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SENATE BILL NO. 1013

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Agriculture, Conservation and Natural Resources
on January 31, 2023)

(Patron Prior to Substitute—Senator Edwards)

A BILL to amend the Code of Virginia by adding a section numbered 32.1-175.2, relating to waterworks; contaminants; PFAS chemicals; notification to customers.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 32.1-175.2 as follows:

§ 32.1-175.2. Notification of water contamination to waterworks customers.

A. For the purposes of this section:

"Notification concentration" means 10 parts per trillion (ppt) for GenX chemicals, 2,000 ppt for PFBS, and four ppt for PFOA and PFOS.

"PFAS advisory" means a nonregulatory lifetime health advisory level established by the U.S. Environmental Protection Agency (EPA) pursuant to the federal Safe Drinking Water Act (42 U.S.C. § 300f et seq.) for GenX chemicals, PFBS, PFOA, and PFOS.

B. Prior to the adoption of an applicable primary maximum contaminant level either in the National Primary Drinking Water Regulations (40 C.F.R. Part 141) or in a regulation adopted by the Board, if a waterworks owner receives a finished water test result from an EPA-approved method for drinking water for any PFAS chemical subject to a PFAS advisory and such result exceeds the notification concentration, such waterworks owner shall (i) report such result to the Department as part of its operating report for the month in which the test result was received, (ii) provide public notice in the required consumer confidence report provided to the waterworks owner's customers and by posting on the waterworks owner's website, and (iii) provide such additional public notice as the Department may require on a case-by-case basis under applicable regulations.

C. Upon the adoption of an applicable primary maximum contaminant level either in the National Primary Drinking Water Regulations (40 C.F.R. Part 141) or a regulation adopted by the Board, if a waterworks owner receives a finished water test result from an EPA-approved method for drinking water detecting the regulated PFAS chemical, such waterworks owner shall (i) report such result to the Department as part of its operating report for the month in which the test result was received and make any additional reports to the Department as required by such regulation, (ii) provide public notice in the consumer confidence report delivered to the waterworks owner's customers and by posting on the waterworks owner's website, and (iii) provide such additional public notice as the Department may require on a categorical or case-by-case basis under applicable regulations.

D. All testing pursuant to this section shall be subject to appropriate quality assurance and quality control, and where a test result is suspected to be invalid due to sampling error or contamination, laboratory error or contamination, or other material technical reasons, the Department may allow a waterworks owner a period of time to expeditiously resample and retest prior to making public notice unless otherwise required by applicable regulations.

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