



COMMONWEALTH of VIRGINIA


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MEMORANDUM

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

FROM: Grant E. Kronenberg
Assistant Attorney General 

DATE: November 18, 2016

SUBJECT: Periodic Review of Regulations
Regulations for Alternative Onsite Sewage Systems, 12VAC5-613-10 *et seq.*

In accordance with Code of Virginia § 2.2-4017 and Executive Order 17 (2014), I have reviewed the Regulations for Alternative Onsite Sewage Systems, 12VAC5-613-10 *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 is a reference in the regulations to another regulatory provision which does not make sense. Specifically, in 12VAC5-613-30(D), there is a reference to 12VAC5-610-20 and its “prescriptive design, location, and construction criteria...” 12VAC5-610-20 does not speak to those items. I recommend that the regulation be amended to correct the reference.