



COMMONWEALTH of VIRGINIA
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MEMORANDUM

TO: David K. Paylor, Director
Virginia Department of Environmental Quality

FROM: Jeremiah J. Jewett, III
Senior Assistant Attorney General

DATE: January 3, 2014

RE: Annual Update 2013, 9 VAC 20-110-110

I have reviewed the above-referenced regulatory action posted on the Virginia Regulatory Town Hall on January 2, 2014. It is my opinion that the Waste Management Board has the authority to adopt this amendment to the regulations based upon applicable law, including Code §§ 10.1-1402(1) and 10.1-1402(11). Further, I concur that these regulations are APA exempt by operation of § 2.2-4006(A)(4)(c) as the amendment is necessary to meet the requirements of federal law.

The amended regulation does not appear to conflict with the Constitution of the United States or the Constitution of the Commonwealth of Virginia, nor does it 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 amended regulation.

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