

**VA AWWA Water Utility Committee
Virginia General Assembly
2020 Legislative Session Summary**



Introduction

This document presents a summary of legislation considered by the Virginia General Assembly at its 2020 Regular Session. Detailed information on any piece of legislation in Virginia may be found on the Virginia Legislation Information System (<http://lis.virginia.gov>).

The bills listed below are specific to Drinking Water and Water Utilities.

The bills are differentiated as Passed, Failed, or Carried Over. Passed bills are subject to review and veto by the Governor; therefore some of the bills listed as passed may be amended and some may not become law. The General Assembly sometimes incorporates provisions from one bill into another bill, so even if a bill has failed, one or more of its provisions may exist in legislation that has passed.

HB542 (Passed)

Regional water resource planning; State Water Control Board regulations. Directs the State Water Control Board to estimate the risk that each locality and region in the Commonwealth will experience water supply shortfalls, to encourage the development of cross-jurisdictional water supply projects, and to adopt regulations designating regional planning areas based primarily on river basins. Each locality in a particular regional planning area shall participate in cross-jurisdictional, coordinated water resource planning, and all localities in each area shall together develop and submit a single regional water supply plan. The bill directs the Department of Environmental Quality to facilitate the creation of the regional water plans by ensuring sufficient coordination among localities, providing planning and other assistance, and ensuring that each regional plan identifies risks and proposes strategies in response. The bill directs that the Board and the Department prioritize the allocation of funds to localities that sufficiently participate in regional planning. The bill contains technical amendments.

Patron – Carr

HB586 (Passed)

Commissioner of Health; study of the occurrence of PFOA, PFOS, PFBA, PFHpA, PFHxS, PFNA, and other PFAS in the Commonwealth's public drinking water; report. Directs the Commissioner of Health to convene a work group to study the occurrence of perfluorooctanoic acid (PFOA), perfluorooctane sulfonate (PFOS), perfluorobutyrate (PFBA), perfluoroheptanoic acid (PFHpA), perfluorohexane sulfonate (PFHxS), perfluorononanoic acid (PFNA), and other perfluoroalkyl and polyfluoroalkyl substances (PFAS), as deemed necessary, in the Commonwealth's public drinking water and to develop recommendations for specific maximum contaminant levels for PFOA, PFOS, PFBA, PFHpA, PFHxS, PFNA, and other PFAS, as

deemed necessary, for inclusion in regulations of the Board of Health applicable to waterworks.

Patron – Guzman

HB797 (Passed)

Local school boards; lead testing; report; parental notification. Requires each local school board's plan to test and remediate certain potable water sources to be consistent with guidance published by the U.S. Environmental Protection Agency or the Department of Health. The bill requires each local school board to submit such testing plan and report the results of any such test to the Department of Health. The bill also requires local school boards to take all necessary steps to notify parents if testing results indicate lead contamination that exceeds 10 parts per billion. The bill is identical to SB 392.

Patron – Askew

HB799 (Passed)

Child day programs; potable water; lead testing. Requires licensed child day programs and certain other programs that serve preschool-age children to develop and implement a plan to test potable water from sources identified by the U.S. Environmental Protection Agency as high priority. The bill requires such plan and the results of each such test to be submitted to and reviewed by the Commissioner of Social Services and the Department of Health's Office of Drinking Water. The bill stipulates that if the result of any such test indicates a level of lead in the potable water that is at or above 15 parts per billion, the program shall remediate the level of lead in the potable water to below 15 parts per billion, confirm such remediation by retesting the water, and submit the results of the retests to the Commissioner of Social Services and the Department of Health's Office of Drinking Water for review. The bill also provides such programs the option of using bottled water in lieu of testing or remediation. This bill is identical to SB 393.

Patron – Askew

HB1641 (Passed)

HB1641 (Passed)

Coal ash ponds; private wells and public water supply wells; resident notification. Requires a utility, defined in the bill as the owner or operator of a coal ash pond in the Chesapeake Bay watershed, to complete a survey of all private wells and public water supply wells within 1.5 miles of each of its ponds by October 1, 2020, and to notify residents via mail and a local newspaper posting that the survey will be conducted. *Patron – Ayala*

HB1642 (Passed)

Coal ash ponds; well monitoring program; well testing. Requires each utility, defined in the bill as the owner or operator of a coal ash pond in the Chesapeake Bay watershed, to commission an independent well water test on behalf of the owner of any private well or public water supply well located within 1.5 miles of such coal ash pond by January 1, 2021, and requires such test to be conducted once per year during each of the five years following the approval of the closure of the coal ash pond and once every five years thereafter. The bill provides that if any test exceeds any U.S. Environmental Protection Agency Maximum Contaminant Level for drinking water, the utility shall provide water treatment or alternative water supplies, potentially including a connection to a city or county water utility, to the owner of the well. *Patron – Ayala*

HB1257 (Passed)

Drinking water supplies; maximum contaminant levels. Directs the State Board of Health to adopt regulations establishing maximum contaminant levels (MCLs) in public drinking water systems for (i) perfluorooctanoic acid, perfluorooctane sulfonate, and for such other perfluoroalkyl and polyfluoroalkyl substances as the Board deems necessary; (ii) chromium-6; and (iii) 1,4-dioxane. The bill requires such MCLs to be protective of public health, including the health of vulnerable subpopulations, and to be no higher than any MCL or health advisory adopted by the U.S. Environmental Protection Agency for the same

contaminant. The bill directs the Department of Health to report to the Chairmen of the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions on the status of research related to MCLs by November 1, 2020, and submit a final report by October 1, 2021, detailing the MCL regulations established by the Department of Health. The bill has a delayed effective date of January 1, 2022.

Patron – Rasoul

HB1458 (Passed)

Water protection permits; administrative withdrawal. Authorizes the State Water Control Board to administratively withdraw an individual or a general coverage water protection permit application if it is incomplete or for failure by the applicant to provide the required information after 60 days from the date of the latest written information request made by the Board. Prior to an administrative withdrawal, the bill requires the Board to provide (i) notice to the applicant and (ii) an opportunity for an informal fact-finding proceeding. The bill also authorizes an applicant to request suspension of an application review by the Board that does not affect the Board's ability to administratively withdraw the application.

Patron - Murphy

HB1085 (Failed)

Public schools; potable water. Establishes minimum requirements for the installation of water bottle filling stations and drinking fountains in new public school buildings, additions to existing public school buildings, and alterations to existing public school buildings estimated to cost \$50,000 or more. The bill requires the Board of Education to amend its regulations to require local school divisions to allow all students to carry

HB1192 (Carried Over)

Aboveground storage tanks; Hazardous Substance Aboveground Storage Tank Fund; civil and criminal penalties. Directs the State Water Control Board to regulate aboveground

storage tanks that measure more than 1,320 gallons in capacity and are used to contain hazardous substances other than oil. The bill directs the Board to adopt regulations that establish requirements for registration, certification, and inspection, and other requirements of tank owners, and that establish a schedule of fees. The bill authorizes the Board to undertake corrective action, or to require the owner to undertake corrective action, in the event of a discharge of a hazardous substance. The bill requires tank owners to register their tanks, pay certain registration fees, develop release response plans, upgrade certain older tanks, install containment infrastructure for certain aboveground storage tanks, notify certain parties in the event of a release of a regulated substance, and demonstrate their financial responsibility. The bill also creates the Hazardous Substance Aboveground Storage Tank Fund for the administration of the bill and provides for civil and criminal penalties for violations of requirements of the bill, with the moneys received to be deposited into the existing Virginia Environmental Emergency Response Fund.

Patron – Lopez

SB106 (Passed)

Hydraulic fracturing; groundwater management area; prohibition. Prohibits hydraulic fracturing, as defined in the bill, in certain groundwater management areas.

Patron – Surovell

SB392 (Passed)

Local school boards; lead testing; report; parental notification. Requires each local school board's plan to test and remediate certain potable water sources to be consistent with guidance published by the U.S. Environmental Protection Agency or the Department of Health. The bill requires each local school board to submit such testing plan and report the results of any such test to the Department of Health. The bill also requires local school boards to take all steps necessary to notify parents if testing results

indicate lead contamination that exceeds 10 parts per billion. The bill is identical to HB 797.

Patron – McPike

SB393 (Passed)

Child day programs; potable water; lead testing. Requires licensed child day programs and certain other programs that serve preschool-age children to develop and implement a plan to test potable water from sources identified by the U.S. Environmental Protection Agency as high priority. The bill requires such plan and the results of each such test to be submitted to and reviewed by the Commissioner of Social Services and the Department of Health's Office of Drinking Water. The bill stipulates that if the result of any such test indicates a level of lead in the potable water that is at or above 15 parts per billion, the program shall remediate the level of lead in the potable water to below 15 parts per billion, confirm such remediation by retesting the water, and submit the results of the retests to the Commissioner of Social Services and the Department of Health's Office of Drinking Water for review. The bill also provides such programs the option of using bottled water in lieu of testing or remediation. This bill is identical to HB 799.

Patron – McPike

SB410 (Passed)

Public school buildings; water management program; prevention of Legionnaires' disease. Requires each school board to maintain a water management program for the prevention of Legionnaires' disease at each public school building in the local school division. The bill requires the Department of Education to make recommendations for the establishment, maintenance, and validation of water management programs in public school buildings and to notify each local school board of its recommendations no later than July 1, 2021, the date on which the provisions of the bill requiring school boards to maintain such water management program become effective.

Patron – Hashmi

SB673 (Passed)

Nonagricultural irrigation wells prohibited outside surficial aquifer. Prohibits any person from constructing a well in a ground water management area for nonagricultural irrigation purposes except in the surficial aquifer. The bill authorizes the State Water Control Board (the Board) to adopt regulations to develop a general permit for the regulation of irrigation withdrawals from the surficial aquifer greater than 300,000 gallons in any one month. The bill directs the Board to promulgate regulations establishing criteria for determining whether the quantity or quality of the ground water in a surficial aquifer is adequate to meet a proposed beneficial use and requires that such regulations specify the information required to be submitted to the Department of Environmental Quality (the Department) by a golf course or any other person seeking a determination from the Department that either the quantity or quality of the ground water in a surficial aquifer is not adequate to meet a proposed beneficial use. The bill requires such regulations require the Department, within 30 days of receipt of a complete request, to make a determination as to the adequacy of the quantity or quality of the ground water in a surficial aquifer.

Patron – Mason

SB679 (Passed)

Eastern Virginia Groundwater Management Advisory Committee established; sunset.

Requires the Department of Environmental Quality to reestablish the Eastern Virginia Groundwater Management Advisory Committee, which expired on January 1, 2018, to assist the Department and the State Water Commission in the management of groundwater in the Eastern Virginia Groundwater Management Area. The bill has an expiration date of July 1, 2025. *Patron - Mason*

SB299 (Failed)

Potable water; purified water bottle filling station. Requires each local school board to install at least one purified water bottle filling station in every public school in the

local school division. The bill requires that each purified water bottle filling station (i) dispense filtered, clean drinking water; (ii) be regularly cleaned and maintained; and (iii) be accompanied by a cup dispenser if there is no drinking fountain on the same floor and wing as the water bottle filling station.

Patron – Stanley

