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Exempt Action: Final Regulation Agency Background Document

Agency name	Virginia Department of Health
Virginia Administrative Code (VAC) Chapter citation(s)	12 VAC5-610
VAC Chapter title(s)	Sewage Handling and Disposal Regulations
Action title	Exemption to local government supervision for permanent pump and haul at agritourism activities in Planning District 23.
Final agency action date	September 9, 2026
Date this document prepared	August 12, 2026

This information is required for executive branch review pursuant to Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

Chapter 212 of the 2026 Acts of the Assembly requires the Board of Health to amend 12VAC5-610-599 of the Regulations to exempt agritourism activities located in Planning District 23 from the prohibition of pumping and hauling of sewage on a permanent basis unless done under the auspices and supervision of a government entity. The exemption applies when the agritourism activity is unable to establish and maintain a connection to an existing sewer or establish and maintain an onsite sewage system. As a result of this legislation, the Board of Health must amend 12VAC-5-610-599 to align with Chapter 212 of the 2026 Acts of Assembly. This action is exempt from the requirements of the Administrative Process Act pursuant to § 2.2-4006 A 4 a of the Code of Virginia.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, "mandate" has the same meaning as defined in the ORM procedures, "a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part."

This action is a result of a legislative mandate.

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) that the agency has "adopted final amendments" to the regulation; 3) the name of the agency taking the action; and 4) the title of the regulation. A suggested statement is, "On [insert date] the Board/Department of [insert name] adopted final amendments to the [title of regulation(s)]."

The State Health Commissioner approved this Final Action on September 9, 2026 to amend the Sewage Handling and Disposal Regulations (12VAC5-610) on behalf of the State Board of Health while the Board was not in session pursuant to his authority in § 32.1-20.