

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 32.1-164.1:1 of the Code of Virginia, relating to the validity of certain*
3 *septic tank permits.*

4 [H 930]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 32.1-164.1:1 of the Code of Virginia is amended and reenacted as follows:**

8 § 32.1-164.1:1. Validity of certain septic tank permits.

9 A. Any septic tank permit issued shall be valid for a period of ~~eighteen~~ 18 months from the date of
10 issuance unless there has been a substantial, intervening change in the soil or site conditions where the
11 septic system is to be located. However, if a building permit has been obtained or building construction
12 has commenced, the permit may be extended for an additional ~~eighteen~~ 18 months. Applicants shall be
13 informed of the septic tank permit validity period and advised to apply only when ready to begin
14 construction.

15 B. Further, whenever any onsite sewage system is failing and the Board's regulations for repairing
16 such failing system impose (i) a requirement for treatment beyond the level of treatment provided by the
17 existing onsite sewage system when operating properly or (ii) a new requirement for pressure dosing,
18 the owner may request a waiver from such requirements. The Commissioner shall grant any request for
19 such waiver, unless he finds that the failing system was installed illegally without a permit. Any such
20 waivers shall be recorded in the land records of the clerk of the circuit court in the jurisdiction in
21 which the property on which the relevant onsite sewage system is located. Except between a husband
22 and a wife, waivers granted hereunder shall not be transferable and shall be null and void upon
23 transfer or sale of the property on which the onsite sewage system is located. Additional treatment or
24 pressure dosing requirements shall be imposed in such instances when the property is transferred or
25 sold.

26 The owner of the relevant property shall disclose, in writing, to any and all potential purchasers or
27 mortgage holders that any operating permit for the onsite sewage system that has been granted a waiver
28 authorized by this subsection shall be null and void at the time of transfer or sale of the property and
29 that the Board's regulatory requirements for additional treatment or pressure dosing shall be required
30 before an operating permit may be reinstated.

ENROLLED

HB930ER