

# WEST VIRGINIA CODE: §16-1-2

## §16-1-2. Definitions.

As used in this article:

- (1) "Basic public health services" means those services that are necessary to protect the health of the public;
- (2) "Bureau" means the Bureau for Public Health in the department;
- (3) "Combined local board of health" means one form of organization for a local board of health and means a board of health serving any two or more counties or any county or counties and one or more municipalities within or partially within the county or counties;
- (4) "Commissioner" means the commissioner of the bureau, who may be designated as the state health officer;
- (5) "County board of health" means one form of organization for a local board of health and means a local board of health serving a single county;
- (6) "Department" means the Department of Health.
- (7) "Director" or "director of health" means the state health officer. Administratively within the department, the bureau through its commissioner carries out the public health functions of the department, unless otherwise assigned by the secretary;
- (8) "Essential public health services" means the core public health activities necessary to promote health and prevent disease, injury, and disability for the citizens of the state. The services include:
  - (A) Monitoring health status to identify community health problems;
  - (B) Diagnosing and investigating health problems and health hazards in the community;
  - (C) Informing, educating, and empowering people about health issues;
  - (D) Mobilizing community partnerships to identify and solve health problems;
  - (E) Developing policies and plans that support individual and community health efforts;
  - (F) Enforcing laws and rules that protect health and ensure safety;
  - (G) Uniting people with needed personal health services and assuring the provision of health care when it is otherwise not available;

- (H) Promoting a competent public health and personal health care workforce;
- (I) Evaluating the effectiveness, accessibility, and quality of personal and population-based health services; and
- (J) Researching for new insights and innovative solutions to health problems;
- (9) "Local board of health", "local board", or "board" means a board of health serving one or more counties or one or more municipalities or a combination thereof;
- (10) "Local health department" means the staff of the local board of health;
- (11) "Local health officer" has the meaning ascribed in §16-2-2 of this code.
- (12) "Municipal board of health" means one form of organization for a local board of health and means a board of health serving a single municipality;
- (13) "Performance-based standards" means generally accepted, objective standards such as rules or guidelines against which public health performance can be measured;
- (14) "Potential source of significant contamination" means a facility or activity that stores, uses, or produces substances or compounds with potential for significant contaminating impact if released into the source water of a public water supply;
- (15) "Public groundwater supply source" means a primary source of water supply for a public water system which is directly drawn from a well, underground stream, underground reservoir, underground mine, or other primary source of water supplies which is found underneath the surface of the state;
- (16) "Public surface water supply source" means a primary source of water supply for a public water system which is directly drawn from rivers, streams, lakes, ponds, impoundments, or other primary sources of water supplies which are found on the surface of the state;
- (17) "Public surface water influenced groundwater supply source" means a source of water supply for a public water system which is directly drawn from an underground well, underground river or stream, underground reservoir, or underground mine, and the quantity and quality of the water in that underground supply source is heavily influenced, directly or indirectly, by the quantity and quality of surface water in the immediate area;
- (18) "Public water system" means:
- (A) Any water supply or system which regularly supplies or offers to supply water for human consumption through pipes or other constructed conveyances, if serving at least an average of 25 individuals per day for at least 60 days per year, or which has at least 15 service connections, and shall include:

(i) Any collection, treatment, storage, and distribution facilities under the control of the owner or operator of the system and used primarily in connection with the system; and

(ii) Any collection or pretreatment storage facilities not under such control which are used primarily in connection with the system;

(B) A public water system does not include a system which meets all of the following conditions:

(i) Consists only of distribution and storage facilities and does not have any collection and treatment facilities;

(ii) Obtains all of its water from, but is not owned or operated by, a public water system which otherwise meets the definition;

(iii) Does not sell water to any person; and

(iv) Is not a carrier conveying passengers in interstate commerce;

(19) "Public water utility" means a public water system which is regulated by the West Virginia Public Service Commission pursuant to the provisions of §24-1-1 *et seq.* of this code;

(20) "Secretary" means the secretary of the department;

(21) "Service area" means the territorial jurisdiction of a local board of health; and

(22) "Zone of critical concern" for a public surface water supply is a corridor along streams within a watershed that warrant more detailed scrutiny due to its proximity to the surface water intake and the intake's susceptibility to potential contaminants within that corridor. The zone of critical concern is determined using a mathematical model that accounts for stream flows, gradient, and area topography. The length of the zone of critical concern is based on a five-hour time-of-travel of water in the streams to the water intake, plus an additional one-fourth mile below the water intake. The width of the zone of critical concern is 1000 feet measured horizontally from each bank of the principal stream and 500 feet measured horizontally from each bank of the tributaries draining into the principal stream.