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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. The locality shall deliver notice to the customer at least 14 days prior to the inspection by at least one of the following methods: (i) mail, (ii) email, (iii) text message, (iv) phone call, or (v) door hanger.*

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

31 provisions of the federal Safe Drinking Water Act (42 U.S.C. § 300f et seq.) to analyze samples, located  
32 throughout the Commonwealth that possess the technical expertise to analyze water samples for the presence  
33 of MTBE. Any lab seeking accreditation under the Safe Drinking Water Act may contact the Division of  
34 Consolidated Laboratory Services. The Division of Consolidated Laboratory Services shall establish a fee  
35 system to offset the costs of tests performed on behalf of public water supply operators. Such test may be  
36 conducted simultaneously with other tests.

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

42 **§ 15.2-5114. Powers of authority.**

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

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

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

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

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

54 5. Sue and be sued;

55 6. Acquire, purchase, lease as lessee, construct, reconstruct, improve, extend, operate and maintain any  
56 system or any combination of systems within, outside, or partly within and partly outside one or more of the  
57 localities which created the authority, or which after February 27, 1962, joined such authority; acquire by  
58 gift, purchase or the exercise of the right of eminent domain lands or rights in land or water rights in  
59 connection therewith, within, outside, or partly within and partly outside one or more of the localities which

60 created the authority, or which after February 27, 1962, joined such authority; and sell, lease as lessor,  
61 transfer or dispose of all or any part of any property, real, personal or mixed, or interest therein, acquired by  
62 it; however, in the exercise of the right of eminent domain the provisions of § 25.1-102 shall apply. In  
63 addition, the authority in any county or city to which §§ 15.2-1906 and 15.2-2146 are applicable shall have  
64 the same power of eminent domain and shall follow the same procedure provided in §§ 15.2-1906 and  
65 15.2-2146. No property or any interest or estate owned by any political subdivision shall be acquired by an  
66 authority by the exercise of the power of eminent domain without the consent of the governing body of such  
67 political subdivision. Except as otherwise provided in this section, each authority is hereby vested with the  
68 same authority to exercise the power of eminent domain as is set out in Chapter 2 (§ 25.1-200 et seq.) or  
69 Chapter 3 (§ 25.1-300 et seq.) of Title 25.1. In acquiring personal property or any interest, right, or estate  
70 therein by purchase, lease as lessee, or installment purchase contract, an authority may grant security interests  
71 in such personal property or any interest, right, or estate therein;

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

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

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

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

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

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

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

111 14. *For any authority that owns or operates a water system, the authority or duly authorized agent thereof*  
112 *may, at reasonable times and under reasonable circumstances, enter upon the exterior areas of any property,*  
113 *public or private, for the purpose of accessing and inspecting a water service line necessary to make required*  
114 *system-side and customer-side service line material classifications for lead status pursuant to the U.S.*  
115 *Environmental Protection Agency's Lead and Copper Rule. Any such authority shall make its inspection in*  
116 *the right-of-way or as close to it as practical, maintain a record of all such inspections, including the date,*  
117 *time, and result of the inspection, and inform the customer of the result of any such inspection. The authority*  
118 *shall deliver notice to the customer at least 14 days prior to the inspection by at least one of the following*  
119 *methods: (i) mail, (ii) email, (iii) text message, (iv) phone call, or (v) door hanger;*

120 15. Contract with any person, political subdivision, federal agency, or any public authority or unit, on

121 such terms as the authority deems proper, for the purpose of acting as a billing and collecting agent for rates,  
122 fees, rents or charges imposed by any such authority;

123 ~~15.~~ 16. Install, own and lease pipe or conduit for the purpose of carrying fiber optic cable, provided that  
124 such pipe or conduit and the rights-of-way in which they are contained are made available on a  
125 nondiscriminatory, first-come, first-served basis to retail providers of broadband and other  
126 telecommunications services unless the facilities have insufficient capacity for such access and additional  
127 capacity cannot reasonably be added to the facilities; and

128 ~~16.~~ 17. Create, acquire, purchase, own, maintain, use, license, and sell intellectual property rights,  
129 including any patent, trademark, or copyright, relating to the business of the authority.

130 **2. That the provisions of this act shall expire July 1, 2028.**