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HOUSE BILL NO. 2050

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Agriculture, Chesapeake and Natural Resources
on January 29, 2025)

(Patron Prior to Substitute—Delegate Bulova)

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.

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 using EPA Method 1633 or an alternative method approved by the EPA and the Department beginning on or before October 1, 2025.

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 45 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. This report shall include all such PFAS analytes measured by the test method.

B. Beginning July 1, 2028, the level of PFAS discharged by a facility that is measured using EPA Method 1633 or an approved alternative method shall not exceed the maximum contaminant level (MCL) for such PFAS in drinking water promulgated on or before January 1, 2025. To allow for variability in such 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. Where the owner or operator of a facility subject to industrial wastewater discharge PFAS limitations pursuant to subsection B demonstrates to the Department's satisfaction that the presence of PFAS in its potable water supply from the public water system may contribute to an exceedance, the Department may establish an alternative manner of calculating compliance with the limitation required by subsection B to account for the presence of PFAS from other sources in its potable water supply. The consideration or establishment of an alternative manner of calculating compliance shall not delay the deadline for compliance specified in subsection B.

D. The provisions of this section shall not apply to (i) any industrial discharger except as specifically listed in subsection A, (ii) any publicly owned treatment works or drinking water treatment plant, or (iii) a municipal solid waste facility. 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 the MCLs for PFAS in finished water.

E. Nothing in this section shall be construed to limit the authority of the Department or the owner or operator of any publicly owned treatment works to which any user discharges wastewater to require monitoring or reporting or otherwise regulate the discharge of any PFAS chemicals or other pollutants under other applicable legal authority.