

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1977



ENROLLED

HOUSE BILL No. 1693

(By Mrs. Withrow & Mr. Sudd)



PASSED April 7, 1977

In Effect July 1, 1977 Passage

**ENROLLED**

**H. B. 1693**

(By MRS. WITHROW and MR. DODD)

---

[Passed April 7, 1977; in effect July 1, 1977.]

---

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 misdemeanor 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.**

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

19 The state board of health shall prescribe by regulation the  
20 maximum contaminant levels to which all public water systems  
21 shall conform in order to prevent adverse effects on the health  
22 of individuals, and, if it deems appropriate, treatment tech-  
23 niques that reduce the contaminant or contaminants to a  
24 level which will not adversely affect the health of the con-  
25 sumer.

26 It shall further prescribe by regulation minimum require-  
27 ments for: Sampling and testing; system operation; public noti-  
28 fication by a public water system on being granted a variance  
29 or exemption or upon failure to comply with specific require-  
30 ments of this section and regulations promulgated under this  
31 section; record keeping; laboratory certification; as well as  
32 procedures and conditions for granting variances and exemp-  
33 tions to public water systems from state public water systems  
34 regulations.

35 In addition, the state board of health shall establish regu-  
36 lations covering the production and distribution of bottled  
37 drinking water and may establish regulations covering the  
38 taste, odor, appearance, and other consumer acceptability  
39 parameters of drinking water.

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

46 Any individual, partnership, association, syndicate, com-  
47 pany, firm, trust, corporation, government corporation, insti-  
48 tution, department, division, bureau, agency, federal agency, or  
49 any entity recognized by law who shall violate any provision  
50 of this section, or any of the regulations or orders issued pur-  
51 suant thereto, shall be guilty of a misdemeanor, and, upon  
52 conviction thereof, shall be fined not less than twenty-five  
53 dollars nor more than two hundred dollars, and each day's  
54 violation shall constitute a separate offense. In addition there-  
55 to, the state board of health or the state director of health, or  
56 his authorized representative may seek injunctive relief in  
57 the circuit court of the county in which all or part of the pub-  
58 lic water system is situated for threatened or continuing viola-  
59 tions. For a willful violation of this section, or of any of the  
60 regulations or orders issued thereunder, an individual, part-  
61 nership, association, syndicate, company, firm, trust, corporation,  
62 government corporation, institution, department, division, bu-  
63 reau, agency, federal agency, or entity recognized by law, upon  
64 a finding thereof by the circuit court of the county in which  
65 the violation occurs, shall be subject to a civil penalty of not  
66 more than five thousand dollars, and each day's violation shall  
67 be grounds for a separate penalty.

68 All regulations permitted under this section shall be promul-  
69 gated in accordance with the provisions of article three, chapter  
70 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 C. Chustick Jr*  
Chairman House Committee

Originated in the House.

Takes effect July 1, 1977.

*J. P. Willoughby*  
Clerk of the Senate

*C. Blankenship*  
Clerk of the House of Delegates

*W. B. Robinson*  
President of the Senate

*Donald L. Kopp*  
Speaker House of Delegates

The within is approved this the 24  
day of April, 1977.

*J. M. Ralston*  
Governor

APPROVED AND SIGNED BY THE GOVERNOR

RECEIVED  
APR 12 2 15 PM '77  
OFFICE OF THE GOVERNOR

Date April 24, 1977  
Time 3:00 p.m.

RECEIVED  
77 APR 25 P 2: 42  
OFFICE  
SECY. OF STATE