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SENATE BILL NO. 1408
AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the Senate Committee on Education and Health
on _____)
(Patron Prior to Substitute—Senator Reeves)

A BILL to amend the Code of Virginia by adding a section numbered 32.1-174.5, relating to Department of Health Office of Drinking Water; waterworks; mandatory reporting; monthly operation report.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 32.1-174.5 as follows:

§ 32.1-174.5. *Mandatory reporting of critical equipment failure or malfunction; noncritical operational anomalies.*

A. As used in this section:

"Change in water pressure" means a deviation from normal operating pressure, resulting in less than 20 pounds per square inch (psi), of any one service connection within a waterworks distribution system.

"Chemical imbalance" means a deviation from the normal range of pH, chlorine or ammonia residual, iron, manganese, color, or visible solids of treated water, including deviations that may be objectionable to customers of the waterworks.

"Equipment failure" means an unplanned condition when the equipment cannot perform or is unable to perform as designed because of a problem with such equipment. "Equipment failure" does not mean a planned (i) removal from service, (ii) repair, or (iii) maintenance.

"Equipment malfunction" means a condition that is not a result of negligence or improper maintenance in which a waterworks' equipment is unable to perform as designed due to a problem (i) outside the waterworks or (ii) not associated with the equipment itself, such as an issue with the power supply or other control system.

"Leak" means an unplanned or uncontrolled release of water from a waterworks distribution system.

"Monthly operation report" means the report submitted by a waterworks to the Office, at least every 30 days, that describes the waterworks' operational status and compliance with applicable laws, regulations, and policies, as directed by the Department.

"Noncritical operational anomaly" means a situation where the waterworks is in compliance with applicable regulations but is operating outside the normal range of water quality or water pressure

31 *regardless of whether such anomaly is noticeable to customers of the waterworks.*

32 *"Office" means the Department's Office of Drinking Water.*

33 *"Unusual odor" means water that exceeds a threshold odor number, as defined by the U.S. Environmental*
34 *Protection Agency's secondary maximum contaminant limit, of three.*

35 *"Waterworks" means the same as that term is defined in § 32.1-167.*

36 *B. The owner of a waterworks shall report any critical equipment failure or malfunction, including a*
37 *pump failure or any other failure or malfunction that poses an immediate risk to public health or disrupts*
38 *water service, to the Office within six hours of discovery.*

39 *C. The owner of a waterworks that has an existing obligation to submit monthly operation reports to the*
40 *Office shall include any noncritical operational anomaly that could adversely affect water quality, public*
41 *health, or service continuity, including equipment failures or malfunctions, unusual odors, leaks, chemical*
42 *imbalances, and changes in water pressure in such report.*