

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.

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

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

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

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

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

40 **§ 15.2-5114. Powers of authority.**

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

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

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

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

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

52 5. Sue and be sued;

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

61 addition, the authority in any county or city to which §§ 15.2-1906 and 15.2-2146 are applicable shall have
62 the same power of eminent domain and shall follow the same procedure provided in §§ 15.2-1906 and
63 15.2-2146. No property or any interest or estate owned by any political subdivision shall be acquired by an
64 authority by the exercise of the power of eminent domain without the consent of the governing body of such
65 political subdivision. Except as otherwise provided in this section, each authority is hereby vested with the
66 same authority to exercise the power of eminent domain as is set out in Chapter 2 (§ 25.1-200 et seq.) or
67 Chapter 3 (§ 25.1-300 et seq.) of Title 25.1. In acquiring personal property or any interest, right, or estate
68 therein by purchase, lease as lessee, or installment purchase contract, an authority may grant security interests
69 in such personal property or any interest, right, or estate therein;

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

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

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

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

88 11. Enter into contracts with the federal government, the Commonwealth, the District of Columbia or any
89 adjoining state or any agency or instrumentality thereof, any unit or any person. Such contracts may provide
90 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 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.