

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

5 [H 2328]
 6 Approved

7 **Be it enacted by the General Assembly of Virginia:**

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

10 § 32.1-167. Definitions.

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

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

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

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

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

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

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

30 ~~6.~~ 7. "Water supply" means water taken into a waterworks from wells, streams, springs, lakes and
 31 other bodies of surface water, natural or impounded, and the tributaries thereto, and all impounded
 32 ground water but does not include any water above the point of intake of such waterworks.

33 ~~7.~~ 8. "Waterworks" means a system that serves piped water for drinking or domestic use to (i) the
 34 public, (ii) at least fifteen connections or (iii) an average of twenty-five individuals for at least sixty
 35 days out of the year. The term "waterworks" shall include all structures, equipment and appurtenances
 36 used in the storage, collection, purification, treatment and distribution of pure water except the piping
 37 and fixtures inside the building where such water is delivered.

38 § 32.1-176.1:1. *Issuance of special orders.*

39 *Notwithstanding any other provision of law and to the extent consistent with federal requirements,*
 40 *following a proceeding as provided in § 9-6.14:11, the Board may issue a special order that may*
 41 *include a civil penalty against an owner who violates this article or any order or regulation adopted*
 42 *thereto by the Board. The issuance of a special order shall be considered a case decision as defined in*
 43 *§ 9-6.14:4.*