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SENATE BILL NO. 1234

Offered January 8, 2025

Prefiled January 8, 2025

A BILL to amend and reenact §§ 32.1-169 and 32.1-176.5 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 Water Testing and Treatment Program; Residential Well Water Testing and Treatment Program Fund; certification; permits.

Patron—Aird

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-169 and 32.1-176.5 of the Code of Virginia are 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 maximum 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.

§ 32.1-176.5. Construction permit; local government authority to require analysis of water.

A. Any person intending to construct a private well shall apply to the Department for and receive a permit before proceeding with construction. The permit application shall include (i) a site plan; (ii) an indication as to whether such permit is for new construction of a well, repair of an existing well, or modification of an existing well; and (iii) if such permit is for new construction of a well that will replace an existing well, an indication as to the reason such existing well will no longer be used. No survey plat shall be required. In all cases, it shall be the landowner's responsibility to ensure that the water well is properly located on the landowner's property. This permit shall be issued no later than 60 days from application and in accordance with the Board's regulations. In addition, an inspection shall be made after construction to assure that the construction standards are met.

B. The local governing bodies of the Counties of Albemarle, Bedford, Chesterfield, Clarke, Culpeper, Fairfax, Fauquier, Goochland, James City, Loudoun, Orange, Powhatan, Prince William, Rappahannock, Stafford, Warren, and York, and the Cities of Chesapeake, Manassas, Manassas Park, Suffolk, and Virginia Beach may by ordinance establish reasonable testing requirements to determine compliance with existing federal or state drinking water quality standards and require that such testing be done prior to the issuance of building permits. Such testing requirements shall apply only to building permit applicants proposing to utilize private ground water wells as their primary potable water source. In developing such an ordinance, the local governing body shall consider (i) the appropriate ground water constituents to be tested using the above

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59 standards as guidance, (ii) the reasonable cost of such testing that may be borne by the applicant, and (iii) the  
60 availability of certified laboratories to perform such services. However, no such test shall be conducted by  
61 Consolidated Laboratories. The applicant shall be notified of the test results with respect to such established  
62 standards.

63 C. Any local governing body referenced in subsection B of this section that has adopted a well  
64 abandonment ordinance may require property owners to close and cap abandoned or inactive wells pursuant  
65 to that ordinance.

66 **§ 32.1-248.5. Water Testing and Treatment Program; Residential Well Water Testing and Treatment**  
67 **Program Fund; established.**

68 A. As used in this section:

69 "Economic need" means either (i) that the private residential well owner is low income as defined in §  
70 2.2-234 or (ii) that the private residential well owner would otherwise be unable to pay or have significant  
71 difficulty paying for an eligible treatment or filtration system.

72 "Eligible treatment and filtration systems" means point-of-use or point-of-entry drinking water treatment  
73 or filtration systems that are certified by a third-party certification body as compliant with National  
74 Sanitation Foundation and American National Standards Institute standards to remove or significantly  
75 reduce concentrations of perfluorooctanoic acid, perfluorooctane sulfonate, and other established and emer  
76 ging contaminants of concern that meet or exceed maximum contaminant levels or health advisory limits for  
77 the same contaminant adopted by the U.S. Environmental Protection Agency or, in the absence of a U.S.  
78 Environmental Protection Agency advisory, a contaminant level determined by the Department in  
79 accordance with the regulations promulgated pursuant to § 32.1-170.

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

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

83 B. There is hereby established the Water Testing and Treatment Program to assist with the testing and  
84 treating of contaminated drinking water through grants for the use of eligible treatment and filtration systems  
85 in private residential wells. The Program shall be administered by the Department's Office of Drinking  
86 Water, and the Department shall establish guidelines for the administration of the Program, including  
87 guidelines related to the application for and award of grants from the Fund pursuant to this section.

88 Subject to the availability of funds, any grant awards for private residential wells shall require an  
89 applicant to demonstrate (i) the severity of the drinking water contamination, (ii) the lack of available public  
90 water alternatives, and (iii) the economic need of the private residential well owner. Such grants from the  
91 Program to private residential well owners shall not exceed 50 percent of the cost of such treatment and  
92 filtration systems.

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