the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals' ("Board") proposed amendments to its Licensing Regulations, 18 VAC 160-20-10 *et seq.*, particularly 18 VAC 160-20-98, that were posted on the Virginia Regulatory Town Hall internet site on April 18, 2013. In my view, as counsel to the Board, these regulations may be promulgated pursuant to § 54.1-2301 of the *Code of Virginia*. Further, these regulations are exempt from the requirements of the Virginia Administrative Process Act as emergency regulations necessary to comply with a change in Virginia

law, particularly Chapter 731 of the 2013 Acts of the General Assembly, pursuant to § 2.2-4006(A)(4)(a) of the *Code of Virginia*. The regulations do not appear to conflict with the Constitution of the United States or the Constitution of the Commonwealth of Virginia, nor do they appear to conflict with any federal or state law currently in effect.

This memorandum addresses legal matters only and is not intended to serve, nor should it be construed, as a comment for or against the merits of the proposed regulations.