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1　**HOUSE BILL NO. 1950**
2　Offered January 10, 2007
3　Prefiled January 5, 2007
4　*A BILL to amend the Code of Virginia by adding a section numbered 32.1-163.6, relating to*
5　*professional engineering design of onsite treatment works.*
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　　Patron—Morgan
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8　Referred to Committee on Health, Welfare and Institutions
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10　**Be it enacted by the General Assembly of Virginia:**
11　**1. That the Code of Virginia is amended by adding a section numbered 32.1-163.6 as follows:**
12　*§ 32.1-163.6 Professional Engineering Design of Onsite Treatment Works.*
13　*A. Notwithstanding other provisions of this chapter, the Board, Commissioner, and Department of*
14　*Health shall accept private site evaluations and treatment works designs from individuals licensed as*
15　*professional engineers pursuant to Chapter 4 (§ 54.1-400 et seq.) of Title 54.1. The evaluations and*
16　*designs shall be certified as complying with the Board's regulations implementing this chapter and as*
17　*using that degree of skill and care ordinarily exercised by reputable members of the civil engineering*
18　*profession practicing at the time of performance.*
19　*B. The Department shall not be required to perform a field check of private evaluations and designs*
20　*prior to issuing the requested letter, permit, or approval; however, the Department may conduct such*
21　*review of the work and field analysis as deemed necessary to protect the public health and integrity of*
22　*the Commonwealth's environment. All such reviews and evaluations of treatment works design submittals*
23　*allowed under this section shall be performed by individuals licensed as or working under the direct*
24　*supervision of a professional engineer pursuant to Chapter 4 (§ 54.1-400 et seq.) of Title 54.1.*
25　*C. Within 21 calendar days from the date of site evaluation and design submittals for treatment*
26　*works sized at 5,000 gallons per day or smaller, and within 45 calendar days from the date of site*
27　*evaluation and design submittals for treatment works sized at more than 5,000 gallons per day, the*
28　*Department shall (i) issue the requested letter, permit, or approval or (ii) set forth in writing the*
29　*specific reasons for denial. If the Department fails to take action to approve or disapprove the designs,*
30　*evaluations, or subdivision reviews within the time specified herein, the designs, evaluations or*
31　*subdivision reviews shall be deemed approved and the appropriate letter, permit, or approval shall be*
32　*issued.*
33　*D. The Department shall establish a design review board to hear all administrative appeals of*
34　*denials of site evaluation and design letters, permits, or approvals. The Commissioner shall appoint four*
35　*individuals licensed as professional engineers pursuant to Chapter 4 (§ 54.1-400 et seq.) of Title 54.1 to*
36　*serve on the design review board with (i) one representing the Department of Health's Division of*
37　*Wastewater Engineering, (ii) one representing the Department of Environmental Quality's Office of*
38　*Wastewater Engineering, (iii) one representing the Virginia Society of Professional Engineers, and (iv)*
39　*one representing the American Council of Engineering Companies of Virginia. The Commissioner shall*
40　*appoint one member of the board to serve as Chairman. Proceedings of the design review board and*
41　*appeals of its decisions shall be governed by the provisions of the Administrative Process Act*
42　*(§ 2.2-4000 et seq.) of Title 2.2.*
43　*E. A professional engineer responsible for a site evaluation or design may request an informal fact*
44　*finding hearing pursuant to § 2.2-4019 of the Code of Virginia. The request for hearing shall cite the*
45　*reason or reasons for the hearing request. The hearing shall be held within 45 calendar days of the*
46　*hearing request. A written decision shall be sent to the professional engineer and the Commissioner*
47　*within 15 calendar days of the hearing. If the decision is adverse to the interests of the appellant, the*
48　*aggrieved appellant may request an adjudicatory hearing pursuant to the Board's regulations*
49　*implementing this chapter and § 2.2-4020 of the Code of Virginia.*