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SENATE BILL NO. 851

Offered January 8, 2025

Prefiled January 3, 2025

A BILL to amend and reenact § 32.1-248.2 of the Code of Virginia, relating to local ordinances for the use of certain rainwater harvesting systems.

Patron—Diggs

Referred to Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-248.2 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-248.2. Use of rainwater and reuse of gray water; regulations.

A. The Board shall adopt regulations regarding the use of gray water and rainwater. The regulations shall (i) describe the conditions under which gray water and rainwater may appropriately be used and for what purposes; (ii) include categories of gray water, such as types of used household water and used water from businesses, that are appropriate for reuse; and (iii) include a definition of gray water that excludes used toilet water. The regulations shall also provide standards for the use of rainwater harvesting systems, including systems that collect rainwater for use by commercial enterprises but do not provide water for human consumption, as defined in § 32.1-167.

Such regulations shall not apply to water not for human consumption, as defined in § 32.1-167, including gray water and rainwater, that is produced and utilized by any facility that is permitted through a Virginia Pollutant Discharge Elimination System permit or General Virginia Pollution Abatement permit.

B. The Department, in conjunction with the Department of Environmental Quality, shall promote the use of rainwater and reuse of gray water as means to reduce fresh water consumption, ease demands on public treatment works and water supply systems, and promote conservation.

C. The Department, in conjunction with the Department of Environmental Quality, shall consider recognizing rainwater as an independent source of fresh water available for use by the residents of the Commonwealth.

D. Existing local ordinances adopted prior to July 1, 2025, governing rainwater harvesting systems, shall continue in force; however, in the event of a conflict between a Board regulation and a local ordinance adopted prior to July 1, 2025, the Board regulation shall govern, except when the conflicting local ordinance is more stringent. No locality shall adopt any local ordinance requiring owners of Tier 4 rainwater harvesting systems, as that term is described in the Rainwater Harvesting System Regulations (12VAC-635), to connect to any municipal water supply or impose any penalty, including condemnation proceedings, on such owner for failing to connect to a municipal water supply. For purposes of this subsection "rainwater harvesting system" means a water system for collecting, storing, potentially treating, and distributing rainwater for the use of water from such system.

INTRODUCED

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