WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1977

ENROLLED

HOUSE BILL No. 1673

(By Mrs. Withrow & Mrs. Feller)

PASSED April 7, 1977

In Effect July 1, 1977

Passage
AN ACT to amend and reenact section nine-a, article one, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to expansion of the authority of the state department of health to provide surveillance of public drinking water throughout the state; "defining water system; authorizing the board of health to prescribe by regulation maximum contaminant levels of water to prevent adverse effects on the health of individuals and to prescribe minimum sampling and testing requirements; system operation; public notification by a public water system on being granted a variance or exemption or upon failure to comply with specific requirements; record keeping; laboratory certification; procedures for granting variances and exemptions; permitting the board of health to establish standards covering taste, odor, and appearance of drinking water; granting right of entry to authorized representatives; providing misdeemeanor penalties for violation of sections or regulations promulgated thereunder; providing civil penalties for willful violations.

Be it enacted by the Legislature of West Virginia:

That section nine-a, article one, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:
ARTICLE 1. STATE DEPARTMENT OF HEALTH.

§16-1-9a. Public water system defined; regulation of maximum contaminant levels in water systems; authorizing inspections; penalties.

A public water system is any water supply or system which regularly supplies or offers to supply, piped water to the public for human consumption, if serving at least an average of twenty-five individuals per day for at least sixty days per year, or which has at least fifteen service connections, and shall include: (1) Any collection, treatment, storage, and distribution facilities under the control of the owner or operator of such system and used primarily in connection with such system, and (2) any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. A public water system shall not include a system which meets all of the following conditions: (1) Which consists only of distribution and storage facilities (and does not have any collection and treatment facilities); (2) which obtains all of its water from, but is not owned or operated by, a public water system which otherwise meets the definition; (3) which does not sell water to any person; and (4) which is not a carrier conveying passengers in interstate commerce.

The state board of health shall prescribe by regulation the maximum contaminant levels to which all public water systems shall conform in order to prevent adverse effects on the health of individuals, and, if it deems appropriate, treatment techniques that reduce the contaminant or contaminants to a level which will not adversely affect the health of the consumer.

It shall further prescribe by regulation minimum requirements for: Sampling and testing; system operation; public notification by a public water system on being granted a variance or exemption or upon failure to comply with specific requirements of this section and regulations promulgated under this section; record keeping; laboratory certification; as well as procedures and conditions for granting variances and exemptions to public water systems from state public water systems regulations.
In addition, the state board of health shall establish regulations covering the production and distribution of bottled drinking water and may establish regulations covering the taste, odor, appearance, and other consumer acceptability parameters of drinking water.

Authorized representatives of the state board of health shall have right of entry to any part of a public water system, whether or not the system is in violation of a legal requirement, for the purpose of inspection, sampling, or testing, and shall be furnished records or information reasonably required for a complete inspection.

Any individual, partnership, association, syndicate, company, firm, trust, corporation, government corporation, institution, department, division, bureau, agency, federal agency, or any entity recognized by law who shall violate any provision of this section, or any of the regulations or orders issued pursuant thereto, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be fined not less than twenty-five dollars nor more than two hundred dollars, and each day's violation shall constitute a separate offense. In addition thereto, the state board of health or the state director of health, or his authorized representative may seek injunctive relief in the circuit court of the county in which all or part of the public water system is situated for threatened or continuing violations. For a willful violation of this section, or of any of the regulations or orders issued thereunder, an individual, partnership, association, syndicate, company, firm, trust, corporation, government corporation, institution, department, division, bureau, agency, federal agency, or entity recognized by law, upon a finding thereof by the circuit court of the county in which the violation occurs, shall be subject to a civil penalty of not more than five thousand dollars, and each day's violation shall be grounds for a separate penalty.

All regulations permitted under this section shall be promulgated in accordance with the provisions of article three, chapter twenty-nine-a of this code.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis
Chairman Senate Committee

Clarence L. Chastain
Chairman House Committee

Originated in the House.

Takes effect July 1, 1977.

JC Delangh
Clerk of the Senate

C. Blankenship
Clerk of the House of Delegates

W. Bostic
President of the Senate

Donald L. Cope
Speaker House of Delegates

The within is approved this the 24th

day of April, 1977.

Governor