

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Committee Substitute

for

Senate Bill 377

BY SENATOR TAKUBO

[Originating in the Committee on Health and Human
Resources; reported on February 24, 2021]

1 A BILL to amend and reenact §16-1-9a of the Code of West Virginia, 1931, as amended, relating
2 to public water systems; providing an extension of the deadline by which a water utility
3 company and public service district must provide boiled water advisories through a text or
4 voice alert mass notification system; and clarifying the advisory may be made by either
5 text or voice alert.

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 §29A-3-1 *et*
3 *seq.* 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
23 acceptability parameters of drinking water;

24 (7) Any requirements for a water supply system the commissioner determines is
25 necessary to be equipped with a backflow prevention assembly, all maintenance activities must
26 be documented and provided to the commissioner upon request; and

27 (8) Any other requirement the commissioner finds necessary to effectuate the provisions
28 of this article.

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

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

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

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

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

48 (f) The commissioner, or his or her authorized representative or designee, may also seek
49 injunctive relief in the circuit court of the county in which all or part of the public water system is
50 located for threatened or continuing violations.

51 (g) By July 1, 2020, a public water system supplying water to the public within the state
52 shall immediately, but in no instance later than six hours, report the occurrence and the lifting of
53 each advisory to local departments of health and to local office of emergency management 911
54 answering point.

55 (h) By ~~July 1, 2021~~ January 1, 2022, a public water system shall make available to
56 interested customers boiled water advisories promptly through a text ~~and~~ or a voice alert mass
57 notification system.