

VIRGINIA ACTS OF ASSEMBLY -- 2014 SESSION

CHAPTER 333

An Act to amend and reenact §§ 32.1-167 and 32.1-169 of the Code of Virginia, relating to water supplies and waterworks; human consumption.

[H 674]

Approved March 27, 2014

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-167 and 32.1-169 of the Code of Virginia are amended and reenacted 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. "Chronically noncompliant waterworks" means a waterworks that is unable to provide pure water for any of the following reasons: (i) the waterworks' record of performance demonstrates that it can no longer be depended upon to furnish pure water to the persons served; (ii) the owner has inadequate technical, financial, or managerial capacity to furnish pure water to the persons served; (iii) the owner has failed to comply with an order issued by the Board or Commissioner pursuant to § 32.1-26 or 32.1-175.01; (iv) the owner has abandoned the waterworks and has discontinued supplying pure water to the persons served; or (v) the owner is subject to a forfeiture order pursuant to § 32.1-174.1.

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

4. "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.

"Human consumption" means drinking, food preparation, dishwashing, bathing, showering, hand washing, teeth brushing, and maintaining oral hygiene.

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

6. "Pure water" means water fit for human consumption ~~and domestic use that is~~ (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.

7. "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 § 2.2-4001, of the Board. A special order may include a civil penalty of not more than \$1000 for each day of violation.

8. "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.

9. ~~"Waterworks" means a system that serves piped water for drinking or domestic use human consumption to (i) the public, (ii) at least fifteen 15 service connections or (iii) an average of twenty-five 25 or more individuals for at least sixty 60 days out of the year. The term "waterworks" shall include~~ *"Waterworks" includes* 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.

§ 32.1-169. Supervision by Board.

The Board shall have general supervision and control over all water supplies and waterworks in the Commonwealth insofar as the bacteriological, chemical, radiological, and physical quality of waters furnished for ~~drinking or domestic use~~ *human consumption* may affect the public health and welfare and may require that all water supplies be pure water. In exercising such supervision and control, the Board shall recognize the relationship between an owner's financial, technical, managerial, and operational capabilities and his capacity to comply with state and federal drinking water standards.