

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 32.1-176.5 of the Code of Virginia, relating to private well permit*
3 *applications.*

4 [S 1234]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 32.1-176.5 of the Code of Virginia is amended and reenacted as follows:**8 **§ 32.1-176.5. Construction permit; local government authority to require analysis of water.**

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

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

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

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