

H. B. 4527

(By Delegates McCuskey and Mr. Speaker (Mr. Miley))
[Introduced February 14, 2014; referred to the
Committee on the Judiciary.]

A BILL to amend the Code of West Virginia, 1931, as amended, by
adding thereto a new article, designated §24-2G-1, §24-2G-2,
§24-2G-3, §24-2G-4 and §24-2G-5, all relating to creating
monitoring and testing requirements for public water
utilities; implementing an early warning monitoring
requirement; requiring a second intake at water storage
facilities; providing state assistance to complete the
implementation of new infrastructure; and providing guidance
for that process.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended
by adding thereto a new article, designated §24-2G-1, §24-2G-2,
§24-2G-3, §24-2G-4 and §24-2G-5, all to read as follows:

ARTICLE 2G. PUBLIC WATER UTILITIES MONITORING REQUIREMENTS.

§24-2G-1. Public water utilities required to install early warning

1 **monitoring system.**

2 All public water utilities, including public service
3 districts, providing water service and municipal owned or operated
4 water utilities, subject to the requirements and limitations of
5 this article, shall implement an early warning monitoring system as
6 specified in this article.

7 **§24-2G-2. Early warning monitoring system requirements.**

8 Each early warning monitoring system for each public water
9 utility, public service district or municipal water system, as set
10 forth in section one of this article, shall provide testing for
11 contamination of its water supply by the following contaminants:

- 12 (a) Salts or ions;
- 13 (b) Metals, including heavy metals;
- 14 (c) Polar organic compounds;
- 15 (d) Nonpolar organic compounds;
- 16 (e) Volatile compounds, oils and other hydrocarbons;
- 17 (f) Pesticides;
- 18 (g) Biotoxins; and
- 19 (h) Radioactive compounds.

20 Each public water utility is empowered to determine at its
21 discretion which of the above listed contaminants is most likely to
22 contaminate its water supply and shall provide an early warning
23 monitoring system which shall detect the three of the above-listed
24 contaminants which it deems most likely to affect that water

1 system: *Provided*, That each public water utility shall file its
2 list with the commission: *Provided*, however, That any public water
3 utility serving over one hundred thousand customers from any one
4 treatment plant is required to test for all listed contaminants at
5 each treatment plant.

6 **§24-2G-3. Public water utilities required to have secondary**
7 **intakes or stored water.**

8 (a) All public water utilities, including public service
9 districts, providing water service and municipal owned or operated
10 water utilities shall be equipped with a sufficient secondary
11 intake source of water; or, alternatively provide at least three to
12 five days of sufficient raw water storage to allow the early
13 warning monitoring system to be effective. Any public water utility
14 serving over one hundred thousand customers from any one treatment
15 plant is required to be provided with both a secondary intake
16 source of water and raw water storage.

17 (b) All public water utilities, including public service
18 districts, providing water service and municipal owned or operated
19 water utilities shall complete any upgrades necessary to fulfill
20 the provisions of subsection (a) of this section by January 1,
21 2021. Any system serving more than one hundred thousand people
22 shall begin construction of improvements to meet the requirements
23 of subsection (a) by January 1, 2016.

1 **§24-2G-4. Water utilities to have state assistance to complete**
2 **process.**

3 All public water utilities, including public service
4 districts, providing water service and municipal owned or operated
5 water utilities which are run by a private company shall have
6 access to a loan, to be provided from funding released from the
7 Rainy Day Fund. These loans shall be repayable at a rate of two
8 percent below the prime rate, which is designated as the base rate
9 on corporate loans posted by at least seventy-five percent of the
10 nation's thirty largest banks.

11 **§24-2G-5. Public service commission to approve and accept plans.**

12 All public water utilities must file for a certificate of
13 convenience and necessity pursuant to section eleven of article two
14 of chapter twenty-four of this code, if any expenditure to comply
15 with the article exceeds \$100,000.

NOTE: The purpose of this bill is add a new article to West Virginia Code relating to creating monitoring and testing requirements for public water utilities and providing guidance for that process.

This article is new; therefore, it has been completely underscored.