

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 32.1-163.5, relating to on-site*  
3 *sewage evaluations.*

4  
5 Approved

[S 963]

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That the Code of Virginia is amended by adding a section numbered 32.1-163.5 as follows:**

8 *§ 32.1-163.5. On-site sewage evaluations.*

9 *A. Notwithstanding other provisions of this chapter, for purposes of subdivision review, permit*  
10 *approval, and issuance of letters for residential development, the Board, Commissioner and Department*  
11 *of Health shall accept private site evaluations and designs, in compliance with the Board's regulations*  
12 *for septic systems and other on-site sewage systems, designed and certified by a licensed professional*  
13 *engineer, in consultation with a Virginia-certified professional soil scientist, or by a person holding a*  
14 *certificate as a Virginia-certified professional soil scientist. The evaluations and designs included within*  
15 *such submissions shall be certified as complying with the Board's regulations implementing this chapter.*

16 *B. The Department shall not be required to perform a field check of private evaluations and designs*  
17 *prior to issuing the requested letter, permit or approval; however, the Department may conduct such*  
18 *review of the work and field analysis as deemed necessary to protect the public health and integrity of*  
19 *the Commonwealth's environment. Within fifteen working days from the date of written submission of a*  
20 *request for approval of a site evaluation and design for a single lot construction permit or certification*  
21 *letter, and within sixty days from the date of written submission of a request for approval of a site*  
22 *evaluation and design for multiple lot certification letters or subdivision review, the Department shall (i)*  
23 *issue the requested letter, permit or approval or (ii) set forth in writing the specific reasons for denial.*  
24 *If the Department fails to take action to approve or disapprove the designs, evaluations, or subdivision*  
25 *reviews within the time specified herein, the designs, evaluations or subdivision reviews shall be deemed*  
26 *approved and the appropriate letter, permit or approval shall be issued.*

27 *C. Nothing in this section shall authorize anyone other than an individual licensed as a professional*  
28 *engineer pursuant to Chapter 4 (§ 54.1-400 et seq.) of Title 54.1 to engage in the practice of*  
29 *engineering.*

30 *D. The provisions of this section shall not apply to any locality that has entered into a contract with*  
31 *the Board of Health in accordance with Chapter 678 of the 1994 Acts of Assembly nor to a proprietary,*  
32 *pre-engineered septic system deemed by the Department to comply with the Board's regulations.*

ENROLLED

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