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**SENATE BILL NO. 1090**

Offered January 8, 2025

Prefiled January 7, 2025

*A BILL to amend and reenact § 32.1-169 of the Code of Virginia and to amend the Code of Virginia by adding in Article 10 of Chapter 6 of Title 32.1 a section numbered 32.1-248.5, relating to drinking water; maximum contaminant levels; water treatment or filtration systems; Residential Well Water Testing and Treatment Program and Program Fund established.*

Patron—Perry

Referred to Committee on Education and Health

**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 in Article 10 of Chapter 6 of Title 32.1 a section numbered 32.1-248.5 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 and perfluorooctane sulfonate, 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 perfluorooctanoic acid, perfluorooctane sulfonate, and other established and emerging contaminants of concern that meet or exceed MCLs or health advisory limits 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.

**§ 32.1-248.5. Residential Well Water Testing and Treatment Program and Program Fund established.**

A. As used in this section:

"Economic need" means either (i) that the private residential well owner is low income as defined in § 2.2-234 or (ii) that the private residential well owner would otherwise be unable to pay or have significant difficulty paying for an eligible treatment or filtration system.

"Eligible treatment or filtration systems" means 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 perfluorooctanoic acid (PFOA), perfluorooctane sulfonate (PFOS), and other established and emerging contaminants of concern that meet or exceed contaminant levels or health advisory limits 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 in accordance with the regulations promulgated pursuant to § 32.1-170.

"Fund" means the Residential Well Water Testing and Treatment Program Fund established pursuant to subsection C.

"Program" means the Residential Well Water Testing and Treatment Program established pursuant to subsection B.

"Third party certification body" means an independent certification body accredited by the ANSI National Accreditation Board (ANAB), such as the Water Quality Association, NSF International, and the

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59 *International Association of Plumbing and Mechanical Officials.*

60 *"Qualified Third Party Professional" means a person who is a licensed plumber, water well provider, or*  
61 *individual who holds a license or certification related to water treatment issued by a State or local*  
62 *government.*

63 *B. 1. There is hereby established the Residential Well Water Testing and Treatment Program to assist*  
64 *with the testing and treatment of contaminated drinking water through grants for the use of eligible treatment*  
65 *or filtration systems in private residential wells. The Program shall be administered by the Department's*  
66 *Office of Drinking Water, and the Department shall establish guidelines for the administration of the*  
67 *Program, including guidelines related to the application for and award of grants from the Fund pursuant to*  
68 *this section.*

69 *2. Subject to the availability of funds, any grant awards for private residential wells shall require an*  
70 *applicant to demonstrate (i) the severity of the drinking water contamination, and (ii) the economic need of*  
71 *the private residential well owner. Such grants from the Program to private residential well owners shall not*  
72 *exceed 50 percent of the cost of eligible treatment or filtration systems.*

73 *3. If an eligible treatment and filtration systems needs to be professionally installed, then it must be*  
74 *installed by a qualified third-party professional.*

75 *4. The total costs of operating the Program shall not exceed \$3 million annually.*

76 *C. There is hereby created in the state treasury a special nonreverting fund to be known as the Residential*  
77 *Well Water Testing and Treatment Program Fund. The Fund shall be established on the books of the*  
78 *Comptroller. All funds appropriated for such purpose and any gifts, donations, grants, bequests, and other*  
79 *funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on*  
80 *moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund,*  
81 *including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain*  
82 *in the Fund. Moneys in the Fund shall be used solely for the purposes of providing grants to private*  
83 *residential well owners for the testing and treatment of contaminated drinking water for those on such*  
84 *private residential wells pursuant to the Program established in subsection B through the use of eligible*  
85 *treatment or filtration systems. Expenditures and disbursements from the Fund shall be made by the State*  
86 *Treasurer on warrants issued by the Comptroller upon written request signed by the Commissioner.*