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SENATE BILL NO. 1234
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Education and Health
on _____)
(Patron Prior to Substitute—Senator Aird)

A BILL to amend and reenact § 32.1-176.5 of the Code of Virginia, relating to private well permit applications.

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-176.5 of the Code of Virginia is amended and reenacted as follows:

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

A. Any person intending to construct a private well shall apply to the Department for and receive a permit before proceeding with construction. The permit application shall include (i) a site plan; (ii) an indication as to whether such permit is for new construction of a well, repair of an existing well, or modification of an existing well; and (iii) if such permit is for new construction of a well that will replace an existing well, an indication as to the reason such existing well will no longer be used. No survey plat shall be required. In all cases, it shall be the landowner's responsibility to ensure that the water well is properly located on the landowner's property. This permit shall be issued no later than 60 days from application and in accordance with the Board's regulations. In addition, an inspection shall be made after construction to assure that the construction standards are met.

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

31 standards.

32 C. Any local governing body referenced in subsection B of this section that has adopted a well
33 abandonment ordinance may require property owners to close and cap abandoned or inactive wells pursuant
34 to that ordinance.