

25102842D

HOUSE BILL NO. 2050

Offered January 13, 2025

Prefiled January 7, 2025

A BILL to amend the Code of Virginia by adding in Article 13 of Chapter 3.1 of Title 62.1 a section numbered 62.1-44.34:34, relating to drinking water; Occoquan Reservoir PFAS Reduction Program established.

Patrons—Bulova, Henson, Mundon King, Thomas, Helmer, Maldonado, Rasoul, Sewell and Sickles

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 13 of Chapter 3.1 of Title 62.1 a section numbered 62.1-44.34:34 as follows:

§ 62.1-44.34:34. Occoquan Reservoir PFAS Reduction Program.

A. The owner or operator of (i) any facility that discharges industrial wastewater pursuant to an industrial pretreatment program permit into the sewer collection system of a major publicly owned treatment works that discharges into the Occoquan Reservoir, the Occoquan River, Bull Run, or any of their tributaries above the Occoquan Reservoir or (ii) any facility that discharges industrial wastewater or industrial stormwater directly into the Occoquan Reservoir, the Occoquan River, Bull Run, or any of their tributaries above the Occoquan Reservoir pursuant to an individual VPDES permit issued by the Department, shall monitor for PFAS to reduce excessive levels of PFAS in public drinking water derived from the Occoquan Reservoir on or before October 1, 2025, using EPA Method 1633 or an alternative method approved by the EPA and the Department.

The owner or operator of any such facility shall perform representative monitoring for PFAS at least once every three months unless the Department authorizes the owner or operator of a facility with proper monitoring results that are below the method detection level for four consecutive quarters to reduce or discontinue monitoring. The owner or operator of a facility shall make a good faith effort to obtain the results of such monitoring from the laboratory within 30 days of the sampling date or within the shortest practicable time thereafter. The owner or operator of a facility shall report all results to the Department no later than the tenth day of the next month after the month in which the result is reported by the laboratory. Such report shall include all PFAS analytes measured by the test method.

B. Beginning July 1, 2028, the level of PFAS discharged by a facility that is above the method detection level shall not exceed the level of any drinking water PFAS MCL promulgated on or before January 1, 2025. To allow for variability in PFAS levels discharged from such facilities, compliance with this limitation shall be determined on the basis of a running annual average of monitoring results.

C. Upon request of the owner or operator of a facility subject to industrial wastewater discharge PFAS limitations pursuant to subsection B, the Department shall adjust such limitations to account for the presence of PFAS in potable water supplied by a public water system used in the facility in order for such facility to not be held responsible for removing pollutants in the supply it receives. However, no credit shall be provided for the amount of PFAS that the facility adds to its discharge or the source water used by the public water system to produce the potable water. The Department may require such facility to perform additional monitoring to demonstrate its eligibility for any credit and compliance with applicable PFAS limitations.

D. The provisions of this section shall not apply to any industrial discharger except as specifically listed in subsection A or to any publicly owned treatment works or drinking water treatment plant. Any public water system that withdraws surface water from the Occoquan Reservoir to produce and distribute potable water to the general public may rely on the level of control required by this section for the purpose of its planning for compliance with PFAS MCL in finished water.