

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

ENGROSSED

Committee Substitute

for

House Bill 3049

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MAYNARD AND PORTERFIELD

[Originating in the Committee on Health and Human

Resources; Reported January 28, 2020.]

1 A BILL to amend and reenact §16-1-9a of the Code of West Virginia, 1931, as amended, relating
2 to public health; improving dissemination of boiled water advisories to affected
3 communities through local health departments and local emergency management 911
4 answering points; requiring boiled water advisories to be communicated through alert
5 mass notification systems.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. STATE PUBLIC HEALTH SYSTEM.

§16-1-9a. Regulation of public water systems.

1 (a) The commissioner shall regulate public water systems as prescribed in this section.

2 (b) The commissioner shall establish by legislative rule, in accordance with article three,
3 chapter twenty-nine-a of this code:

4 (1) The maximum contaminant levels to which all public water systems shall conform in
5 order to prevent adverse effects on the health of individuals;

6 (2) Treatment techniques that reduce the contaminant or contaminants to a level which
7 will not adversely affect the health of the consumer;

8 (3) Provisions to protect and prevent contamination of wellheads and well fields used by
9 public water supplies so that contaminants do not reach a level that would adversely affect the
10 health of the consumer;

11 (4) Minimum requirements for:

12 (A) Sampling and testing;

13 (B) System operation;

14 (C) Public notification by a public water system on being granted a variance or exemption
15 or upon failure to comply with specific requirements of this section and regulations promulgated
16 under this section;

17 (D) Recordkeeping;

18 (E) Laboratory certification; and

19 (F) Procedures and conditions for granting variances and exemptions to public water
20 systems from state public water systems' regulations;

21 (5) Requirements covering the production and distribution of bottled drinking water;

22 (6) Requirements governing the taste, odor, appearance and other consumer acceptability
23 parameters of drinking water; and

24 (7) Any other requirement the commissioner finds necessary to effectuate the provisions
25 of this article.

26 (c) The commissioner or his or her authorized representatives or designees may enter any
27 part of a public water system, whether or not the system is in violation of a legal requirement, for
28 the purpose of inspecting, sampling or testing and shall be furnished records or information
29 reasonably required for a complete inspection.

30 (d) The commissioner, his or her authorized representative or designee may conduct an
31 evaluation necessary to assure the public water system meets federal safe drinking water
32 requirements. The public water system shall provide a written response to the commissioner
33 within thirty days of receipt of the evaluation by the public water system, addressing corrective
34 actions to be taken as a result of the evaluation.

35 (e)(1) Any individual or entity who violates any provision of this article, or any of the rules
36 or orders issued pursuant to this article, is liable for a civil penalty not less than \$1,000 nor more
37 than \$5,000. Each day's violation shall constitute a separate offense.

38 (2) For a willful violation of a provision of this article, or of any of the rules or orders issued
39 under this article, an individual or entity shall be subject to a civil penalty of not more than \$10,000
40 and each day's violation shall be grounds for a separate penalty.

41 (3) Civil penalties are payable to the commissioner. All moneys collected under this
42 section shall be deposited into a restricted account known as the Safe Drinking Water Fund. All
43 moneys deposited into the fund shall be used by the commissioner to provide technical assistance
44 to public water systems.

45 (f) The commissioner, or his or her authorized representative, may also seek injunctive
46 relief in the circuit court of the county in which all or part of the public water system is located for
47 threatened or continuing violations;

48 (g) By July 1, 2020, a water utility company and a public service district supplying water
49 to the public within the state shall promptly report the occurrence and the lifting of each advisory
50 to local departments of health and to local office of emergency management 911 answering point.

51 (h) By July 1, 2021, a water utility company and public service district shall make available
52 to interested customers boiled water advisories promptly through a text and a voice alert mass
53 notification system.

NOTE: The purpose of this bill is to provide for more immediate dissemination of boiled water advisories through local health departments and local emergency management 911 answering points, and directly to interested customers.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.