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## HOUSE BILL NO. 1737

Offered January 13, 1999

*A BILL for the relief of certain residents of the Canterbury Village subdivision of Fauquier County.*

Patron—Katzen

Referred to Committee on Claims

Whereas, the Canterbury Village subdivision (the subdivision) is located in Southwestern Fauquier County, Virginia; and

Whereas, Harry L. Morris (Morris) was the developer of the subdivision; and

Whereas, a series of wells constructed by Morris served as the water system for the subdivision providing water for seventy-five residential connections; and

Whereas, in July of 1974, the Office of Water Programs of the Department of Health became aware of the subdivision's water system when a well inspection was performed by the sanitarian; and

Whereas, in November of 1978, the Department notified Morris that the water system was in fact a public waterworks and that a waterworks operation permit was required; and

Whereas, on April 15, 1981, the Department of Health issued a permit for the operation of a community waterworks having a design capacity of seventy equivalent residential connections; and

Whereas, the waterworks consists of four wells, five storage tanks, a chlorinator, related facilities and a distribution system; and

Whereas, the records of the Department indicate that between October of 1979 and January of 1998, Morris has continually failed to comply with laws and regulations pertaining to the operation of a public works; and

Whereas, his noncompliance includes failures to (i) establish required programs, (ii) issue required notices to subdivision residents, (iii) monitor the system properly, (iv) submit required monitoring documents, (v) obtain the proper permits for constructing and operating a system, and (vi) maintain and operate the waterworks; and

Whereas, despite having this information over a twenty-year period which directly related to Morris's continued failure to operate the waterworks system properly and the reliability of the water supply, the Department did not take appropriate action to secure compliance or prevent further acts of noncompliance; and

Whereas, since January 2, 1998, the residents of the subdivision have been required by a Departmental "Boil Water Notice" to boil all water supplied by the system due to the presence of fecal coliform bacteria in the system; and

Whereas, the residents of the subdivision are forced to seek access to an adjoining water system; and

Whereas, the residents of the subdivision will have to incur the \$248,347 cost of connecting to the system; and

Whereas, the residents of the subdivision have no other means to obtain relief except by action of this body; now, therefore,

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

1. § 1. That there is hereby appropriated from the general fund of the state treasury the amount of \$ 248,347 to the Department of Health for the purpose of covering the costs of connecting the Canterbury Village subdivision to the adjoining water system upon (i) the execution and delivery by the owner of the Canterbury Village waterworks of a general warranty deed and such ancillary instruments as shall be appropriate to convey the Canterbury Village waterworks to the Fauquier County Water and Sanitation Authority and (ii) the release of all claims that the residents of the Canterbury Village subdivision may have against the Commonwealth or any agency, instrumentality, officer, employee or political subdivision in connection with the aforesaid occurrence. The Department shall establish an escrow account to receive the payment and from which payments shall be made to the Fauquier County Water and Sanitation Authority to pay construction and any other expenses related to connecting the Canterbury Village subdivision to the adjoining water system.

INTRODUCED

HB1737