



**COMMONWEALTH of VIRGINIA**  
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MEMORANDUM

FROM: Katherine E. Kulbok  
Assistant Attorney General

TO: Michael Rolband, Director  
Department of Environmental Quality

DATE: October 31, 2022

RE: Review of Proposed Changes to Regulations — 9 VAC 20-110

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*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.*

In response to a request from the Department of Environmental Quality, I have reviewed the above-referenced regulations of the Virginia Waste Management Board.

The Virginia Waste Management Board has the authority to amend its regulations and establish general permits. *See* Va. Code § 10.1-1450. After reviewing the proposed amendments, it is my opinion that the Virginia Waste Management Board has the authority to amend 9 VAC 20-110.

Furthermore, these amendments are necessary to meet the requirements of federal regulations. Therefore, in my view, the proposed amendments are exempt from the requirements of Article II of the Administrative Process Act under Va. Code § 2.2-4006(A)(4)(c).