

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 An Act to amend and reenact § 32.1-163 of the Code of Virginia, relating to onsite sewage systems;
3 maintenance.

4 [H 887]
5 Approved

6 **Be it enacted by the General Assembly of Virginia:**
7 **1. That § 32.1-163 of the Code of Virginia is amended and reenacted as follows:**
8 **§ 32.1-163. Definitions.**

9 As used in this article, unless the context clearly requires a different meaning:
10 "Alternative discharging sewage system" means any device or system which results in a point source
11 discharge of treated sewage for which the Board may issue a permit authorizing construction and
12 operation when such system is regulated by the State Water Control Board pursuant to a general
13 Virginia Pollutant Discharge Elimination System permit issued for an individual single family dwelling
14 with flows less than or equal to 1,000 gallons per day.

15 "Alternative onsite sewage system" or "alternative onsite system" means a treatment works that is not
16 a conventional onsite sewage system and does not result in a point source discharge.

17 "Betterment loan" means a loan to be provided by private lenders either directly or through a state
18 agency, authority or instrumentality or a locality or local or regional authority serving as a conduit
19 lender, to repair, replace, or upgrade an onsite sewage system or an alternative discharging sewage
20 system for the purpose of reducing threats to public health and ground and surface waters, which loan is
21 secured by a lien with a priority equivalent to the priority of a lien securing an assessment for local
22 improvements under § 15.2-2411.

23 "Conduit lender" means a state agency, authority or instrumentality or a locality, local or regional
24 authority or an instrumentality thereof serving as a conduit lender of betterment loans.

25 "Conventional onsite sewage system" means a treatment works consisting of one or more septic tanks
26 with gravity, pumped, or siphoned conveyance to a gravity distributed subsurface drainfield.

27 "Licensed onsite soil evaluator" means a person who is licensed under Chapter 23 (§ 54.1-2300 et
28 seq.) of Title 54.1 as an onsite soil evaluator. A licensed onsite soil evaluator is authorized to evaluate
29 soils and soil properties in relationship to the effects of these properties on the use and management of
30 these soils as the locations for onsite sewage systems.

31 "Maintenance" means, *unless otherwise provided in local ordinance*, (i) performing adjustments to
32 equipment and controls ~~and~~ or (ii) in-kind replacement of normal wear and tear parts *that do not require*
33 *a construction permit for adjustment or replacement of the component* such as light bulbs, fuses, filters,
34 pumps, motors, sewer lines, conveyance lines, distribution boxes, header lines, or other like components.
35 "Maintenance" includes pumping the tanks or cleaning the building sewer on a periodic basis.
36 ~~Maintenance~~ *Notwithstanding any local ordinance, "maintenance" shall* does not include replacement of
37 tanks, drainfield piping, ~~distribution boxes~~ subsurface drainfields, or work requiring a construction
38 permit and installer. *Unless otherwise prohibited by local ordinance, a conventional onsite sewage*
39 *system installer or an alternative onsite sewage system installer may perform maintenance work limited*
40 *to in-kind replacement of light bulbs, fuses, filters, pumps, sewer lines, conveyance lines, distribution*
41 *boxes, and header lines.*

42 "Operate" means the act of making a decision on one's own volition (i) to place into or take out of
43 service a unit process or unit processes or (ii) to make or cause adjustments in the operation of a unit
44 process at a treatment works.

45 "Operation" means the biological, chemical, and mechanical processes of transforming sewage or
46 wastewater to compounds or elements and water that no longer possess an adverse environmental or
47 health impact.

48 "Operator" means any individual employed or contracted by any owner, who is licensed or certified
49 under Chapter 23 (§ 54.1-2300 et seq.) of Title 54.1 as being qualified to operate, monitor, and maintain
50 an alternative onsite sewage system.

51 "Owner" means the Commonwealth or any of its political subdivisions, including sanitary districts,
52 sanitation district commissions and authorities, any individual, any group of individuals acting
53 individually or as a group, or any public or private institution, corporation, company, partnership, firm
54 or association which owns or proposes to own a sewerage system or treatment works.

55 "Regulations" means the Sewage Handling and Disposal Regulations, heretofore or hereafter enacted
56 or adopted by the State Board of Health.

57 "Review Board" means the State Sewage Handling and Disposal Appeals Review Board.

58 "Sewage" means water-carried and non-water-carried human excrement, kitchen, laundry, shower,
59 bath or lavatory wastes, separately or together with such underground, surface, storm and other water
60 and liquid industrial wastes as may be present from residences, buildings, vehicles, industrial
61 establishments or other places.

62 "Sewerage system" means pipelines or conduits, pumping stations and force mains and all other
63 construction, devices and appliances appurtenant thereto, used for the collection and conveyance of
64 sewage to a treatment works or point of ultimate disposal.

65 "Subsurface drainfield" means a system installed within the soil and designed to accommodate treated
66 sewage from a treatment works.

67 "Transportation" means the vehicular conveyance of sewage.

68 "Treatment works" means any device or system used in the storage, treatment, disposal or
69 reclamation of sewage or combinations of sewage and industrial wastes, including but not limited to
70 pumping, power and other equipment and appurtenances, septic tanks, and any works, including land,
71 that are or will be (i) an integral part of the treatment process or (ii) used for ultimate disposal of
72 residues or effluents resulting from such treatment.