

1996 SESSION

INTRODUCED

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HOUSE BILL NO. 132

Offered January 10, 1996

A BILL for the relief of Jacqueline Cole.

Patron—Guest

Referred to Committee on Claims

Whereas, in the mid-seventies Sam Fullerton purchased one-half of what had once been a farm and later conveyed part of the land to his daughter, Jacqueline Cole; and

Whereas, on April 29, 1988, Jacqueline Cole filed an application for a sewage disposal system construction permit to serve a house on the land conveyed to her by her father; and

Whereas, the Warren County Health Department approved Ms. Cole's requests for a septic system and well in August, 1988; and

Whereas, it appears that although the well operated satisfactorily for five or six years, later test results of the well's water indicated that the well water was contaminated; and

Whereas, it was discovered that the drainfield built in 1957 on the original parcel was only 35 feet from Ms. Cole's well; and

Whereas, since septic permits were not routinely recorded in 1957, all of the parties involved were unaware that the drainfield was serving the current owners of the remainder of the original parcel but was physically located on Mr. Fullerton's parcel; and

Whereas, as a result of the contamination Ms. Cole's well water could not be used for drinking or washing dishes, only household cleaning, washing clothes and automobiles, and operating toilets; and

Whereas, it appears that the Health Department had records in its possession which indicated the location of the original septic system, and hence could have avoided the contamination by selecting an alternate site for Ms. Cole's well; and

Whereas, because of the improper approval of the well site by the Warren County Health Department and the resulting potential health hazards, in October, 1995, Ms. Cole expended additional funds to install a water treatment system and the water from her well now passes the minimum potable water test requirements established by the Virginia Department of Health; and

Whereas, Jacqueline Cole has no means to recover the expenses she incurred except by action of this body; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. § 1. That there is hereby allocated from the general funds appropriated to the Department of Health the sum of \$986 for the relief of Jacqueline Cole to be paid by check issued by the State Treasurer on warrant of the Comptroller to Jacqueline Cole upon a release by her of all claims against the Commonwealth and its political subdivisions, agencies, instrumentalities, officers, or employees in connection with, or arising out of, the aforesaid occurrence.

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