

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 32.1-176.4 and 32.1-176.5 of the Code of Virginia, relating to*
3 *construction of private wells.*

4 [S 1062]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That §§ 32.1-176.4 and 32.1-176.5 of the Code of Virginia are amended and reenacted as**
8 **follows:**

9 § 32.1-176.4. Powers and duties of Board and Department; regulations; fees.

10 A. The Board shall adopt regulations pertaining to the location and construction of private wells in
11 the Commonwealth. The Department shall enforce the provisions of this article and any rules and
12 regulations adopted pursuant thereto. However, for private wells located in the Counties of James City,
13 Fairfax, Loudoun, *Powhatan*, and Prince William and the City of Suffolk, the governing body of such
14 county or city may, by ordinance, establish standards which are consistent with Board standards
15 pertaining to location and testing of water therefrom and more stringent than those adopted by the Board
16 pertaining to construction and abandonment. However, any county or city granted these additional
17 powers shall not require certification for drillers of monitoring wells and any recovery wells associated
18 with such monitoring wells.

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

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

32 § 32.1-176.5. Construction permit; local government authority to require analysis of water.

33 A. Any person intending to construct a private well shall apply to the Department for and receive a
34 permit before proceeding with construction. This permit shall be issued no later than sixty days from
35 application and in accordance with the Board's regulations. In addition, an inspection shall be made after
36 construction to assure that the construction standards are met.

37 B. The local governing bodies of the Counties of Albemarle, Chesterfield, Clarke, Culpeper, Fairfax,
38 Fauquier, James City, Loudoun, Orange, *Powhatan*, Prince William, Rappahannock, Stafford, and York
39 and the Cities of Manassas, Manassas Park, Suffolk, and Virginia Beach may by ordinance establish
40 reasonable testing requirements to determine compliance with existing federal or state drinking water
41 quality standards and require that such testing be done prior to the issuance of building permits. Such
42 testing requirements shall apply only to building permit applicants proposing to utilize private ground
43 water wells as their primary potable water source. In developing such an ordinance, the local governing
44 body shall consider (i) the appropriate ground water constituents to be tested using the above standards
45 as guidance; (ii) the reasonable cost of such testing which may be borne by the applicant; and (iii) the
46 availability of certified laboratories to perform such services. However, no such test shall be conducted
47 by Consolidated Laboratories. The applicant shall be notified of the test results with respect to such
48 established standards.