



COMMONWEALTH of VIRGINIA

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Marissa Levine, M.D., M.P.H.
State Health Commissioner
Department of Health
109 Governor Street
Richmond, Virginia 23219

Dear Dr. Levine:

Re: Authority to Repeal the Authorized Onsite Soil Evaluator Regulations (12 VAC 5-615-10, *et seq.*)

I have reviewed the proposed repeal of the *Authorized Onsite Soil Evaluator Regulations*, 12 VAC 5-615-10, *et seq.* The regulations are proposed to be repealed in response to the passage of House Bill 3134 in 2007. This statutory change removed the authority for qualifying people as authorized onsite soil evaluators from the Virginia Department of Health ("VDH"), transferring licensing authority to the Virginia Department of Professional and Occupational Regulation.

It is my opinion that the State Board of Health has authority to repeal the regulations because VDH no longer has statutory authority to license onsite soil evaluators.

If I may be of any further assistance to you relating to this matter, please do not hesitate to contact me.

Sincerely,


Grant E. Kronenberg
Assistant Attorney General