



# COMMONWEALTH of VIRGINIA

Office of the Attorney General

Kenneth T. Cuccinelli II  
Attorney General

900 East Main Street  
Richmond, Virginia 23219  
804-786-2071  
FAX 804-786-1991  
Virginia Relay Services  
800-828-1120  
7-1-1

## MEMORANDUM

**TO:** Karen Remley, M.D., M.B.A. Commissioner, Virginia  
Department of Health

**FROM:** Karri B. Atwood  
Assistant Attorney General

**DATE:** December 2, 2011

**RE:** Regulations Governing Fees for Onsite Sewage Disposal Systems, Alternative Discharge Systems, and Private Wells. *12 VAC5-620, et. seq.*

---

I have reviewed the above-referenced regulations regarding amending the regulations for the collection of fees for onsite sewage systems, alternative discharge systems, and private wells, 5 VAC 12-620 *et seq.* It is my opinion that the Board of Health has the authority to adopt these amendments to the regulations based upon applicable law, including Virginia Code § 32.1-164, § 32.1-164.1, § 32.1-166 and § 32.1-176.4.

If I may be of further assistance to you relating to this matter, please do not hesitate to contact me.