

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 32.1-163.5 of the Code of Virginia, relating to on-site sewage*  
3 *evaluations.*

4 [H 2726]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 32.1-163.5 of the Code of Virginia is amended and reenacted as follows:**

8 § 32.1-163.5. On-site sewage evaluations.

9 A. Notwithstanding other provisions of this chapter, for purposes of subdivision review, permit  
10 approval, and issuance of letters for residential development, the Board, Commissioner, and Department  
11 of Health shall accept private site evaluations and designs, in compliance with the Board's regulations  
12 for septic systems and other on-site sewage systems, designed and certified by a licensed professional  
13 engineer, in consultation with an authorized on-site soil evaluator, or by an authorized on-site soil  
14 evaluator. The evaluations and designs included within such submissions shall be certified as complying  
15 with the Board's regulations implementing this chapter.

16 B. The Department shall not be required to perform a field check of private evaluations and designs  
17 prior to issuing the requested letter, permit or approval; however, the Department may conduct such  
18 review of the work and field analysis as deemed necessary to protect the public health and integrity of  
19 the Commonwealth's environment. Within fifteen working days from the date of written submission of a  
20 request for approval of a site evaluation and design for a single lot construction permit, and within sixty  
21 days from the date of written submission of a request for approval of a site evaluation and design for  
22 multiple lot certification letters or subdivision review, the Department shall (i) issue the requested letter,  
23 permit or approval or (ii) set forth in writing the specific reasons for denial. If the Department fails to  
24 take action to approve or disapprove the designs, evaluations, or subdivision reviews within the time  
25 specified herein, the designs, evaluations or subdivision reviews shall be deemed approved and the  
26 appropriate letter, permit or approval shall be issued. *Notwithstanding any other provision of law or the*  
27 *provisions of any local ordinance, counties, cities and towns shall comply with the time limits set forth*  
28 *in this subsection.*

29 C. Nothing in this section shall authorize anyone other than an individual licensed as a professional  
30 engineer pursuant to Chapter 4 (§ 54.1-400 et seq.) of Title 54.1 to engage in the practice of  
31 engineering.

32 D. The provisions of this section shall not apply to any locality that has entered into a contract with  
33 the Board of Health in accordance with Chapter 678 of the 1994 Acts of Assembly nor to a proprietary,  
34 pre-engineered septic system deemed by the Department to comply with the Board's regulations.