



COMMONWEALTH of VIRGINIA

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MEMORANDUM

FROM: Darrell W. Kuntz, III
Assistant Attorney General

TO: Lance Gregory
Director of Office of Environmental Health

Briana Bill
Environmental Health Coordinator

DATE: 09/14/2026

RE: Exemption to local government supervision for permanent pump and haul at agritourism activities in Planning District 23.

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.

Chapter 212 of the Virginia General Assembly's Uncodified Acts of 2026 directs the State Board of Health to amend 12VAC5-610-599 of the Virginia Administrative Code. Specifically, Chapter 212 requires the State Board of Health to amend 12VAC5-610-599 to create an exemption within Planning District 23 whereby agritourism entities will no longer be required to conduct permanent pumping and hauling of sewage while under the supervision of the local government. This regulatory action complies with the General Assembly's directive.

This regulatory action constitutes an exempt action pursuant to Va. Code § 2.2-4006(A)(4)(a), as this revision is made in direct response to a change in statutory law where no agency discretion is involved. These amendments are in line with the regulatory directives issued by the General Assembly. If the Board seeks to make further modifications to these Regulations, further review may be required.