

SENATE BILL NO. \_\_\_\_\_ HOUSE BILL NO. \_\_\_\_\_

1 A BILL to amend and reenact § 32.1-176.5 of the Code of Virginia, relating to memorandum of  
2 agreement for well construction permits.

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

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

5 § 32.1-176.5. Construction permit; memorandum of agreement; local government authority to  
6 require analysis of water.

7 A. Any person intending to construct a private well shall apply to the Department for and receive  
8 a permit before proceeding with construction. The permit application shall include a site plan. No survey  
9 plat shall be required. In all cases, it shall be the landowner's responsibility to ensure that the water well  
10 is properly located on the landowner's property. This permit shall be issued no later than 60 days from  
11 application and in accordance with the Board's regulations. In addition, an inspection shall be made after  
12 construction to assure that the construction standards are met. The Department and the Department of  
13 Environmental Quality shall cooperate, in accordance with a memorandum of agreement to be signed by  
14 the Commissioner of Health and the Director of the Department of Environmental Quality, to ensure the  
15 timely transmission of information contained in each well construction permit issued by the Department.  
16 The memorandum of agreement, at a minimum, shall include specific time frames for transfer of  
17 information from the Department to the Department of Environmental Quality, the form and content of  
18 the information provided, and any analyses and recommendations made by the Department. Copies of  
19 the proposed memorandum of agreement shall be provided to the chairman of the State Water  
20 Commission at least one month prior to final signature by the heads of the two agencies but no later than  
21 December 1, 2010. Any revision of the agreement shall be provided to the chairman of the State Water  
22 Commission no later than one month prior to adoption by the Department and the Department of  
23 Environmental Quality.

24 B. The local governing bodies of the Counties of Albemarle, Chesterfield, Clarke, Culpeper,  
25 Fairfax, Fauquier, Goochland, James City, Loudoun, Orange, Powhatan, Prince William,

26 Rappahannock, Stafford, Warren, and York, and the Cities of Manassas, Manassas Park, Suffolk, and  
27 Virginia Beach may by ordinance establish reasonable testing requirements to determine compliance  
28 with existing federal or state drinking water quality standards and require that such testing be done prior  
29 to the issuance of building permits. Such testing requirements shall apply only to building permit  
30 applicants proposing to utilize private ground water wells as their primary potable water source. In  
31 developing such an ordinance, the local governing body shall consider (i) the appropriate ground water  
32 constituents to be tested using the above standards as guidance; (ii) the reasonable cost of such testing  
33 which may be borne by the applicant; and (iii) the availability of certified laboratories to perform such  
34 services. However, no such test shall be conducted by Consolidated Laboratories. The applicant shall be  
35 notified of the test results with respect to such established standards.

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

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**SUMMARY**

**Well construction permit.** Requires the Virginia Department of Health under a memorandum of agreement with the Department of Environmental Quality (DEQ) to provide information contained in well construction permits to DEQ in a timely manner.