

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4 [S 1408]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That the Code of Virginia is amended by adding a section numbered 32.1-174.5 as follows:**8 **§ 32.1-174.5. Mandatory reporting of contaminant releases and equipment failures and malfunctions.**9 **A. As used in this section:**10 *"Contaminant release" means an unplanned or uncontrolled release by a waterworks of a chemical*  
11 *contaminant or petroleum or synthetic oil into the water that is treated by or distributed from the waterworks*  
12 *to customers. "Contaminant release" includes any such release at treatment facilities and raw or finished*  
13 *water pump stations.*14 *"Critical equipment failure or malfunction" means any equipment failure or malfunction that has*  
15 *significant potential for serious adverse effects on human health as a result of short-term exposure or to*  
16 *cause a widespread disruption of water service.*17 *"Equipment failure" means an unplanned condition when the equipment cannot perform or is unable to*  
18 *perform as designed because of a problem with such equipment. "Equipment failure" does not mean a*  
19 *planned (i) removal from service, (ii) repair, or (iii) maintenance.*20 *"Equipment malfunction" means an unplanned condition during which the equipment cannot perform or*  
21 *is unable to perform as designed due to a problem originating from outside the waterworks rather than a*  
22 *problem associated or originating with the equipment itself, including an issue with third-party provided gas*  
23 *or electric power feeds or a cyberattack.*24 *"Monthly operating report" means the report submitted by a waterworks to the Office at least once each*  
25 *month that describes the waterworks' operational status and compliance with applicable laws, regulations,*  
26 *and policies, as directed by the Department.*27 *"Noncritical equipment failure or malfunction" means an equipment failure or malfunction that is not a*  
28 *critical equipment failure or malfunction, regardless of whether such anomaly is noticeable to customers of*  
29 *the waterworks.*30 *"Office" means the Department's Office of Drinking Water.*31 *B. The owner of a waterworks shall report any critical equipment failure or malfunction or contaminant*  
32 *release to the Office as soon as practicable but no more than two hours after discovery.*33 *C. Any owner of a waterworks that is required to submit a monthly operating report to the Office shall*  
34 *include any noncritical equipment failure or malfunction that could adversely affect water quality, public*  
35 *health, or service continuity that occurred during the applicable reporting month and was not resolved by the*  
36 *reporting deadline. For the purposes of this subsection, any noncritical equipment failure or malfunction that*  
37 *is effectively addressed by equipment repair or replacement, alternative equipment use, alternative system*  
38 *operation, or such other response shall be considered resolved.*