

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 32.1-176.5:2, relating to*  
3 *prohibition on private well construction.*

4 [H 2102]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That the Code of Virginia is amended by adding a section numbered 32.1-176.5:2 as follows:**8 *§ 32.1-176.5:2. Prohibition on private well construction.*

9 *A. No private well shall be constructed within 50 feet of the property line with an adjacent property*  
10 *that is used for an agricultural operation, as defined in § 3.1-22.29. The following shall be exempt: (i)*  
11 *the owner of the adjacent property that is used for an agricultural operation may grant written*  
12 *permission for construction within 50 feet of the property line; or (ii) certification that no other site on*  
13 *the property complies with the Board's regulations for the construction of a private well.*

14 *B. The Department shall accept private site evaluations and designs, in compliance with the Board's*  
15 *regulations for the construction of private wells, designed and certified by a licensed professional*  
16 *engineer, in consultation with an authorized onsite soil evaluator, or by an authorized onsite soil*  
17 *evaluator. The evaluations and designs included within such submissions shall be certified as complying*  
18 *with the Board's regulations implementing this chapter. The Department shall not be required to*  
19 *perform a field check of private evaluations and designs prior to issuing the requested letter, permit, or*  
20 *approval. However, the Department may conduct such review of the work and field analysis as deemed*  
21 *necessary to protect the public health, integrity of the Commonwealth's environment, and the provisions*  
22 *of this chapter.*

23 *C. The Department, prior to issuing a permit, shall require any owner applying for a permit to*  
24 *construct a private well pursuant to the exemptions in subsection A to submit documentation that affirms*  
25 *the well construction site complies with the provisions of this section.*

ENROLLED

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