

VIRGINIA:

SEWAGE HANDLING AND DISPOSAL APPEAL REVIEW BOARD

ROBERT G. ROHR,)
)
Appellant,)
)
v.)
)
VIRGINIA DEPARTMENT OF HEALTH,)
)
Appellee.)

ORDER

On February 22, 2006, a quorum of the Sewage Handling and Disposal Appeal Review Board (the "Board") duly convened to hear the appeal by Robert G. Rohr ("Rohr") of a decision of the Virginia Department of Health (the "Department") (collectively, the "Parties"), issuing a conditional permit (the "Conditional permit") to Rohr to construct an onsite sewage disposal system (the "System"), subject to specified terms and conditions, on property identified by Tax Map 52-193, Gloucester County, Virginia.

At the February 22, 2006 hearing, the Parties represented to the Board that they had reached an agreement (the "Agreement") to voluntarily resolve Rohr's appeal. Specifically, the Parties represented that Rohr agreed voluntarily to dismiss his appeal and the Department agreed to vacate the Conditional Permit and reissue a permit omitting the three provisions of the original permit challenged in this appeal, specifically, provisions requiring:

- (1) an annual contract to maintain the System;
- (2) Rohr to furnish copies of inspections of the System to the Department; and

(3) a three-part condition for recordation of the permit in the Gloucester County land records.

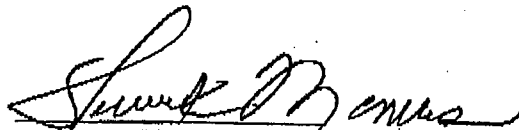
The Parties, therefore, jointly moved the Board to dismiss Rohr's appeal pursuant to the terms of their Agreement.

WHEREFORE, for the foregoing reasons, the Board *grants* the Parties' motion and *orders* that, pursuant to the terms of the Parties' Agreement, Rohr's appeal be and hereby is dismissed, *with prejudice*.

The Board further *orders* the Department to vacate the Conditional Permit and reissue a permit to Rohr omitting the three provisions of the original permit challenged in this appeal, specifically, provisions requiring:

- (1) an annual contract to maintain the System;
- (2) Rohr to furnish copies of inspections of the System to the Department; and
- (3) a three-part condition for recordation of the permit in the Gloucester County land records.

If Rohr wishes to appeal this Order to Circuit Court, he should do so by: (1) filing a notice of appeal with Susan Sherertz, Sewage Handling and Disposal Appeal Review Board, within thirty (30) days of receipt of this Order; and (2) filing a Petition for Appeal with the Circuit Court within thirty (30) days of filing the Notice of Appeal as required by Rule 2A:4 of the Rules of the Supreme Court of Virginia.


Steven Thomas
Chairman

Dated: April 4, 2006