

New Virginia Septic Inspection Requirements

VOWRA Frequently Asked Questions & Answers

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(Revisions to 7,10,14,15,31 adding 48 & 49)

These FAQs & Answers are informational and do not represent official guidance from any group or regulatory agency. We would like to thank our members, realtors, realtor associations and VDH staff for their contributions. You are encouraged to verify answers as they relate to your individual circumstances and seek legal counsel and guidance from Realtor Association Staff, DPOR or VDH when deemed appropriate.

The Law

1. Where can I find the full text of the new law?

The new law can be found by searching VA Law HB2671 2025 or at this link [20251/HB2671](#) .

2. When does the new law regarding septic inspections take effect?

The new septic system requirements under Virginia law take effect on **July 1, 2025**. The law sets out minimum contract, inspection and report requirements for septic system inspections for real estate sales and refinances only.

3. What exactly does the effective date mean?

Regardless of when a sales contract was ratified or when an agreement between a septic inspector and a client was signed, any septic inspection completed on or after July 1, 2025, must comply with the statute.

4. Is a written contract required for a septic inspection?

Yes. Septic system inspectors must have a written contract with their clients that outlines the scope and terms of the inspection before an inspection can take place. VOWRA provides examples for its members.

5. What must be included in the septic inspection?

Inspections must cover all readily accessible and openable components such as: Septic tanks, Pump tanks, Distribution devices, Treatment units, Control panels & Dispersal fields.

6. Is a septic system inspection report required?

Yes. Septic system inspectors must deliver a written report within 10 business days of the inspection. The report must describe the condition of the system without using pass/fail language.

7. Are septic inspections required for all residential property sales?

No. The new law does not require a septic inspection for the sale of a residential property. However, if an inspection is requested by a lending institution, real estate licensee, prospective homebuyer, or other impacted party as a condition of sale, refinancing, or transfer of title, the septic inspection must comply with state law.

8. How does the new law affect residential property listings?

Listing agents should verify the property's septic system operating permit information, especially the design capacity or approved bedroom count, to ensure marketing materials match the approved operating capacity or bedroom count of the septic system.

9. Can a septic system inspection be limited to “visual inspections with rod probing” still occur?

No. As of July 1, 2025, VOWRA does not believe that walkover inspections with probing meet the minimum requirements of the law or best practice in the onsite sewage industry. This option has been deleted from most real estate septic inspection addendums.

10. Are new construction listings held to the same standard of minimum septic system inspection requirements?

If a septic inspection is requested by a lending institution, real estate licensee, prospective homebuyer, or other impacted party as a condition of sale, refinancing, or transfer of title, the septic inspection must comply with the new state law.

11. Are residential rental properties or vacant home listings held to the same standard of minimum septic system inspection requirements?

Yes, if an inspection is requested, then the new law applies regardless of the vacancy of the property.

12. Does the new law apply to alternative onsite and alternative discharging systems?

Yes. The AOSS regulations are supplemental to Sewage Handling Regulations that govern all “septic systems”. In addition, the law references treatment units and authorized discharge points. “Septic System” is an industry stand term for most individual sewage systems.

Licensing

13. Who is authorized to perform septic inspections under the new law?

Only individuals with a valid onsite sewage system operator, installer, or soil evaluator license are authorized to conduct inspections. These individuals are referred to as **authorized septic system inspectors**. You can verify license status on the [DPOR License Lookup](#).

14. Must you have an alternative class license to inspect alternative systems under the new law?

The new law does not address this. VOWRA believes it's best practice to have a license of the proper class. There is no new guidance from DPOR. However, existing DPOR Regulation (18VAC160-40-470) states that prohibited acts include performing or undertaking to perform professional assignments that the licensee is not qualified to perform by education, experience, training, appropriate class or category of licensure, or any combination thereof.

This means that alternative sewage systems must be inspected by professionals with an alternative sewage system license.

15. Are additional certifications or licenses other than VA DPOR OSSO, OSE or OSSI required to do septic inspections in Virginia?

No. VOWRA and other organizations or companies may offer training courses, issue continuing education credits, and offer certifications. No other certifications are required. Individuals must hold a valid onsite sewage system operator, onsite sewage system installer, or onsite soil evaluator license pursuant to Chapter 23 (§ 54.1-2300 et seq.) of Title 54.1. Only these individuals are authorized to perform a septic system inspection in connection with any real estate transaction, including refinancings.

16. What is the Virginia Department of Health's (VDH) role in real estate inspections by authorized septic system inspectors?

HB 2671 amends §§59.1-310.7 through 59.1-310.10 of the Code of Virginia which do not fall under VDH. VDH does not implement or enforce these Code sections.

17. Are inspectors required to report sewage on the ground, deficiencies in AOSS systems or other threats to public health safety or welfare identified during a real estate inspection to the local health department?

We recommend inspectors advise the owner of the conditions and encourage them to report the issues and consider the following: 18VAC160-30-340. Licensee responsibility. A. The primary obligation of the licensee is to the public. If the licensee's judgment is overruled and not adhered to when advising appropriate parties of circumstances of a substantial threat to the public health, safety, or welfare, the licensee shall inform the employer or client, as applicable, of the possible consequences **and** notify appropriate authorities.

Listings, Sales Contracts & Inspection Agreements

18. Can a real estate septic inspection addendum limit the components to be inspected by the licensed inspector?

The law states what must be inspected if present and only provides an option to decline pumping. Declining pumping does not remove the requirement for inspection. VOWRA does not believe that walkover inspections with probing meet the minimum requirements of the law or best practice in the onsite sewage industry.

19. If I am a listing agent and the operating permit is unavailable, how do I enter the bedroom count into the MLS?

The law allows a seller/listing agent to rely upon the public tax records to determine the bedroom count that can be entered into the MLS.

20. If a property has more bedrooms in use than allowed per the septic system operating permit, can the higher bedroom count be listed in the MLS?

No. The new law requires the septic system capacity to be determined and/or reported as part of the septic system inspection report. The capacity (bedroom count) must be provided to the purchaser if the Purchase Agreement is subject to a septic system inspection or an inspection is required by the purchaser or lender.

MLS Rules and Regulations prohibit a listing from containing a bedroom count that is higher than the stated design capacity or bedroom count contained in the septic system operating permit. Further, an agent may not state or infer in any listing that a room may be used as a bedroom if doing so would exceed the capacity (bedroom count) of the septic system operating permit.

21. Can a septic system inspection be ordered by the seller prior to ratification of a Purchase Agreement?

Yes, but the seller must grant permission and the real estate contract requirements as well as any lender restrictions must be considered.

22. How are septic system inspections addressed in septic system inspection addendums?

Realtors and septic system inspectors are advised to review any sales contract language related to septic system inspections. Inspectors are encouraged to determine if their agreement provides what is required in the sales contract. The law reflects the minimum requirements for septic system inspections, but sales agreements may contain additional requirements. However, if a sales agreement calls for anything less than the minimum requirements of the law, the inspector is still required to comply with the law.

Operations Permits and Other Records

23. What is the turnaround time for Freedom of Information Act (FOIA) request for VDH?

Pursuant to [§2.2-3704](#) of the Code of Virginia, VDH must provide the requested records within five working days or respond in writing that it is not practically possible to provide the requested records within the five-work-day period. In the latter case, VDH may request a seven-work day extension. Those requesting records are encouraged to use VDH's online FOIA request portal – [NextRequest](#). You can access the portal at <https://vdh.nextrequest.com/>.

24. I am a listing agent, should I be proactive and obtain a copy of the septic system operating permit upon obtaining a new listing?

Whether or not you should obtain a septic system operating permit at the time of a new listing (or prior to a ratified purchase agreement) is a decision to be made in consultation with the seller and your managing broker. Some real estate firms have an office policy on this matter. VOWRA recommends this to identify potential issues prior to a ratified contract or during an inspection.

25. Can a seller, buyer or agent (acting with the client's consent) obtain a copy of the operating permit prior to a septic system inspection?

The owner's consent is not necessary if it is in the public record. All VDH records that do not contain sensitive or financial information are subject to the FOIA laws. While you can go to the website for the [Virginia Department of Health Division of Onsite Water and Wastewater Services](#) and click **Make a FOIA Request Online!**, most records are more readily available and more complete at the local health department. Address, Tax Map Numbers PIN numbers and owners' names are helpful when making requests.

26. What is a septic system operating permit (sometimes referred to as an operations permit)?

This permit authorizes the use of a septic system in Virginia. It is issued by the local health department after installation and final inspection. It outlines the permitted capacity of the system (e.g. 450 gallons per day for a three-bedroom house), and may specify ongoing operational requirements, such as annual inspections for alternative onsite septic systems.

27. Is a new operations permit required for the new owner?

No. Residential septic operations permits automatically transfer from owner to owner unless it has been revoked.

28. Will the septic system inspector need a copy of the septic system operating permit?

Yes, requesting a copy of the septic system operating permit is part of the law. VOWRA anticipates that the septic system inspector will attempt to obtain this from the owner or the local health department as part of the septic system inspection process.

29. Why is the operation permit important?

The operations permit lists the date the system was placed into operation, which may be different than the date the house was built. It also lists the capacity in gallons and/or bedrooms. Residential properties served by septic systems are not authorized to contain more bedrooms than the capacity of the installed septic system unless a conditional permit has been issued that clearly defines a capacity that does not match the bedrooms.

30. Is a septic system waiver issued to a specific property and transferable?

It Depends. Some owners are granted repair permits to install conventional systems that waive requirements for treatment and or pressure dosing that would otherwise be required. They are issued to a specific property and owner. These waivers may not be obvious in an operations permit. There are other waivers issued on case-by-case decisions. So, it is advisable that title work be checked for any recorded conditions or waivers related to any property transaction that has a septic system.

Note: A septic system waiver issued by the Virginia Department of Health for a failing system does not automatically transfer to a new owner. If a condition or waiver is identified, it is best to check with the local health department.

31. Can an inspection be conducted if the septic system operating permit is not available?

Yes, the inspector may still perform the inspection. The law does not define how or when an inspector concludes an operating permit is not available. If an inspector concludes an operating permit is not available, the inspector may report the system size or design capacity in gallons per day or bedroom count based on local health department records. However, the inspector is not required to calculate the adequacy (capacity) of the system or specific components. If the septic system inspector cannot report the capacity of the septic system, then the inspector will provide recommendations to determine the capacity. This might include referring the client to a licensed onsite soil evaluator or professional engineer for the further evaluation. In some instances, the capacity may remain undetermined.

32. What if there are no records at all for a septic system?

Septic system records get lost and misplaced. Just because there are no records does not mean that the system was installed illegally or without a permit. VDH recognizes this and has processes in place to re-create files or help licensed professionals establish the system components and capacity. The services of a licensed onsite soil evaluator and or a Professional Engineer may be required.

33. Does a homeowner have any remedies if their property has more bedrooms in use than allowed per the septic system operating permit?

Possibly. A homeowner should contact a licensed soil evaluator or professional engineer to determine if the existing septic system can be modified or expanded to meet the capacity requirements for a specific bedroom count. A homeowner may be able to apply for a "Minor Modification Permit" with the local Health Department, requesting a "Conditional Permit" for "Limited Occupancy." The state fee is \$150. This process varies by locality, usually requires a design submission from an OSE or PE, may have additional local fees and is at the discretion of the local health department. Some localities have local ordinances that prohibit conditional permits.

If approved, the permit (with a Virginia land record coversheet) must be recorded in the land records of the jurisdiction where the property is located.

34. If the septic system operating permit contains a "limited occupancy" or other restriction as to the number of occupants, must this be disclosed to the potential purchaser?

Yes. A listing agent should state the limited occupancy or other restrictions in the remarks section of the MLS listing and separately inform any prospective purchaser of the restrictions(s).

The Inspection

35. Do septic system inspections performed by an authorized septic system inspector utilizing a video camera meet the new minimum inspection requirements?

Only the authorized septic system inspector may make the determination if a video camera inspection meets the criteria under the new law for a particular septic system.

36. Will inspections take longer under the new septic system inspection requirements?

Possibly. This depends on what the standard practice for inspections was in your area prior to the law change. For some, the inspection process may be more detailed and time-consuming, so agents and brokers should allow ample time for the inspection and report delivery. We recommend allowing ample time prior to a proposed settlement date for completion of the inspection. The report may identify deficiencies. Subsequent advice or proposals from licensed professionals may identify work that the purchaser and seller agree to have completed prior to settlement. Funds for corrections might be escrowed at the discretion of all parties to the transaction including the lender in lieu of extending settlement dates.

A quick closing date is not recommended with properties where a septic system inspection is required.

37. Are buried components such as septic tanks and distribution boxes considered readily accessible and openable?

The short answer is yes, but each inspector may define the depth or exclude other conditions such as rock, roots, hard pan or other conditions that may make them not readily accessible. In [59.1-310.9, B.6](#) the law does define things the inspector is not required to do or things the inspector is not required to remove to complete the inspection.

38. What is Readily Accessible and Openable?

The VOWRA board and others, have been diligently considering interpretations of the term "readily accessible" as it primarily pertains to the uncovering of septic tanks and distribution boxes for inspections. We are approaching the time where we will be educating inspectors and addressing their questions. We sincerely appreciate your concerns regarding the potential damage to components during inspections and your interpretation of the exact wording in the law. Additionally, we value the participation and willingness to work together.

It is our belief that uncovering components covered by soil at reasonable depths without significant obstructions aligns with industry standards. The law states that a complete inspection requires pumping of the septic tank but offers the option to decline pumping. However, we do not see an option in the law for clients to decline

the inspection of a readily accessible and openable septic tank or distribution box. The VDH State Regulations require these buried components to have access ports and suggest improving access where components buried deeper than 30 inches. Similarly, the regulations for distribution boxes state, "The distribution box shall be fitted with a watertight, removable lid for access." Key words are "removable" and "access," emphasizing these components are intended to be accessed even when buried.

While it may be possible (and at the discretion of the inspector) to inspect a distribution box through the conveyance line with a sewer camera, if there is no access riser to the surface over the septic tank outlet tee, excavation will still be necessary. To conclude that removing soil to uncover components designed for inspection is damaging the property would conflict with the health department's requirement for uncovering and pumping septic tanks for maintenance. Physical damage to components during the inspection by the inspector is too variable to define precisely. We will provide guidance to inspectors that damage to already deteriorated components during the inspection should be addressed in their written contract. The same applies to unmarked private utilities not marked by VA 811.

In addition, we also have concurrence from VDH that any component that is deteriorated to the point where it is not watertight or distribution boxes that are not dividing flow equally would be considered deficient and not functioning as designed.

A compliance issue was recently raised by individuals familiar with the WWWOSSP board and the regulations governing licensees. They suggested that if a licensed professional entered into an agreement excluding the uncovering of readily accessible and openable components just because that's what the real estate inspection addendum called for, it could be considered in conflict with the law and therefore potentially a violation of their professional license.

In summary, removing soil over these components within a depth range and conditions at the discretion of the inspector is required by the law if they cannot be inspected by other means.

References

HB2671

"Readily accessible" means approachable or enterable for inspection without the risk of damage to any property or alteration of the accessible space, equipment, or opening.

2. Authorized septic system inspectors shall inspect and report on all readily accessible and openable components, including septic tanks, pump tanks, distribution devices, treatment units, control panels, and dispersal fields. The inspection shall also include any components specified in the operations permit and any vegetation, grading, or signs of harmful water entry that may impact septic system function.

6. No authorized septic system inspector shall be required to (i) identify property lines; (ii) offer warranties or guarantees of any kind; (iii) calculate the strength, adequacy, or efficiency of any septic system or component; (iv) operate any system or component that does not respond to normal operating controls; (v) move excessive vegetation, structures, personal items, panels, furniture, equipment, snow, ice, or debris that obstructs access to or visibility of the system and any related components;

SHDR

12VAC5-610-815. Septic tank design.

D. Top access and watertightness. All septic tanks shall be watertight and shall be provided with a watertight top. As a minimum, access manholes shall be provided over the inlet and outlet structures and shall have a minimum open space of 18 inches by 18 inches. When the septic tank has in excess of 30 inches of soil cover, an access manhole shall be brought to within 18 inches of the ground surface and shall be provided with a tight-fitting cover. In wet areas the manhole covers shall be watertight.

12VAC5-610-817. Maintenance.

B. Inspection port. An inspection port is a three-inch or larger port pipe or structure which allows access to the septic tank for the purpose of measuring sludge and scum accumulation. The inspection port shall terminate at or above grade and be designed to allow an inspection of sludge buildup in the septic tank. The inspection port shall be constructed of schedule 40 PVC pipe, or its equivalent, and shall be fitted with a watertight threaded cap. The recommended location of the inspection port shall be in or near the manhole cover on the inlet side of the septic tank away from the inlet tee. Other locations may be approved by the district health department on a case-by-case basis.

12VAC5-610-930. Gravity distribution.

C. Distribution boxes. The distribution box is a device for splitting flow equally by gravity to points in the system. Improperly installed distribution boxes are a cause for absorption field malfunction.

2. Design. Each distribution box shall be designed to split the influent flow equally among the multiple effluent ports. All effluent ports shall be at the same elevation and be of the same diameter. The elevation of the effluent ports shall be at a lower elevation than the influent port. The placement of the influent ports shall be such as to prevent short circuiting unless baffling is provided to prevent short circuiting. The minimum inside width of a gravity flow distribution box shall be equal to or greater than 12 inches. The inside bottom shall be at least four inches below the invert of the effluent ports and at least five inches below the invert of the influent port. A minimum of eight inches freeboard above the invert of the effluent piping shall be provided. The distribution box shall be fitted with a watertight, removable lid for access.

End of References

39. Are you required to use machinery to uncover buried components that are not readily accessible as determined by the inspector?

The short answer is no. The inspector and client can agree on extra measures to complete the inspection. The report must specify any components not inspected with reasons for their omission.

40. If the septic system has been pumped recently, or in the last five (5) years in accordance with the Chesapeake Bay Act, must the inspection include pumping?

The law states that complete inspection of a septic system includes pumping the contents of the septic tank. Some inspectors may allow a client to decline pumping as allowed by the law. However, this does not relieve the requirement for inspection of the component. The inspector may find other tanks needing pumping during the inspection.

The Report & After The Report

41. Are septic system inspection reports standardized?

No. VOWRA will provide a standard report template for its members to use or adapt for their business. The law does not require a standardized report. It only requires that it identify all inspected components, specify any components not inspected with reasons for their omission, and document adverse conditions such as defective or damaged components. The report shall describe the consequences of any adverse conditions and recommend further evaluation or observation by licensed professionals as necessary. VOWRA believes this would include addressing areas of the system or components that were not readily accessible and why.

42. Will an inspection report clarify if the septic system is conventional or alternative?

Yes, the inspection report should indicate the septic system type and if routine inspections are required. The report will also direct the client where to obtain copies of previous reports but does not require the inspector to provide reports. A record of the last report filed on an alternative system can be obtained by emailing ehdministrators@vdh.virginia.gov. This provides the company name, licensed operator, date of the visit, reason for the visit and basic results of the inspection. You can contact the local health department or the listed operator for more details on the reports filed.

43. Are inspectors required to report conditions identified on AOSS systems in the VDH or another required database?

Reports are required when a licensed inspector is performing an inspection or when other reportable incidents occur as defined in the AOSS regulations. Septic inspections for real estate sales are not required by the regulations. In addition, the

minimum septic inspection requirements in the law are not consistent with those required for an AOSS inspection.

Septic pumpers must always report sewage removed from any alternative system in the local or VDH database and follow local reporting procedures for maintenance pump outs when completed.

44. What qualifies as documenting “adverse conditions” as stated in the Law?

The bill provides defective or damaged components as examples of adverse conditions. The ultimate decision of whether to document an adverse condition is at the discretion of each individual authorized septic system inspector.

For onsite sewage system operation and maintenance (O&M) reports on alternative systems, VDH gives three options for the outcome of the inspection: 1) system functioning as designed; 2) the system should return to normal function after maintenance was provided; or 3) the system is not functioning as designed. A documented adverse condition could be viewed as one similar to “not functioning as designed”. For example, sewer lines, septic tanks, and conveyance lines that are not watertight, or do not have proper fall are not functioning as designed. A distribution box that is out of level and not evenly distributing effluent is not functioning as designed. These conditions could also be identified as adverse conditions.

Two situations where standing effluent in the trenches would clearly not be functioning as designed are: 1) observed evidence of surfacing effluent; or 2) effluent observed backing up from the drainfield into the distribution box, tank(s), or house. These conditions could also be identified as adverse conditions.

45. In the past, some septic system reports have clearly stated whether the system passed or failed and had required or recommended repairs in the report. Will that change?

Yes. The law states, *“No authorized septic system inspector shall provide pass or fail determinations or graded assessments of functionality”*. The standards in the law should bring consistency across the state giving a similar snapshot of the condition of any system on inspection day. While the determination of defective or damaged may vary from inspector to inspector and regionally, additional training and discussions at our Fall conference in October are already planned.

The law limits the report to *“describing the consequences of any adverse conditions and recommend further evaluation or observation by licensed professionals as necessary”*. The report can be sent to another licensed professional to provide recommendations or proposals for repairs. If the inspector or his company is properly licensed and in the business of providing such repairs, recommendations and proposals must be provided under separate cover and not contained within the septic inspection report. We recommend disclosing that you or your company provide these other services when offering inspection services.

46. How are adverse conditions related to potential VDH violations?

Whether or not VDH would issue a notice of alleged violation (NOAV) for the examples above is a separate issue from identifying them as adverse conditions. Authorized septic system inspectors are not asked to assess whether a violation is occurring; only VDH can issue NOAVs. A distribution box that is not evenly distributing effluent may not receive an NOAV from VDH provided the system is not surfacing effluent; however, the uneven distribution could be marked by an authorized septic system inspector as an adverse condition. The report would describe the consequences of any adverse conditions and recommend further evaluation or observation by licensed professionals as necessary.

47. How can documented adverse conditions be corrected?

Certain corrections can be made by properly licensed professionals as maintenance without a permit from VDH. The definition of maintenance can be found at <https://law.lis.virginia.gov/vacode/title32.1/chapter6/section32.1-163/>.

Corrections that fall outside the definition of maintenance will require a permit from VDH. Application information is available at <https://www.vdh.virginia.gov/environmental-health/onsite-sewage-water-services-updated/have-you-considered-using-the-private-sector/>.

Localities may have more restrictive requirements for some things defined as maintenance.

Additional FAQs

July 3, 2025

48. What inspection is necessary if the house is connected to a communal septic system?

Communal systems vary in design, operation and financial responsibility. VOWRA suggests you determine if the homeowner is responsible for owning, operating or maintaining any components of the system on the lot. If so, inspect those components and report findings. If possible, refer the client to the HOA or other entity that owns and operates the other parts of the communal system to determine the homeowner's responsibility if any.

49. Do all systems have an operations permit?

Today, conventional, alternative and alternative discharging systems should all have operations permits. Beginning with the 1982 regulations and more so with the implementation of the 2000 Sewage Handling & Disposal Regulations, operation permits were issued after systems were properly permitted, installed and inspected. Older construction permits had a place for inspection notes and they could be signed and dated by health department staff. A septic system installers completion statement may also be in the records. Operation permits for alternative systems are detailed in the 2011 AOSS regulations.

END 7-3-25