

## 2016 VA General Assembly

# Legislation Concerning Water & Wastewater Issues

The following is a representative list of the major pieces of legislation dealing with stormwater concerns that were considered in the Virginia General Assembly during the regular 2016 session. This publication reflects the status of these bills as of the end of the regular session.

**The following bills were passed by both the House and Senate and will become law this year.**

### **HB 558 Onsite sewage systems and private wells; evaluation and design, report**

*Summary as passed House:* Directs the State Health Commissioner to develop a plan for the orderly reduction and elimination of evaluation and design services by the DOH for onsite sewage systems and private wells, which shall provide for the protection of the public health as the Dept. transitions to accepting only applications that are supported by private site evaluations and designs from a licensed professional engineer or licensed onsite soil evaluator or, for any work subject to regulations governing private wells in the Commonwealth, by a licensed water well system provider. The Commissioner shall report to the Governor and the General Assembly by Nov. 15, 2016.

**Status:** 3/02/16 House: Passed with substitute Senate: Passed

### **HB 611 Water and sewer utilities; regulation.**

*Summary as passed House:* Makes water and sewer companies subject to the rules of the State Corporation Commission (SCC) regarding meetings and communications between SCC commissioners and any party, or between commissioners and staff, concerning any fact or issue arising out of a proceeding involving the regulation of rates, charges, services, or facilities of a utility. The bill requires a public utility to send notice of a proposed rate increase electronically to customers who receive bills electronically. Water or sewer utilities are required to publish notice of changes in rates, tolls, charges, rules and regulations at least once in one or more newspapers in circulation in its franchise area. The measure bars the SCC from dispensing with notice requirements applicable to water and sewer companies.

**Status:** 2/22/16 House: Passed with amendments Senate: Passed

### **HB 648 Sewage system or nonconforming system; development of procedure for processing requests.**

*Summary as introduced:* Provides for the State Health Commissioner to develop a procedure for processing requests to approve an installed treatment works. The bill authorizes the Commissioner or his agent to approve a nonconforming treatment works under certain conditions and for an owner of real property to accept a voluntary upgrade as a condition for the approval of a nonconforming treatment works. In addition, the bill designates persons who may certify that the sewage treatment available for a building is safe, adequate, and proper.

**Status:** 2/22/16 House: Passed Senate: Passed

### **HB 919 Water and sewer service provided by locality; canceling service for nonpayment of charges.**

*Summary as passed House:* Shortens from two months to 30 days the period after which a locality providing water or sewer service may shut off service for unpaid charges.

**Status:** 3/2/16 House: Passed w/amendments Senate: Passed w/amendments House: Passed as amended

### **HJ 120 Biosolids and industrial residuals in Virginia; JLARC to study.**

*Summary as passed House:* Directs the JLARC Commission to analyze scientific literature on the health effects of biosolids (treated sewage sludge) and industrial residuals (wastes resulting from industrial processes), evaluate the feasibility of requiring municipal utilities that are currently permitted to generate "Class B" material to upgrade their facilities to generate "Class A" material, and undertake other analyses. This is a two-year study

**Status:** 2/23/16 House: Passed with amendments Senate: Passed

### **SB 407 Onsite sewage systems; conventional and alternative discharging systems, civil penalties.**

*Summary as passed Senate:* Provides that any locality that has a record of the location of conventional onsite sewage systems and alternative discharging systems and that meet certain other criteria may adopt an ordinance establishing a uniform schedule of civil penalties for violations of specified provisions for the operation and maintenance of such systems. Currently, the provisions apply only to alternative onsite sewage systems. The bill also provides that no criminal action shall proceed if the violation is abated or remedied through civil enforcement.

**Status:** 3/4/16 Senate: Passed with amendment House: Passed

### **SB 542 Delinquent sewer charges; lien on property, unlimited time.**

*Summary as passed Senate:* Allows a locality that provides water or sewer service to a property owner, rather than to a tenant, to place a lien on the property receiving the service in the amount of the number of months of delinquent charges. Current law allows the placement of liens in the amount of up to three months of delinquent water and sewer charges.

**Status:** 3/2/16 Senate: Passed with amendments House: Passed

**The following bills were left in committee or continued.**

### **HB 1080 Onsite sewage systems; designs for treatment works from professional engineers.**

*Summary as introduced:* Clarifies that designs for treatment works from individuals licensed as professional engineers shall comply with horizontal setback requirements applicable to public and private drinking water sources, lakes and other impounded waters, streams and rivers, shellfish waters, and karst-related surface features necessary to protect public health and the environment. The bill also provides that effluent and ground water sampling requirements of the Board of Health shall not apply to alternative onsite sewage systems sized at 1,000 gallons per day or smaller unless a Notice of Violation has been issued and that the Board of Health shall not have the authority to regulate, restrict, define, or prohibit any ground modification or improvement techniques associated with standard engineering practice for the purpose of meeting any performance requirements..

**Status:** 2/9/16 House: Continued to 2017

### **SB 547 Water and sewer service; certain liens for delinquent charges.**

*Summary as introduced:* Provides that certain liens for the unpaid fees and charges of a lessee or tenant shall be placed only if the owner of the property has agreed in writing at the time service is initiated to be responsible for such unpaid fees and charges.

**Status:** 2/2/16 Senate: Left in Committee on Local Government