

MEMORANDUM

FROM: Christopher E. Bergin, Jr.
Assistant Attorney General

DATE: October 16, 2020

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. *See* Va. Code § 10.1-1402 (11) (conferring the Board with the authority to, among other things, promulgate regulations “necessary to carry out its powers and duties and the intent of the [Virginia Waste Management Act] and the federal acts.”)

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.