



**COMMONWEALTH of VIRGINIA**  
*Office of the Attorney General*

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August 26, 2010

Jane D. Chaffin, Registrar of Regulations  
Division of Legislative Services  
910 Capitol St., 2nd Floor  
Richmond, Virginia 23219

**Re: Chronically Noncompliant Waterworks Regulations**

Dear Dr. Chaffin:

I have reviewed the Department of Health's proposed regulations for chronically noncompliant waterworks, 12 VAC 5-590, and it is my view that the Board of Health has the legal authority to adopt the regulation pursuant to the Code of Virginia §§ 32.1-12, 32.1-167 and 32.1-174.4.

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

Sincerely,

Karri B. Atwood  
Assistant Attorney General

cc: J. Wesley Kleene, Ph.D., P.E., Director, VDH ODW  
Robert A.K. Payne, Esq., Director of Legal Affairs, VDH ODW