

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 5655

By Delegate Kyle

[Introduced February 17, 2026; referred to the
Committee on Government Organization]

1 A BILL to amend and reenact §16-1-4 and §16-1-9a of the Code of West Virginia, 1931, as
 2 amended, relating to the certification requirements of water and wastewater system
 3 operators in the state.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. STATE PUBLIC HEALTH SYSTEM.

§16-1-4. Proposal of rules by the secretary.

1 (a) The secretary may propose legislative rules in accordance with the provisions of §29A-
 2 3-1 *et seq.* of this code that include:

3 (1) Land usage endangering the public health: *Provided*, That no rules may be
 4 promulgated or enforced restricting the subdivision or development of any parcel of land within
 5 which the individual tracts, lots, or parcels exceed two acres each in total surface area and which
 6 individual tracts, lots, or parcels have an average frontage of not less than 150 feet even though
 7 the total surface area of the tract, lot, or parcel equals or exceeds two acres in total surface area,
 8 and which tracts are sold, leased, or utilized only as single-family dwelling units. Notwithstanding
 9 the provisions of this subsection, nothing in this section may be construed to abate the authority of
 10 the department to:

11 (A) Restrict the subdivision or development of a tract for any more intense or higher density
 12 occupancy than a single-family dwelling unit;

13 (B) Propose or enforce rules applicable to single-family dwelling units for single-family
 14 dwelling unit sanitary sewerage disposal systems; or

15 (C) Restrict any subdivision or development which might endanger the public health, the
 16 sanitary condition of streams, or sources of water supply;

17 (2) The sanitary condition of all institutions and schools, whether public or private, public
 18 conveyances, dairies, slaughterhouses, workshops, factories, labor camps, all other places open
 19 to the general public and inviting public patronage or public assembly, or tendering to the public
 20 any item for human consumption and places where trades or industries are conducted;

21 (3) Occupational and industrial health hazards, the sanitary conditions of streams, sources
22 of water supply, sewerage facilities, and plumbing systems and the qualifications of personnel
23 connected with any of those facilities, without regard to whether the supplies or systems are
24 publicly or privately owned; and the design of all water systems, plumbing systems, sewerage
25 systems, sewage treatment plants, excreta disposal methods, and swimming pools in this state,
26 whether publicly or privately owned;

27 (4) Safe drinking water, including:

28 (A) The maximum contaminant levels to which all public water systems must conform in
29 order to prevent adverse effects on the health of individuals and, if appropriate, treatment
30 techniques that reduce the contaminant or contaminants to a level which will not adversely affect
31 the health of the consumer. The rule shall contain provisions to protect and prevent contamination
32 of wellheads and well fields used by public water supplies so that contaminants do not reach a
33 level that would adversely affect the health of the consumer;

34 (B) The minimum requirements for: sampling and testing; system operation; public
35 notification by a public water system on being granted a variance or exemption, or upon failure to
36 comply with specific requirements of this section and rules promulgated under this section; record
37 keeping; laboratory certification; as well as procedures and conditions for granting variances and
38 exemptions to public water systems from state public water systems rules; and

39 (C) The requirements covering the production and distribution of bottled drinking water and
40 may establish requirements governing the taste, odor, appearance, and other consumer
41 acceptability parameters of drinking water; and

42 (D) The education and experience requirements of public water and wastewater system
43 operators: *Provided*, That, if an operator's first 2,000 hours of experience are in a Class II system,
44 as defined by the secretary, those hours are equivalent to working 4,000 hours in a Class I system
45 for the purpose of obtaining a Class II, III, or IV operator certification.

46 (5) Food and drug standards, including cleanliness, proscription of additives, proscription

47 of sale, and other requirements in accordance with §16-7-1 *et seq.* of this code as are necessary
48 to protect the health of the citizens of this state;

49 (6) The training and examination requirements for emergency medical service attendants
50 and emergency medical care technician-paramedics; the designation of the health care facilities,
51 health care services, and the industries and occupations in the state that must have emergency
52 medical service attendants and emergency medical care technician-paramedics employed, and
53 the availability, communications and equipment requirements with respect to emergency medical
54 service attendants and to emergency medical care technician-paramedics. Any regulation of
55 emergency medical service attendants and emergency medical care technician- paramedics may
56 not exceed the provisions of §16-4C-1 *et seq.* of this code;

57 (7) The health and sanitary conditions of establishments commonly referred to as bed and
58 breakfast inns. For purposes of this article, "bed and breakfast inn" means an establishment
59 providing sleeping accommodations and, at a minimum, a breakfast for a fee. The secretary may
60 not require an owner of a bed and breakfast providing sleeping accommodations of six or fewer
61 rooms to install a restaurant-style or commercial food service facility. The secretary may not
62 require an owner of a bed and breakfast providing sleeping accommodations of more than six
63 rooms to install a restaurant-type or commercial food service facility if the entire bed and breakfast
64 inn or those rooms numbering above six are used on an aggregate of two weeks or less per year;

65 (8) Fees for services provided by the Bureau for Public Health including, but not limited to,
66 laboratory service fees, environmental health service fees, health facility fees, and permit fees;

67 (9) The collection of data on health status, the health system, and the costs of health care;

68 (10) The distribution of state aid to local health departments and basic public health
69 services funds in accordance with:

70 (A) Base allocation amount for each county;

71 (B) Establishment and administration of an emergency fund of no more than two percent of
72 the total annual funds of which unused amounts are to be distributed back to local boards of health

73 at the end of each fiscal year;

74 (C) A calculation of funds utilized for state support of local health departments;

75 (D) Distribution of remaining funds on a per capita weighted population approach which
76 factors coefficients for poverty, health status, population density, and health department
77 interventions for each county and a coefficient which encourages counties to merge in the
78 provision of public health services; and

79 (E) The provisions of this subdivision are in effect until the performance standard funding
80 formula is created and established by legislative rule.

81 (b) The secretary shall not review any repair or modernization of equipment at a public pool
82 facility as long as such activity does not change the scope of the facility or its current use and such
83 activity does not exceed \$25,000 in planned cost.

§16-1-9a. Regulation of public water systems.

1 (a) The commissioner shall regulate public water systems as prescribed in this section.

2 (b) The commissioner shall establish by legislative rule, in accordance with §29A-3-1 *et*
3 *seq.* of this code:

4 (1) The maximum contaminant levels to which all public water systems shall conform in
5 order to prevent adverse effects on the health of individuals;

6 (2) Treatment techniques that reduce the contaminant or contaminants to a level which will
7 not adversely affect the health of the consumer;

8 (3) Provisions to protect and prevent contamination of wellheads and well fields used by
9 public water supplies so that contaminants do not reach a level that would adversely affect the
10 health of the consumer;

11 (4) Minimum requirements for:

12 (A) Sampling and testing;

13 (B) System operation and the education and experience requirements of public water and
14 wastewater system operators: *Provided, That, if an operator's first 2,000 hours of experience are*

15 in a Class II system, as defined by the secretary, those hours are equivalent to working 4,000
16 hours in a Class I system for the purpose of obtaining a Class II, III, or IV operator certification;

17 (C) Public notification by a public water system on being granted a variance or exemption
18 or upon failure to comply with specific requirements of this section and regulations promulgated
19 under this section;

20 (D) Recordkeeping;

21 (E) Laboratory certification; and

22 (F) Procedures and conditions for granting variances and exemptions to public water
23 systems from state public water systems' regulations;

24 (5) Requirements covering the production and distribution of bottled drinking water;

25 (6) Requirements governing the taste, odor, appearance, and other consumer
26 acceptability parameters of drinking water;

27 (7) Any requirements for a water supply system the commissioner determines is necessary
28 to be equipped with a backflow prevention assembly, all maintenance activities must be
29 documented and provided to the commissioner upon request; and

30 (8) Any other requirement the commissioner finds necessary to effectuate the provisions of
31 this article.

32 (c) The commissioner, or his or her authorized representative or designee, may enter any
33 part of a public water system, whether or not the system is in violation of a legal requirement, for
34 the purpose of inspecting, sampling, or testing and shall be furnished records or information
35 reasonably required for a complete inspection.

36 (d) The commissioner, or his or her authorized representative or designee, may conduct an
37 evaluation necessary to assure the public water system meets federal safe drinking water
38 requirements. The public water system shall provide a written response to the commissioner
39 within 30 days of receipt of the evaluation by the public water system, addressing corrective
40 actions to be taken as a result of the evaluation.

41 (e)(1) Any individual or entity who violates any provision of this article, or any of the rules or
42 orders issued pursuant to this article, is liable for a civil penalty not less than \$1,000 nor more than
43 \$5,000. Each day's violation shall constitute a separate offense.

44 (2) For a willful violation of a provision of this article, or of any of the rules or orders issued
45 under this article, an individual or entity shall be subject to a civil penalty of not more than \$10,000
46 and each day's violation shall be grounds for a separate penalty.

47 (3) Civil penalties are payable to the commissioner. All moneys collected under this section
48 shall be deposited into a restricted account known as the Safe Drinking Water Fund. All moneys
49 deposited into the fund shall be used by the commissioner to provide technical assistance to public
50 water systems.

51 (f) The commissioner, or his or her authorized representative or designee, may also seek
52 injunctive relief in the circuit court of the county in which all or part of the public water system is
53 located for threatened or continuing violations.

54 (g) By July 1, 2020, a public water system supplying water to the public within the state
55 shall immediately, but in no instance later than six hours, report the occurrence and the lifting of
56 each advisory to local departments of health and to local office of emergency management 911
57 answering point.

58 (h) By January 1, 2022, a public water system shall make available to interested customers
59 boiled water advisories promptly through a text or a voice alert mass notification system.

NOTE: The purpose of this bill is to clarify the experience requirements of water and wastewater operators.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.