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**HOUSE BILL NO. 1295**

Offered January 10, 2024

Prefiled January 10, 2024

A *BILL to amend and reenact § 32.1-169 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 32.1-171.3, relating to drinking water; maximum contaminant levels; water treatment systems; Rural Water Supply Program and Fund established.*

Patrons—Campbell, Kilgore, Runion and Webert

Referred to Committee on Health and Human Services

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

**1. That § 32.1-169 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 32.1-171.3 as follows:**

**§ 32.1-169. Supervision by Board.**

A. The Board shall have general supervision and control over all water supplies and waterworks in the Commonwealth insofar as the bacteriological, chemical, radiological, and physical quality of waters furnished for human consumption may affect the public health and welfare and may require that all water supplies be pure water. In exercising such supervision and control, the Board shall recognize the relationship between an owner's financial, technical, managerial, and operational capabilities and his capacity to comply with state and federal drinking water standards.

B. The Board shall adopt regulations establishing maximum contaminant levels (MCLs) in all water supplies and waterworks in the Commonwealth for (i) perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS), and for such other perfluoroalkyl and polyfluoroalkyl substances as the Board deems necessary; (ii) chromium-6; and (iii) 1,4-dioxane. Each MCL shall be protective of public health, including of vulnerable subpopulations, including pregnant and nursing mothers, infants, children, and the elderly, and shall not exceed any MCL or health advisory for the same contaminant adopted by the U.S. Environmental Protection Agency. In establishing such MCLs, the Board shall review the recommendations of any work group convened by the Commissioner after July 1, 2022, to study the occurrence of such contaminants in public drinking water, MCLs adopted by other states, studies and scientific evidence reviewed by such states, material in the Agency for Toxic Substances and Disease Registry of the U.S. Department of Health, and current peer-reviewed scientific studies produced independently or by government agencies.

C. *The Board shall adopt regulations to utilize point-of-use or point-of-entry drinking water treatment or filtration systems that are certified by a third-party certification body as compliant with National Sanitation Foundation and American National Standards Institute standards to remove or significantly reduce concentrations of PFOA, PFOS, and other established and emerging contaminants of concern that meet or exceed maximum MCL or health advisory for the same contaminant adopted by the U.S. Environmental Protection Agency, or in the absence of a U.S. Environmental Protection Agency advisory, a contaminant level determined by the Department of Health.*

**§ 32.1-171.3. Rural Water Supply Program and Fund Established.**

A. *The Department of Health's Office of Drinking Water shall establish a program to be known as the Rural Water Supply Program (the Program) to test and treat contaminated drinking water for individuals on private wells and small rural public water systems. National Sanitation Foundation and American National Standards Institute third-party certified point-of-use and point-of-entry systems shall be eligible treatment and filtration systems for reducing concentrations of established and emerging contaminants of concern from such drinking water sources. The cost of operating the Program shall not exceed \$5 million annually.*

B. *There is hereby created in the state treasury a special nonreverting fund to be known as the Rural Water Supply Program Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All funds appropriated for such purpose and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of the testing and treatment of contaminated drinking water for those on private wells and small rural public water systems. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Commissioner.*