

VIRGINIA ACTS OF ASSEMBLY -- 2020 SESSION

CHAPTER 1097

An Act to amend and reenact § 32.1-169 of the Code of Virginia, relating to drinking water; maximum contaminant levels; perfluoroalkyl and polyfluoroalkyl substances and other contaminants.

[H 1257]

Approved April 10, 2020

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-169 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-169. Supervision by Board.

A. 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 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.

B. *The Board shall adopt regulations establishing maximum contaminant levels (MCLs) in all water supplies and waterworks in the Commonwealth for (i) perfluorooctanoic acid and perfluorooctane sulfonate, and for such other perfluoroalkyl and polyfluoroalkyl substances as the Board deems necessary; (ii) chromium-6; and (iii) 1,4-dioxane. Each MCL shall be protective of public health, including of vulnerable subpopulations, including pregnant and nursing mothers, infants, children, and the elderly, and shall not exceed any MCL or health advisory for the same contaminant adopted by the U.S. Environmental Protection Agency. In establishing such MCLs, the Board shall review MCLs adopted by other states, studies and scientific evidence reviewed by such states, material in the Agency for Toxic Substances and Disease Registry of the U.S. Department of Health, and current peer-reviewed scientific studies produced independently or by government agencies.*

2. That the provisions of this act shall become effective on January 1, 2022.

3. That the Department of Health shall report to the Chairmen of the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions on the status of research related to MCLs, the review of which is required by subsection B of § 32.1-169 of the Code of Virginia, as amended by this act, by November 1, 2020, and shall submit a final report to the Chairmen of the Senate Committee on Education and Health and the House Committee on Health, Welfare and Institutions by October 1, 2021, detailing the MCL regulations established by the Department of Health.