

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act 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.

[H 2050]

Approved

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. For purposes of this section, "PFAS" has the same meaning as in § 62.1-44.34:29.

B. The owner or operator of any facility, including facilities described in § 62.1-44.34:32, that (i) 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) 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 using EPA Method 1633 or an alternative method approved by the EPA beginning on or before October 1, 2025.

The owner or operator of any such facility shall perform representative monitoring of its wastewater or stormwater discharges, as applicable, 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.

C. By July 1, 2027, for any facility that measures PFAS in its discharge that exceeds the maximum contaminant level (MCL) for such PFAS in drinking water promulgated on or before January 1, 2025, identified through the monitoring required in subsection B, the Department, for an individual VPDES permit if the facility discharges directly to surface waters, or a major publicly owned treatment works, for an indirect discharger, shall modify the applicable discharge permit to require that the facility's discharge not exceed that MCL. The permit shall provide a compliance schedule that requires compliance with such level as soon as possible but no later than July 1, 2029. If the MCL for such PFAS for drinking water is revised to a different, higher allowed level, the revised higher level shall control for purposes of this section.

D. Where the owner or operator of a facility subject to industrial wastewater discharge PFAS limitations pursuant to subsection C demonstrates to the Department's satisfaction that the presence of PFAS in its water supply may contribute to an exceedance, the Department shall establish an alternative manner of calculating compliance with the limitation required by subsection C to account for the presence of PFAS in its water supply not caused by the same facility. The consideration or establishment of an alternative manner of calculating compliance shall not delay the deadline for compliance specified in subsection C.

E. The provisions of this section shall not apply to (i) any industrial discharger except as specifically listed in subsection B, (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 MCL for PFAS in finished water.

F. 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.

2. That the General Assembly finds and determines that the Occoquan Reservoir is the Commonwealth's first and only indirect potable reuse drinking water supply, which receives highly treated wastewater from the Upper Occoquan Sewage Authority (UOSA). During drought conditions the return flows from UOSA comprise up to 90 percent of the inflows to the Occoquan Reservoir. The watershed draining to the Occoquan Reservoir is less than 600 square miles and highly urbanized. To

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57 address this unique situation, industrial sources shall be monitored and if the industrial sources are
58 determined to be contributing PFAS, as that term is defined in § 62.1-44.34:29 of the Code of Virginia,
59 such industrial sources shall be minimized in accordance with this act to reduce excessive levels of
60 PFAS in public drinking water derived from the Occoquan Reservoir.