

2003 SESSION

INTRODUCED

033804823

HOUSE BILL NO. 1591

Offered January 8, 2003

Prefiled December 20, 2002

A BILL to amend and reenact § 32.1-163.5 of the Code of Virginia, relating to on-site sewage evaluations and septic system permits.

Patron—Louderback

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-163.5 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-163.5. On-site sewage evaluations.

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

B. The Department shall not be required to perform a field check of private evaluations and designs that have been certified as complying with the Board's regulations prior to issuing the requested letter, permit or approval.

However, the Department may conduct such review of the work and field analysis as deemed necessary to protect the public health and integrity of the Commonwealth's environment.

In any case in which field analysis is necessary to protect the public health and integrity of the Commonwealth's environment, the Department shall, however, conduct such field analysis prior to issuing a letter, permit or approval. If, for any reason, a field analysis is conducted after initiation of construction which finds that the site evaluation or system design is out of compliance with the Board's regulations, the permit shall remain valid and shall not be revoked. For purposes of the Onsite Sewage Indemnification Fund, no negligence shall be impugned to the Department of Health if a system having a negative field analysis after initiation of construction fails within 3 years of construction.

Within fifteen working days from the date of written submission of a request for approval of a site evaluation and design for a single lot construction permit, and within sixty days from the date of written submission of a request for approval of a site evaluation and design for multiple lot certification letters or subdivision review, the Department shall (i) issue the requested letter, permit or approval or (ii) set forth in writing the specific reasons for denial. If the Department fails to take action to approve or disapprove the designs, evaluations, or subdivision reviews within the time specified herein, the designs, evaluations or subdivision reviews shall be deemed approved and the appropriate letter, permit or approval shall be issued. Notwithstanding any other provision of law or the provisions of any local ordinance, counties, cities and towns shall comply with the time limits set forth in this subsection.

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

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

INTRODUCED

HB1591