

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4 [H 193]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 32.1-176.5:2 of the Code of Virginia is amended and reenacted 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 *of three acres or larger* that is used for an agricultural operation, as defined in § 3.1-22.29. The
11 following shall be exempt: (i) the owner of the adjacent property that is used for an agricultural
12 operation may grant written permission for construction within 50 feet of the property line; ~~or~~ (ii)
13 certification that no other site on the property complies with the Board's regulations for the construction
14 of a private well.

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

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

ENROLLED

HB193ER