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HOUSE BILL NO. 1310

Offered January 22, 2010

A BILL to amend and reenact §§ 32.1-176.4, 54.1-1128, 54.1-1129, and 54.1-1130 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 54.1-1129.2, relating to the Board for Contractors; certification of direct exchange geothermal heat pump ground loop system providers.

 Patron—Bulova

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-176.4, 54.1-1128, 54.1-1129, and 54.1-1130 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section number 54.1-1129.2 as follows:

§ 32.1-176.4. Powers and duties of Board and Department; regulations; fees.

A. The Board shall adopt regulations pertaining to the location and construction of private wells in the Commonwealth. These regulations shall include minimum storage capacity and yield requirements for residential drinking wells. The certified water well systems provider shall certify the storage capacity and the yield of the well on a form provided by the Department at the time the well is completed. The Department shall enforce the provisions of this article and any rules and regulations adopted pursuant thereto. However, for private wells located in the Counties of Fairfax, Goochland, James City, Loudoun, Powhatan, and Prince William and the City of Suffolk, the governing body of such county or city may, by ordinance, establish standards which are consistent with Board standards pertaining to location and testing of water therefrom and more stringent than those adopted by the Board pertaining to construction and abandonment. However, any county or city granted these additional powers shall not require certification for drillers of monitoring wells and any recovery wells associated with such monitoring wells.

B. A fee of \$40 shall be charged for filing an application for a private well construction permit with the Department. Funds received in payment of such charges shall be transmitted to the Comptroller for deposit. The funds from the fees shall be credited to a special fund to be appropriated by the General Assembly, as it deems necessary, to the Department for the purpose of carrying out the provisions of this title. The Board, in its regulations, shall establish a procedure for the waiver of fees for persons whose incomes are below the federal poverty guidelines established by the United States Department of Health and Human Services or when the application is for replacement of a well. If the Department denies the permit for land on which the applicant seeks to construct his principal place of residence, then such fee shall be refunded to the applicant.

From such funds as are appropriated to the Department from the special fund, the Board shall apportion a share to the local or district health departments to be allocated in the same ratios as provided for the operation of such health departments pursuant to § 32.1-31. Such funds shall be transmitted to the local or district health departments on a quarterly basis.

C. The Board's regulations shall provide for the issuance of an express geothermal permit allowing, upon proper registration and payment of application fees, the construction of wells used solely for a closed loop geothermal heating system. The express geothermal permit shall include:

1. A requirement that all well construction be performed by a person holding a valid, appropriate contractor license with water well classification pursuant to certification as a direct exchange geothermal heat pump ground loop system provider issued in accordance with Article 3 (§ 54.1-1128 et seq.) of Chapter 11 (~~§ 54.1-1100 et seq.~~) of Title 54.1;

2. A requirement that the contractor provide a registration statement to the Department prior to beginning construction of the geothermal heating system certifying that the location and construction of the geothermal heating system will comply with the private well regulations;

3. A requirement that the registration statement accurately identify the property location, the owner's name, address, and contact information, and the contractor's name, address, and contact information;

4. A requirement that the registration statement include a detailed site plan, drawn to scale, showing the location of the geothermal heating system and any potential sources of contamination;

5. A provision that construction of the geothermal heating system may begin immediately upon submittal of a proper registration statement; and

6. A provision that a single application and a single fee be required for any geothermal well system. The fee will be equal to the fee for a single private well.

INTRODUCED

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59 § 54.1-1128. Definitions.

60 "Backflow prevention device worker" means any individual who engages in, or offers to engage in,
61 the maintenance, repair, testing, or periodic inspection of cross connection control devices, including but
62 not limited to reduced pressure principle backflow preventors, double check-valve assemblies,
63 double-detector check-valve assemblies, pressure type vacuum breaker assemblies, and other such
64 devices designed, installed, and maintained in such a manner so as to prevent the contamination of the
65 potable water supply by the introduction of nonpotable liquids, solids, or gases, thus ensuring that the
66 potable water supply remains unaltered and free from impurities, odor, discoloration, bacteria, and other
67 contaminants which would make the potable water supply unfit or unsafe for consumption and use.

68 "Board" means the Board for Contractors.

69 "*Direct exchange geothermal heat pump ground loop system*" means that part of a direct exchange
70 geothermal heat pump system consisting of boreholes, grout, ground loops, manifolds, and line-sets up
71 to their connection to the compressor unit.

72 "*Direct exchange geothermal heat pump system*" means any system used to heat or cool a structure
73 based on the circulation of a refrigerant into the ground through copper tubing and where the
74 refrigerant exchanges heat directly with the soil through the wall of the tubing.

75 "*Direct exchange geothermal heat pump ground loop system provider*" means any individual who is
76 certified by the Board in accordance with this article and who is engaged in drilling, grouting,
77 installation, maintenance, or repair of a direct exchange geothermal heat pump ground loop system.

78 "Liquefied petroleum gas fitter" means any individual who engages in, or offers to engage in, work
79 for the general public for compensation in work that includes the installation, repair, improvement,
80 alterations or removal of piping, liquefied petroleum gas tanks and appliances (excluding hot water
81 heaters, boilers and central heating systems which require a heating, ventilation and air conditioning or
82 plumbing certification) annexed to real property.

83 "Natural gas fitter provider" means any individual who engages in or offers to engage in work for
84 the general public for compensation in the incidental repair, testing, or removal of natural gas piping or
85 fitting annexed to real property, excluding new installation of gas piping for hot water heaters, boilers,
86 central heating systems, or other natural gas equipment which requires heating, ventilation and air
87 conditioning or plumbing certification.

88 "Tradesman" means any individual who engages in, or offers to engage in, work for the general
89 public for compensation in the trades of electrical, plumbing and heating, ventilation and air
90 conditioning.

91 "Water well systems provider" means any individual who is certified by the Board in accordance
92 with this article and who is engaged in drilling, installation, maintenance, or repair of water wells, water
93 well pumps, and other equipment associated with the construction, removal, or repair of water wells and
94 water well systems.

95 § 54.1-1129. Necessity for licensure.

96 A. Beginning July 1, 1995, no individual shall engage in, or offer to engage in, work as a tradesman
97 as defined in § 54.1-1128 unless he has been licensed under the provisions of this article. Individuals
98 shall not be subject to licensure as a tradesman when working under the supervision of a tradesman who
99 is licensed in the specialty for which work is being performed. Individuals holding a license in one
100 specialty shall not be required to have a tradesman license in another specialty when performing work
101 which is incidental to work being performed under their own specialty license.

102 B. Beginning July 1, 1998, no individual shall present himself as a certified backflow prevention
103 device worker as defined in § 54.1-1128 unless he has been certified under the provisions of this article.
104 Individuals certified as backflow prevention device workers shall not be required to hold any other
105 professional or occupational license or certification; however, nothing in this subsection shall prohibit an
106 individual from holding more than one professional or occupational license or certification. The
107 certification program set forth in this article concerning backflow prevention device workers shall be
108 voluntary and shall not be construed to prevent or affect the practice of backflow prevention device
109 workers by those not certified by the Board, so long as any requirements of the applicable local
110 governing body's programs relating to backflow prevention device workers are met. All local governing
111 bodies shall accept certification by the Board of backflow prevention device workers as proof of
112 experience and training without requiring additional examination.

113 C. Beginning one year after the effective date of the Board's final regulations, no individual shall
114 engage in, or offer to engage in, work as a liquefied petroleum gas fitter or natural gas fitter provider as
115 defined in § 54.1-1128 unless he has been licensed under the provisions of this article.

116 D. Beginning July 1, 2007, no individual shall engage in the drilling, installation, maintenance, or
117 repair of a water well or water well system unless a certified water well systems provider is onsite at all
118 times. Until June 30, 2012, any level of certification shall satisfy this requirement. Beginning July 1,
119 2012, only a certified individual shall engage in the drilling, installation, maintenance, or repair of a
120 water well or water well system and a then certified master water well systems provider shall be

121 available at all times. Nothing in this subsection shall be construed to prohibit licensed plumbing
122 tradesman from (i) completing work contained in the applicable plumbing code, or (ii) performing
123 normal maintenance and repair on large-diameter bored or hand-dug water table wells provided such
124 wells are 100 feet or less in depth and the work is being performed for an entity granted tax-exempt
125 status under § 501(c)(3) of the Internal Revenue Code.

126 *E. No individual shall engage in the in the drilling or grouting of a direct exchange geothermal heat
127 pump ground loop system unless he has been certified under the provisions of this article.*

128 *§ 54.1-1129.2. Direct exchange geothermal heat pump ground loop system providers; continuing
129 education.*

130 *A certified direct exchange geothermal heat pump ground loop system provider, as a condition of
131 renewal or reinstatement and as part of the renewal or reinstatement application, shall certify to the
132 Board that the applicant has completed at least eight hours of continuing education, approved by the
133 Board, in the specialty of technical aspects of direct exchange geothermal heat pump ground loop
134 system installation, applicable statutory and regulatory provisions, and business practices related to
135 direct exchange geothermal heat pump ground loop systems. The Board may exempt the applicant on
136 the grounds of continuing certification as a well water systems provider or other applicable certification
137 or experience. The Board may establish requirements for approval of training instructors, criteria for
138 continuing education, and other regulations it deems necessary to protect the public health, safety or
139 welfare. In addition, the Board may require continuing education for renewal or reinstatement for any
140 individual found to be in violation of the statutes or regulations governing the certification of direct
141 exchange geothermal heat pump system providers.*

142 *§ 54.1-1130. Application for licensure; fees; examinations; issuance; waiver of examination for water
143 well systems providers.*

144 *A. Any individual desiring to be licensed as a tradesman, liquefied petroleum gas fitter or natural gas
145 fitter provider, or certified as a backflow prevention device worker or water well systems provider shall
146 file a written application on a form prescribed by the Board. The application shall be accompanied by a
147 fee set by the Board pursuant to § 54.1-201. The application shall contain, at a minimum, the applicant's
148 name, place of employment, and business address; and information on the knowledge, skills, abilities
149 and education or training of the applicant.*

150 *If the application is satisfactory to the Board, the applicant shall be required by Board regulations to
151 take an oral or written examination to determine his general knowledge of the trade in which he desires
152 licensure or of backflow prevention devices if he desires voluntary certification unless he is exempt
153 pursuant to § 54.1-1131. If the applicant successfully completes the examination, a license as a
154 tradesman, liquefied petroleum gas fitter, or natural gas fitter provider, or a certificate as a backflow
155 prevention device worker, shall be issued.*

156 *B. The Board shall require an applicant for certification as a water well systems provider, unless
157 otherwise exempt, to take an oral or written examination to determine the applicant's general knowledge
158 of water well systems, including relevant statutory and regulatory requirements. If the applicant
159 successfully completes a required examination, a certificate shall be issued.*

160 *Notwithstanding any other provision of this section, unless an applicant is found by the Board to
161 have engaged in any act that would constitute grounds for disciplinary action, the Board shall issue a
162 certificate without examination to any applicant who provides satisfactory proof to the Board of having
163 been actively and continuously engaged in water well construction activities immediately prior to July 1,
164 2007, as follows: (i) at least one year for trainee certification; (ii) at least three years for journeyman
165 certification; and (iii) at least six years for master certification. This subsection shall apply only to
166 individuals who have been employed by a properly licensed water well contractor during such period of
167 active and continuous engagement in water well construction activities.*

168 *C. The Board shall require an applicant for certification as a direct exchange geothermal heat pump
169 ground loop system provider, unless otherwise exempt, to take an oral or written examination to
170 determine the applicant's general knowledge of direct exchange geothermal heat pump ground loop
171 systems, including relevant statutory and regulatory requirements. If the applicant successfully completes
172 a required examination, a certificate shall be issued. The Board may waive the examination requirement
173 based on an applicant's prior certification in other types of drilling.*

174 **2. That the Board for Contractors shall promulgate regulations to implement the provisions of
175 this act to be effective within 280 days of its enactment.**

176 **3. That direct exchange geothermal heat pump ground loop system providers shall continue to be
177 certified as water well systems providers under the provisions of Article 3 (§ 54.1-1128 et seq.) of
178 Chapter 11 of Title 54.1 of the Code of Virginia and regulations adopted by the Board for
179 Contractors which are in effect as of July 1, 2010, until such time as the Board for Contractors
180 adopts final regulations in accordance with this act.**