



COMMONWEALTH of VIRGINIA

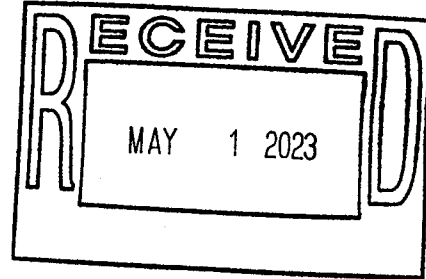
Office of the Attorney General

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April 24, 2023

The Honorable Kevin P. Carroll
Chair of the Board of Supervisors, Chesterfield County
9901 Lori Road
P.O. Box 40
Chesterfield, VA 23832-0040



RE: Landfill Inspection and Enforcement Authority Delegation Request

*Please note that this letter does not constitute an opinion, formal or informal,
of the Attorney General.*

Dear Mr. Carroll:

I represent Virginia's Natural and Historic Resources Secretariat and Department of Environmental Quality ("DEQ"). My Division's Environmental Section works closely with DEQ on landfill inspection and enforcement matters. I am writing in response to inquiries for the Commonwealth to delegate DEQ landfill inspection and enforcement authority to the Chesterfield County (the "County"). The Commonwealth will not agree to any such delegation due to legal and programmatic concerns.

The General Assembly tasked DEQ with administering the Virginia Waste Management Act, Chapter 14 of Title 10.1 of the Code of Virginia. Pursuant to the Dillon Rule, local governments may only exercise limited powers. It does not appear that there is any legal authority for DEQ to delegate its Virginia Waste Management Act inspection and enforcement responsibilities to a locality or for a locality to exercise such power.

Even if it were legal, the Commonwealth would not delegate DEQ landfill inspection and enforcement authority to the County, or any other Virginia locality. An additional governmental level for landfill inspection and enforcement would hinder core DEQ programmatic functions such as maintaining regulatory consistency, optimizing DEQ staff resources, and prosecuting necessary enforcement actions to bring illegal landfills into compliance.

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Thank you for the County's continued partnership with DEQ and shared commitment to human health and the environment.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Leslie A.T. Haley', with a long, sweeping horizontal line extending to the right.

Leslie A.T. Haley
Deputy Attorney General
Government Operations and Transactions

cc: Hon. Glenn Youngkin, Governor of the Commonwealth of Virginia
Hon. Travis A. Voyles, Secretary of Natural and Historic Resources
Hon. Jennifer M. Walle, Deputy Secretary of Natural and Historic Resources
Michael S. Rolband, Director of Virginia Department of Environmental Quality
Jaime B. Robb, Deputy Regional Director, DEQ Piedmont Regional Office
A. Ross Phillips, Senior Assistant Attorney General and Chief
Hon. Jim A. Ingle, Vice Chair, Chesterfield County Board of Supervisors
Hon. Christopher M. Winslow, Chesterfield County Board of Supervisors
Hon. James M. Holland, Chesterfield County Board of Supervisors
Hon. Mark S. Miller, Chesterfield County Board of Supervisors
Dr. Joseph P. Casey, Chesterfield County Administrator
Jesse W. Smith, Deputy County Administrator, Community Development
Jeffrey L. Mincks, Chesterfield County Attorney