

SENATE BILL NO. 1090

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Education and Health

on January 30, 2025)

(Patron Prior to Substitute—Senator Perry)

A BILL 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 Residential Well Water Testing and Treatment Program and Fund.

Be it enacted by the General Assembly of Virginia:

1. 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:

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

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 for or have significant difficulty paying for an eligible treatment or filtration system.

"Eligible treatment and 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 (NSF) International and American National Standards Institute (ANSI) 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 maximum contaminant levels or health advisory levels for the same contaminant established by the U.S. Environmental Protection Agency (EPA) or, in the absence of an EPA health advisory for such contaminant, 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 D.

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

"Third-party certification body" means an independent certification body accredited by the ANSI National Accreditation Board, such as the Water Quality Association, NSF International, and the International Association of Plumbing and Mechanical Officials.

31 *B. The Board shall adopt regulations that enable the utilization of eligible treatment and filtration*
32 *systems.*

33 *C. 1. There is hereby established the Residential Well Water Testing and Treatment Program to assist*
34 *with the testing and treating of contaminated drinking water through grants for the purchase, installation,*
35 *and maintenance of eligible treatment and filtration systems in private residential wells. The Program shall*
36 *be administered by the Department, and the Department shall establish guidelines for the administration of*
37 *the Program, including guidelines related to the application for and award of grants from the Fund pursuant*
38 *to this section.*

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

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

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