HB 894 – An Act to Improve SWP Planning

An overview of the legislation

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- 4-MCHM spilled into the Elk River
- January 9, 2014
Senate Bill 373

In 2014, the WV Legislature passed Senate Bill 373 in response to the Freedom spill. Here are all of our posts related to the passage and implementation of 373:

- DEP issues new guidance on SB 373 implementation (9/10/14)
- Governor and legislative leaders begin SB 373 rollback (9/1/14)
- Comments due July 31 on Bureau of Public Health’s draft source water protection rules (7/20/14)
- SB 373 already having a positive impact across WV (6/21/14)
- Industry seeks to reinstate exemptions into DEP tank regulations (6/1/14)
- DEP has above ground storage tank site up (5/27/14)
- WV DEP invites you to participate in storage tank emergency rules process (4/21/14)
- Gov Tomblin signs SB 373 (4/3/14)
- SB 373's secrecy provision (3/13/14)
- What's next for SB 373? (3/12/14)
- Final summary of SB 373 (3/11/14)
- WV Legislature passes SB 373 (3/8/14)
- House passes SB 373 (3/6/14)
- SB 373 weakened by Finance Committee (3/4/14)
- Judiciary Committee passes SB 373, votes down citizen suit provisions (3/3/14)
- Legislative wrap-up for the week (2/28/14)
- Legislative wrap-up for the week (2/22/14)
- Contact the House Judiciary Committee about SB 373 (2/16/14)
- Delegates and DEP Secretary push to rid SB 373 of Gov. Tomblin's industry-friendly exemptions (2/14/14)
- House Health & Human Resources Committee to hold vote on SB373 on Wednesday, 2/12/14 (2/11/14)
- Email Delegate Perdue, Ask Him to Strengthen SB373 (2/10/14)
- Public Hearing on SB373 in House Chamber at Capitol, 5:30 pm Monday (1/30/14)
- Unger/Governor bill passes Senate (1/28/14)
- Above ground tank regulation bill going to the WV Senate floor for vote (1/24/14)
- Governor's proposed water bill is a good start, but not nearly good enough (1/21/14)
Eden, North Carolina

- Coal ash spill into the Dan River
- February 2, 2014
A “reactive” model for SWP planning

- Engineering-based SOPs and models
  - Yes: Alter treatment process
  - Yes: Real time data analysis
  - No: Engage contingency plan

- Real time, in-stream data analysis
AN ACT TO IMPROVE SOURCE WATER PROTECTION PLANNING

Original - HB 894, signed 6/30/2014
Technical Corrections - HB 1133, signed 8/11/2014

§ 130A-320 (c)
Every supplier of water operating a public water system and furnishing water from unfiltered surface supplies shall create and implement a source water protection plan (SWPP).
AN ACT TO IMPROVE SOURCE WATER PROTECTION PLANNING

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Surface Water Sources
by WSW Class

Legend
Surface Water Sources
WSW Class (Count)
- WS-I (14)
- WS-II (51)
- WS-III (36)
- WS-IV (93)
- WS-V (3)

County Boundaries
Implement – to put into effect

...create and implement a SWPP

...schedules for implementing mandatory provisions in a SWPP

Is implementation counterproductive?
AN ACT TO IMPROVE SOURCE WATER PROTECTION PLANNING

The Commission shall adopt rules that provide:

§ 130A-320 (c)

(1) Standardized SWP planning formats and elements
(2) Schedules for creating, implementing and updating
(3) Reporting requirements to DWR
§ 130A-320 (c) (1)

The Commission shall adopt rules that provide:

A standardized format for use by suppliers of water in creating their SWPP. The Commission may create different formats and required plan elements for public water systems based on the system type, watershed classification, population served, source susceptibility to contamination, proximity of potential contamination sources to the intake, lack of water supply alternatives, or other characteristics the Commission finds to be relevant.
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Mixed land use PCSs exist
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NC Drinking Water Protection Program

Legislation Overview Recap:

• What events prompted HB 894?
• What is a primary concern?
• What does the legislation require?

Questions?