



# COMMONWEALTH of VIRGINIA

Office of the Attorney General

Mark R. Herring  
Attorney General

202 North Ninth Street  
Richmond, Virginia 23219  
804-786-2071  
Fax 804-786-1991  
Virginia Relay Services  
800-828-1120  
7-1-1

## MEMORANDUM

**TO:** Marissa J. Levine, MD, MPH  
Commissioner, Department of Health

**FROM:** Grant E. Kronenberg   
Assistant Attorney General

**DATE:** October 3, 2016

**SUBJECT:** Periodic Review of Regulations  
Sewage Handling and Disposal Regulations, 12VAC5-610-10 *et seq.*

In accordance with Code of Virginia § 2.2-4017 and Executive Order 17 (2014), I have reviewed the Sewage Handling and Disposal Regulations, 12VAC5-610-10 *et seq.* These regulations are undergoing periodic review. In my opinion, the Board of Health had the authority under the Code of Virginia to adopt the current regulations. However, in my review, I noted that there are numerous citations in the regulations to statutory provisions that are no longer accurate because either the statute has been moved to another Title of the Code of Virginia (for example, numerous citations to provisions of the Administrative Process Act as being in Title 9, when they are now in Title 2.2), or the Code section has been repealed (there is a reference in 12VAC5-610-280 to Code of Virginia § 32.1-164.3, which was repealed). The regulations should be amended to correct these errors.