

## HOUSE BILL NO. 1149

## AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee on Counties, Cities and Towns

on \_\_\_\_\_)

(Patron Prior to Substitute—Delegate Hodges)

*A BILL to amend and reenact §§ 15.2-2144 and 15.2-5114 of the Code of Virginia, relating to inspection of water distribution systems; lead status inspections for water service lines.*

**Be it enacted by the General Assembly of Virginia:****1. That §§ 15.2-2144 and 15.2-5114 of the Code of Virginia are amended and reenacted as follows:****§ 15.2-2144. Inspection of water supplies.**

A. Every locality may regulate and inspect public and private water supplies; the production, preparation, transmission and distribution of water; and the sanitation of establishments, systems, facilities and equipment in or by means of which water is produced, prepared, transmitted and distributed. It may prevent the pollution of such water supplies; and, without liability to the owner thereof, may prevent the transmission or distribution of water when it is found to be polluted, adulterated, impure or dangerous.

*In any locality that owns or operates a system for the distribution of water, the locality or duly authorized agent thereof may, at reasonable times and under reasonable circumstances, enter upon the exterior areas of any property, public or private, for the purpose of accessing and inspecting a water service line necessary to make required system-side and customer-side service line material classifications for lead status pursuant to the U.S. Environmental Protection Agency's Lead and Copper Rule. The locality shall make its inspection in the right-of-way or as close to it as practical, maintain a record of all such inspections, including the date, time, and result of the inspection, and inform the customer of the result of the inspection.*

B. Every public water supply operator shall at least annually test the public water supply for the presence of methyl tertiary-butyl ether (MTBE). The locality shall maintain a record of testing conducted pursuant to this subsection. If the results of any test conducted pursuant to this subsection indicates the presence of MTBE in excess of 15 parts per billion, the locality shall immediately notify the Department of Environmental Quality and the Department of Health. The Division of Consolidated Laboratory Services shall maintain and make available, upon the request of any person, a list of laboratories, accredited under the provisions of the federal Safe Drinking Water Act (42 U.S.C. § 300f et seq.) to analyze samples, located throughout the Commonwealth that possess the technical expertise to analyze water samples for the presence

of MTBE. Any lab seeking accreditation under the Safe Drinking Water Act may contact the Division of Consolidated Laboratory Services. The Division of Consolidated Laboratory Services shall establish a fee system to offset the costs of tests performed on behalf of public water supply operators. Such test may be conducted simultaneously with other tests.

Notwithstanding the provisions of this subsection, the State Board of Health, acting pursuant to its authority regarding public water supplies, may establish an alternative schedule for water supply testing, which shall apply in lieu of this subsection, for any public waterworks where annual testing is not otherwise required, if it determines that an alternative schedule is appropriate to protect the public health and promote the public welfare.

**§ 15.2-5114. Powers of authority.**

Each authority is an instrumentality exercising public and essential governmental functions to provide for the public health and welfare, and each authority may:

1. Exist for a term of 50 years as a corporation, and for such further period or periods as may from time to time be provided by appropriate resolutions of the political subdivisions which are members of the authority; however, the term of an authority shall not be extended beyond a date 50 years from the date of the adoption of such resolutions;

2. Adopt, amend or repeal bylaws, rules and regulations, not inconsistent with this chapter or the general laws of the Commonwealth, for the regulation of its affairs and the conduct of its business and to carry into effect its powers and purposes;

3. Adopt an official seal and alter the same at pleasure;

4. Maintain an office at such place or places as it may designate;

5. Sue and be sued;

6. Acquire, purchase, lease as lessee, construct, reconstruct, improve, extend, operate and maintain any system or any combination of systems within, outside, or partly within and partly outside one or more of the localities which created the authority, or which after February 27, 1962, joined such authority; acquire by gift, purchase or the exercise of the right of eminent domain lands or rights in land or water rights in connection therewith, within, outside, or partly within and partly outside one or more of the localities which created the authority, or which after February 27, 1962, joined such authority; and sell, lease as lessor, transfer or dispose of all or any part of any property, real, personal or mixed, or interest therein, acquired by it; however, in the exercise of the right of eminent domain the provisions of § 25.1-102 shall apply. In

addition, the authority in any county or city to which §§ 15.2-1906 and 15.2-2146 are applicable shall have the same power of eminent domain and shall follow the same procedure provided in §§ 15.2-1906 and 15.2-2146. No property or any interest or estate owned by any political subdivision shall be acquired by an authority by the exercise of the power of eminent domain without the consent of the governing body of such political subdivision. Except as otherwise provided in this section, each authority is hereby vested with the same authority to exercise the power of eminent domain as is set out in Chapter 2 (§ 25.1-200 et seq.) or Chapter 3 (§ 25.1-300 et seq.) of Title 25.1. In acquiring personal property or any interest, right, or estate therein by purchase, lease as lessee, or installment purchase contract, an authority may grant security interests in such personal property or any interest, right, or estate therein;

7. Issue revenue bonds of the authority, such bonds to be payable solely from revenues to pay all or a part of the cost of a system;

8. Combine any systems as a single system for the purpose of operation and financing;

9. Borrow at such rates of interest as authorized by the general law for authorities and as the authority may determine and issue its notes, bonds or other obligations therefor. Any political subdivision that is a member of an authority may lend, advance or give money to such authority;

10. Fix, charge and collect rates, fees and charges for the use of, or for the services furnished by, or for the benefit derived from, any facilities or systems owned, operated or financed by the authority. Such rates, fees, rents and charges shall be charged to and collected by such persons and in such manner as the authority may determine from (i) any person contracting for any such services and/or (ii) the owners or tenants who own, use or occupy any real estate or improvements that are served by, or benefit from, any such facilities or systems, and, if authorized by the authority, customers of facilities within a community development authority district. Water and sewer connection fees established by any authority shall be fair and reasonable, and each authority may establish and offer rate incentives designed to encourage the use of green roofs. If established, the incentives shall be based on the percentage of stormwater runoff reduction the green roof provides. Such fees and incentives shall be reviewed by the authority periodically and shall be adjusted, if necessary, to assure that they continue to be fair and reasonable. Nothing herein shall affect existing contracts with bondholders that are in conflict with any of the foregoing provisions;

11. Enter into contracts with the federal government, the Commonwealth, the District of Columbia or any adjoining state or any agency or instrumentality thereof, any unit or any person. Such contracts may provide for or relate to the furnishing of services and facilities of any system of the authority or in connection with the

91 services and facilities rendered by any like system owned or controlled by the federal government, the  
92 Commonwealth, the District of Columbia or any adjoining state or any agency or instrumentality thereof, any  
93 unit or any person, and may include contracts providing for or relating to the right of an authority, created for  
94 such purpose, to receive and use and dispose of all or any portion of the refuse generated or collected by or  
95 within the jurisdiction or under the control of any one or more of them. In the implementation of any such  
96 contract, an authority may exercise the powers set forth in §§ 15.2-927 and 15.2-928. The power granted  
97 authorities under this chapter to enter into contracts with private entities includes the authority to enter into  
98 public-private partnerships for the establishment and operation of systems, including the authority to contract  
99 for, and contract to provide, meter reading, billing and collections, leak detection, meter replacement and any  
100 related customer service functions;

101 12. Contract with the federal government, the Commonwealth, the District of Columbia, any adjoining  
102 state, any person, any locality or any public authority or unit thereof, on such terms as the authority deems  
103 proper, for the construction, operation or use of any project which is located partly or wholly outside the  
104 Commonwealth;

105 13. Enter upon, use, occupy, and dig up any street, road, highway or private or public lands in connection  
106 with the acquisition, construction or improvement, maintenance or operation of a system, or streetlight  
107 system in King George County, subject, however, to such reasonable local police regulation as may be  
108 established by the governing body of any unit having jurisdiction;

109 14. *For any authority that owns or operates a water system, the authority or duly authorized agent thereof*  
110 *may, at reasonable times and under reasonable circumstances, enter upon the exterior areas of any property,*  
111 *public or private, for the purpose of accessing and inspecting a water service line necessary to make required*  
112 *system-side and customer-side service line material classifications for lead status pursuant to the U.S.*  
113 *Environmental Protection Agency's Lead and Copper Rule. Any such authority shall make its inspection in*  
114 *the right-of-way or as close to it as practical, maintain a record of all such inspections, including the date,*  
115 *time, and result of the inspection, and inform the customer of the result of any such inspection;*

116 15. Contract with any person, political subdivision, federal agency, or any public authority or unit, on  
117 such terms as the authority deems proper, for the purpose of acting as a billing and collecting agent for rates,  
118 fees, rents or charges imposed by any such authority;

119 ~~15.~~ 16. Install, own and lease pipe or conduit for the purpose of carrying fiber optic cable, provided that  
120 such pipe or conduit and the rights-of-way in which they are contained are made available on a  
121 nondiscriminatory, first-come, first-served basis to retail providers of broadband and other

122 telecommunications services unless the facilities have insufficient capacity for such access and additional  
123 capacity cannot reasonably be added to the facilities; and

124 ~~16.~~ 17. Create, acquire, purchase, own, maintain, use, license, and sell intellectual property rights,  
125 including any patent, trademark, or copyright, relating to the business of the authority.