

MEMORANDUM

FROM: Paul Kugelman, Jr.
Senior Assistant Attorney General

DATE: February 5, 2018

RE: Proposed Regulation - 9 Va. Admin. Code § 20-11-50

Please note that this memorandum does not constitute an opinion, formal or informal, of the Attorney General. Rather, this email contains the legal analysis of the individual staff member providing it.

It is my view that the Virginia Waste Management Board (“Board”) has the authority to promulgate its proposed amendments to 9 Va. Admin. Code § 20-11-50.

It is also my view that the Virginia Administrative Process Act, §§ 2.2-4000 to -4032, applies here. Further, as the Board is employing the fast-track rule making process set forth in § 2.2-4012.1, adopting these proposed amendments through this process is subject to there being no more objections than provided for in § 2.2-4012.1.

The foregoing conclusion is my own. It does not constitute an opinion, formal or informal, of the Attorney General.