



# **COMMONWEALTH of VIRGINIA**

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**To:** Ms. Trisha Henshaw, Executive Director  
Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals  
Virginia Department of Professional and Occupational Regulation  
9960 Mayland Drive, Suite 400  
Richmond, Virginia 23233

**From:** Elizabeth B. Peay  
Senior Assistant Attorney General

**Date:** July 31, 2018

**Subject:** Letter of Assurance for 18 VAC 160-40  
Exempt Action- Update Definition of Maintenance

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I have reviewed the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals' amendments to their Regulations. In my view, as counsel to the Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals, the Board may promulgate these regulations pursuant to §2.2-4002 or §2.2-4006 of the Code of Virginia. The regulations do not appear to conflict with the Constitution of the United States or the Constitution of the Commonwealth of Virginia, nor do they 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 proposed regulations.

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