

VIRGINIA ACTS OF ASSEMBLY -- 2008 SESSION

CHAPTER 62

An Act to amend and reenact § 32.1-176.5:2 of the Code of Virginia, relating to private well construction.

[H 193]

Approved March 2, 2008

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-176.5:2 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-176.5:2. Prohibition on private well construction.

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

B. The Department shall accept private site evaluations and designs, in compliance with the Board's regulations for the construction of private wells, designed and certified by a licensed professional engineer, in consultation with an authorized onsite soil evaluator, or by an authorized onsite soil evaluator. The evaluations and designs included within such submissions shall be certified as complying with the Board's regulations implementing this chapter. The Department shall not be required to perform a field check of private evaluations and designs 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, integrity of the Commonwealth's environment, and the provisions of this chapter.

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