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MEMORANDUM

FROM: Katherine E. Kulbok
Assistant Attorney General

TO: Michael Rolband, Director
Department of Environmental Quality

DATE: December 9, 2025

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

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. *See* Va. Code § 10.1-1402. 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 only consist of updates necessary to meet the requirements of federal regulations and are therefore exempt from the requirements of Article II of the Administrative Process Act under Va. Code § 2.2-4006(A)(4)(c).