



townhall.virginia.gov

Exempt Action: Final Regulation Agency Background Document

Agency name	State Board of Health
Virginia Administrative Code (VAC) Chapter citation(s)	12VAC5-590
VAC Chapter title(s)	Waterworks Regulations
Action title	Amend Regulations after Enactment of Chapters 631 and 672 of the 2025 Acts of Assembly
Final agency action date	August 26, 2025
Date this document prepared	July 25, 2025

This information is required for executive branch review pursuant to Executive Order 19 (2022) (EO 19), any instructions or procedures issued by the Office of Regulatory Management (ORM) or the Department of Planning and Budget (DPB) pursuant to EO 19. In addition, this information is required by the Virginia Registrar of Regulations pursuant to the Virginia Register Act (§ 2.2-4100 et seq. of the Code of Virginia). Regulations must conform to the Regulations for Filing and Publishing Agency Regulations (1 VAC 7-10), and the *Form and Style Requirements for the Virginia Register of Regulations and Virginia Administrative Code*.

Brief Summary

Provide a brief summary (preferably no more than 2 or 3 paragraphs) of this regulatory change (i.e., new regulation, amendments to an existing regulation, or repeal of an existing regulation). Alert the reader to all substantive matters. If applicable, generally describe the existing regulation.

This regulatory change is in accordance with § 32.1-174.5 of the Code of Virginia (2025 Acts of Assembly Chapters 631 and 672), a new section added to Virginia's Public Water Supplies Law. This new section adds mandatory reporting requirements for certain contaminant releases and equipment failures and malfunctions.

The statutory changes (i) provide updated and new definitions, (ii) require the owner of a waterworks to report certain events to the Virginia Department of Health's Office of Drinking Water (VDH-ODW) within two hours after discovery of a contaminant release or critical equipment failure or malfunction, and (iii) require waterworks that are required to submit a monthly report to VDH-ODW to include any noncritical equipment failure or malfunction that has not been resolved by the monthly reporting deadline.

The existing regulation, 12VAC5-590-570, requires a waterworks owner to report certain incidents to VDH within 24 hours of their occurrence. The existing language is narrower than the requirements of the new statute, only requiring an owner to report water pressure below 20 psi, flooding of clearwells or groundwater wells, and a situation “that presents or may present an imminent and substantial threat to public health.” The existing language does not require an owner to include any other type of equipment failure or malfunction or any contaminant release in its 24-hour report to VDH.

This action is exempt from the provisions of the Administrative Process Act pursuant to § 2.2-4002(A)(4) of the Code of Virginia because these amendments are being adopted as required by the provisions of § 32.1-174.5 of the Code of Virginia, without additional agency discretion.

Mandate and Impetus

Identify the mandate for this regulatory change and any other impetus that specifically prompted its initiation (e.g., new or modified mandate, internal staff review, petition for rulemaking, periodic review, or board decision). For purposes of executive branch review, “mandate” has the same meaning as defined in the ORM procedures, “a directive from the General Assembly, the federal government, or a court that requires that a regulation be promulgated, amended, or repealed in whole or part.”

The proposed regulatory amendments to 12VAC5-590-10 and 12VAC5-590-570 are mandated by Chapters 631 and 672 of the 2025 Acts of Assembly, which add to and supersede parts of 12VAC5-590, specifically 12VAC5-590-10, Definitions, and 12VAC5-590-570, Operational reporting requirements.

Two recent crises at waterworks severely impacted their customers and provided the impetus for the new statute. One involved a contaminant release from a failed water pump that affected approximately 15,000 consumers and the issuance of a “Do Not Use” notice, and the second resulted from a critical equipment malfunction that caused a water disruption lasting several days, impacting over 250,000 consumers, including businesses and medical facilities, and necessitating the issuance of a “Do Not Drink” notice. The existing law only required these waterworks to report these events to VDH-ODW within 24 hours, whereas the enactment of § 32.1-174.5 now requires that these types of events be reported within two hours of discovery.

Statement of Final Agency Action

Provide a statement of the final action taken by the agency including: 1) the date the action was taken; 2) that the agency has “adopted final amendments” to the regulation; 3) the name of the agency taking the action; and 4) the title of the regulation. A suggested statement is, “On [insert date] the Board/Department of [insert name] adopted final amendments to the [title of regulation(s)].”

On August 26, 2025 the State Health Commissioner adopted the final amendments to the Waterworks Regulations (12VAC5-590) on behalf of the State Board of Health while the Board was not in session.