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HOUSE BILL NO. 2328

Offered January 17, 1997

A *BILL to amend and reenact § 32.1-167 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 32.1-176.1:1, relating to issuance of special orders for public water systems violations.*

Patrons—Howell and Albo

Referred to Committee on Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-167 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 32.1-176.1:1 as follows:

§ 32.1-167. Definitions.

As used in this article, unless the context clearly requires a different meaning:

1. "Aesthetic standards" means water quality standards which involve those physical, biological and chemical properties of water that adversely affect the palatability and consumer acceptability of water through taste, odor, appearance or chemical reaction.

2. "Domestic use" means normal family or household use, including drinking, laundering, bathing, cooking, heating, cleaning and flushing toilets.

3. "Governmental entity" means the Commonwealth, a town, city, county, service authority, sanitary district or any other governmental body established under state law, including departments, divisions, boards or commissions.

4. "Owner" means an individual, group of individuals, partnership, firm, association, institution, corporation, governmental entity or the federal government, which supplies or proposes to supply water to any person within this Commonwealth from or by means of any waterworks.

5. "Pure water" means water fit for human consumption and domestic use (i) which is sanitary and normally free of minerals, organic substances and toxic agents in excess of reasonable amounts and (ii) which is adequate in quantity and quality for the minimum health requirements of the persons served.

6. "Special order" means an administrative order issued to any person to comply with: (i) the provisions of any law administered by the Board, (ii) any condition of a permit, (iii) any regulation of the Board, or (iv) any case decision, as defined in § 9-6.14:4, of the Board. A special order may include a civil penalty of not more than \$1000 for each day of violation.

67. "Water supply" means water taken into a waterworks from wells, streams, springs, lakes and other bodies of surface water, natural or impounded, and the tributaries thereto, and all impounded ground water but does not include any water above the point of intake of such waterworks.

78. "Waterworks" means a system that serves piped water for drinking or domestic use to (i) the public, (ii) at least fifteen connections or (iii) an average of twenty-five individuals for at least sixty days out of the year. The term "waterworks" shall include all structures, equipment and appurtenances used in the storage, collection, purification, treatment and distribution of pure water except the piping and fixtures inside the building where such water is delivered.

§ 32.1-176.1:1. Issuance of special orders.

Notwithstanding any other provision of law and to the extent consistent with federal requirements, following a proceeding as provided in § 9-6.14:11, the Board may issue a special order that may include a civil penalty against an owner who violates this article or any order or regulation adopted thereto by the Board. The issuance of a special order shall be considered a case decision as defined in §9-6.14:4.

INTRODUCED

HB2328