



COMMONWEALTH of VIRGINIA

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MEMORANDUM

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

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

DATE: January 6, 2017

SUBJECT: Proposed Fast-Track Amendments to Regulations for Alternative Onsite Sewage Systems, 12VAC5-613-10, *et seq.*

I have reviewed the proposed fast-track amendments to the Regulations for Alternative Onsite Sewage Systems, 12VAC5-613-10, *et seq.* The amendments, among other things, more clearly define "direct dispersal" and make it more economically feasible for owners of older alternative onsite sewage systems to upgrade or repair their existing system.

It is my view that the Board of Health, contingent on approval by the Governor, has legal authority to promulgate the subject amendments to the regulations pursuant to *Code of Virginia* § 32.1-12 and § 32.1-164. If I may be of any further assistance to you relating to this matter, please do not hesitate to contact me.