REPORT OF THE

STATE WATER COMMISSION

TO THE GOVERNOR AND
THE GENERAL ASSEMBLY OF VIRGINIA

COMMONWEALTH OF VIRGINIA
RICHMOND
2026

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STATE WATER COMMISSION
EXECUTIVE SUMMARY

The following executive summary serves as the 2026 Report of the State Water Commission.

I. Background and Deliberations

The State Water Commission (the Commission) is a 15-member legislative body established by statute that is charged with (i) studying all aspects of water supply and allocation problems in the Commonwealth, (ii) coordinating the legislative recommendations of all state entities that have responsibilities with respect to water supply and allocation issues, and (iii) annually reporting its findings and recommendations to the General Assembly and the Governor. In 2025, the Commission met two times and received testimony regarding several topics, including the City of Richmond's January 2025 water system failure, lead and copper compliance in local water systems, the Rappahannock River's designation as most endangered river in the United States, per- and polyfluoroalkyl substances (PFAS), biosolids, the Chesapeake Bay Watershed Agreement, and rainwater harvesting systems.

1. Meeting Proceedings, June 17, 2025

The Commission met in Richmond with Senator Scott A. Surovell, chair, presiding. The meeting began with opening remarks followed by a recap of the Commission's recommendations for the 2025 Regular Session of the General Assembly, adoption of an electronic meetings policy, presentations, discussion, and public comment.

Scott Morris, P.E., Director with the City of Richmond Department of Public Utilities, provided a summary of the water outage event of January 6, 2025, detailed organizational changes underway at Richmond's Department of Public Utilities (DPU), and provided an overview of the DPU's 10-year plan. On January 6, 2025, the City of Richmond's water treatment plant (WTP) completely lost power in both of its main feeders due to an equipment failure, and the backup battery-powered system did not close filter effluent valves. This led to water levels increasing in both clearwells until the WTP's basements were submerged, leaving critical electrical equipment submerged and damaged. Although standby pumps were used to pump water out of the basements, the pumps were not able to pump at the rate required to overcome the water that was passing through the filters. The submerged and damaged equipment resulted in a complete outage at the WTP for nearly 36 hours. The City's Byrd Park Reservoir was already at less than half capacity due to ongoing construction projects, which meant that the City's water distribution system was already at a greater risk of failing to meet demand if production at the WTP were to be lost. Mr. Morris provided status updates related to various improvements to the City's water system, many of which have already been completed and some of which are ongoing. Mr. Morris described organizational changes to the DPU since the inauguration of the new mayor in 2025, and he detailed the City's 10-year plan to upgrade critical infrastructure, perform comprehensive system assessments, implement a robust preventative maintenance program, and ultimately ensure the provision of safe and reliable water for the City of Richmond for decades to come.

Dwayne Roadcap, Director of the Office of Drinking Water at the Virginia Department of Health (VDH) and Bailey Davis, Chief of Field Operations with the Office of Drinking Water at VDH, provided an overview of a study mandated by the General Assembly in 2024 to assess costs for complying with new PFAS and lead regulations that included cost estimates, funding options, and federal funding identification. The study found that the compliance costs related to PFAS would be between $643 million and $904 million in capital expenditures, between $72 million and $88 million in annual operational expenditures, and $700,000 in ongoing annual monitoring costs, while the compliance costs related to lead service lines would be between $290 million and $670 million in capital expenditures, $43 million in annual operational expenditures, and $1 million to $2 million in ongoing annual monitoring costs. The study also found that while larger waterworks are better positioned to afford such compliance costs due to their ability to increase rates over a larger customer base, smaller waterworks will have more difficulty in affording such compliance costs. In order to meet PFAS and lead and copper regulations, water systems are expected to use a combination of low interest rate loans; state and federal grants; bonds, including in collaboration with the Virginia Resources Authority; customer billing increases; and funds from litigation claims.

Mr. Roadcap and Mr. Davis also provided a brief overview of the role that VDH plays in enforcing laws and regulations related to PFAS and detailed the current state of the U.S. Environmental Protection Agency (EPA) rules regarding certain PFAS chemicals. On April 10, 2024, the EPA announced the final National Primary Drinking Water Regulations for six of the most prevalent PFAS chemicals in drinking water and set a deadline for compliance of 2029. Following the inauguration of a new presidential administration, the EPA announced its intention to rescind the regulations for four of the six PFAS chemicals, leaving only the regulations for perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS), and extend the compliance date to 2031. Mr. Roadcap and Mr. Davis noted that initial monitoring for PFAS in water systems is ongoing and set to be completed by April 27, 2027. Starting three years following rule promulgation, results of initial monitoring must be shared with the public, regular monitoring for compliance must begin, and public notification must be given for monitoring and testing violations. Once the compliance date for all maximum contaminant levels (MCLs) begins, the public must be notified of MCL violations. Regardless of whether the number of PFAS chemicals being regulated is six or two (PFOA and PFOS), VDH staff noted that the cost impacts for Virginia would be roughly the same, as most of the PFAS chemicals detected in Virginia water are PFOA and PFOS.

Mr. Bryant Thomas, Director of the Water Division at the Department of Environmental Quality (DEQ), provided an overview of the enacted legislation in Virginia related to PFAS and the role that DEQ plays in implementing such legislation. Mr. Thomas noted the following major pieces of legislation related to PFAS, and DEQ's implementation of the legislation: The budget bills in the 2022 regular session allocated $320,000 to DEQ to conduct ambient surface water and groundwater surveillance for PFAS; HB 2189 (Rasoul, 2023) established requirements for certain industrial users discharging PFAS to publicly owned treatment works to test for PFAS and report the results to the receiving publicly owned treatment works; HB 1085 (Rasoul, 2024) and SB 243 (McPike, 2024) require DEQ to perform PFAS source assessments for drinking water systems with detections of PFAS above the EPA's MCLs; and HB 2050 (Bulova, 2025) requires certain facilities in the Occoquan Reservoir watershed to monitor for PFAS and ensure the concentration of PFAS in the discharge of such facilities does not exceed the EPA's drinking water MCLs.

Brent Hunsinger, Advocacy and Coastal Programs Director with the Friends of the Rappahannock, provided an overview of the nonprofit organization American Rivers and its Most Endangered River Campaign and explained the overarching reason for the Rappahannock River earning the status of the sixth most endangered river in the United States: a fragmented approach to water supply planning that threatens to undermine the long-term sustainability of the river. Mr. Hunsinger detailed the primary threats to the Rappahannock, which include declining groundwater levels, explosive regional growth, data center expansion requiring water usage, increasingly variable surface water flows, major transfers of water between river basins, lack of coordinated cumulative water supply strategies, and legacy unpermitted water intakes that were authorized prior to 1989. Mr. Hunsinger explained that while competing demands for the finite water in the Rappahannock are growing, groundwater recharge rates can't keep up with extraction, and surface water availability varies with climate conditions. These factors pose serious threats to the agriculture and fisheries industries, as well as to the public's drinking water supply. Mr. Hunsinger advocated for several policy solutions which could improve the health of the Rappahannock River, including providing adequate funding for regional water supply plans, performing basin-wide comprehensive cumulative water resource plans that utilize the regional water supply plans that are created, disclosing to DEQ any data related to reported capacity and intake values that differ from DEQ's records, and potentially limiting the intake capacity for legacy users.

Dean Naujoks, Potomac Riverkeeper with the Potomac Riverkeeper Network, provided an overview of PFAS-contaminated biosolids, which is another term for sewage sludge that has been treated and can be applied to land as a soil conditioner or fertilizer. Mr. Naujoks stated that in order to prevent PFAS from negatively affecting human and animal health, it is necessary to assess the sources of PFAS, invest in and implement technological solutions to remove PFAS, and ultimately develop technology that will destroy the chemical compounds. Mr. Naujoks highlighted Maryland's recent decision to restrict the use of biosolids for fertilizer and the concurrent impact of Synagro, a major sludge-fertilizer maker, applying for permits to use more biosolid fertilizer on Virginia farmland. Mr. Naujoks noted that Virginia has approved the importation and application of fertilizer from 22 Maryland wastewater treatment plants, 21 of which have been tested by the Maryland Department of the Environment and were found to contain PFAS. He also noted that DEQ's statewide PFAS sampling efforts have revealed that many of Virginia's rivers, as well as tidal bays and creeks, have dangerously high levels of PFAS that are harmful to human and aquatic life. As it relates to Virginia farmers, Mr. Naujoks stated that PFAS-contaminated biosolids have resulted in contamination of farmers' wells, runoff into streams, contamination of fish and seafood, and contamination of feed crops for livestock and poultry. He stated that farmers are not told the truth about the prevalence of PFAS in the biosolids that are applied to their farmland. In order to improve this situation, Mr. Naujoks advocated that Virginia (i) test all biosolids for PFAS, (ii) issue a moratorium on all new biosolid application permits, (iii) use peer-reviewed science for establishing safe limits of PFAS, (iv) rely on the EPA's Sewage Sludge Risk Assessment for PFOA and PFOS, and (v) use the EPA's finalized national recommended water quality criteria and benchmarks to protect aquatic ecosystems from PFAS.

Martha Moore, Senior Vice President of Governmental Relations with the Virginia Farm Bureau Federation, provided an overview of biosolids and stated that land applications of biosolids are far preferable to incineration or deposition in landfills. Ms. Moore stated that biosolids are regulated at the federal and state levels, as well as monitored at the local level to ensure

protection of public health and the environment. She also stated that biosolids are a source of nutrients that improve soil health and bring numerous economic and environmental benefits. Ms. Moore provided the perspective of farmers on biosolids, as they relate to PFAS, and said that farmers are passive receivers of possible contaminants from biosolids that farmers were encouraged to use as a safe and regulated product. Farms do not manufacture PFAS, nor do they use PFAS as a part of any industrial process. Farmers must wait for pending scientific research to best determine how PFAS will be detected in biosolids and assessed with respect to inadvertent contamination of land applications. Ms. Moore stated that farmers are concerned with being held liable for PFAS contamination that they did not create, but rather received through the application of contaminated biosolids. For this reason, some farmers believe that policymakers should consider some sort of liability shield for farmers. Ms. Moore noted that instances in which PFAS have been detected on farms in other states have created severe financial, emotional, and health impacts on farmers, including lost income, land devaluation, and the need to abandon or repurpose their farmland. Ms. Moore also provided a number of policy options that farmers support, which include increased scientific research and collaboration, controlling sources of PFAS-contaminated biosolids, more stringent pre-treatment standards for biosolids, increased testing of biosolids prior to land application, and the liability shield for farmers.

Chris Pomeroy, General Counsel with the Virginia Municipal Drinking Water Association, provided the perspective of local wastewater providers as it relates to the prevalence of PFAS in the Commonwealth's water supplies. Mr. Pomeroy commented on the efforts mentioned in the prior presentations and said that while all of those efforts and goals are attainable, they are all very expensive and will result in higher monthly bills for ratepayers. On the topic of the land application of biosolids potentially contaminated by PFAS, Mr. Pomeroy noted that there are largely only two alternatives, both of which are unattractive or unfeasible: building new landfills or expanding existing landfills and opening new regional high temperature incinerators that are able to destroy PFAS chemical bonds.

2. Meeting Proceedings, November 19, 2025

The Commission met in Richmond with Senator Scott A. Surovell, chair, presiding. The meeting began with introductions and opening remarks followed by presentations, discussion, and public comment.

Adrienne Kotula, Virginia Director of the Chesapeake Bay Commission, provided an overview of the Chesapeake Bay Watershed Agreement (the Bay Agreement), a voluntary agreement that brings local, state and federal leaders together to work toward shared goals for an economically and environmentally sustainable Chesapeake Bay and its watershed. The Bay Agreement includes goals designed to achieve clean water, a thriving habitat, and healthy and productive forests and fisheries across the region. These goals are supported by outcomes that describe the specific and measurable results Chesapeake Bay Program partners are working toward. Mrs. Kotula stated that several of the Bay Agreement targets were on track as of 2025, some of which included blue crab and oyster abundance, environmental literacy, toxics contaminants research, climate monitoring, and stream health. Other targets that were not on track to be met included targets for wetlands, black ducks, brook trout, submerged aquatic vegetation, forest buffers, and tree canopy.

Jay Ford, Virginia Policy Manager for the Chesapeake Bay Foundation, provided further information about the Bay Agreement, as well as the Chesapeake Bay Foundation's legislative priorities for the 2026 Regular Session of the General Assembly that would help achieve the goals of the Bay Agreement. Some of those priorities included funding an oyster stock assessment, modernizing fisheries management, clarifying tidal wetland mitigation requirements, codifying a Habitat Policy Oversight Committee at the Marine Resources Commission, prioritizing the beneficial reuse of dredge material, funding the agricultural cost share program, fully funding land conservation acquisition programs, and addressing toxic and emerging contaminants such as microplastics and PFAS.

Tyrone Jarvis, founder of Society for a Secure and Sustainable Water Future, requested that the Commission formally recommend a bill for the 2026 Regular Session of the General Assembly that would require any new construction or substantial expansion of a data center to (i) include a rainwater harvesting system sufficient to capture rainwater runoff from at least 30 percent of the total roof surface area of such data center and (ii) use such harvested rainwater for non-potable water needs, including irrigation or the dissipation of heat from any component of such data center. Mr. Jarvis stated that such a bill would conserve potable water, reduce groundwater stress, reduce flooding and nonpoint source pollution, and strengthen community resilience.

II. Conclusion

The Commission considered a number of legislative items relating to PFAS, but ultimately only formally recommended two items that were previously recommended by the Commission during the 2024 Interim: (i) a bill that (a) directs the State Board of Health to adopt regulations to utilize point-of-use or point-of-entry drinking water treatment or filtration systems to remove or significantly reduce concentrations of contaminants of concern that meet or exceed any maximum contaminant level or health advisory for the same contaminant adopted by the EPA and (b) establishes the Residential Well Water Testing and Treatment Program and Program Fund to allow VDH's Office of Drinking Water to test and treat contaminated drinking water through grants for the use of eligible treatment or filtration systems in private residential wells; and (ii) a budget amendment of $2,300,000 the first year from the general fund for groundwater research in the Eastern Virginia Groundwater Management Area (EVGMA) that included (a) $2,000,000 for DEQ to install five additional multiwell research stations to gather additional data to study the upper portions of the EVGMA and (b) $300,000 for DEQ to conduct a study, in coordination with Virginia Polytechnic Institute and State University, to determine technically feasible locations within the EVGMA to recommend water treatment upgrades for Virginia municipal water systems modeled on the Hampton Roads Sanitation District SWIFT project and the cost of such upgrades.

Additional information about the State Water Commission's activities is available through its website at http://dls.virginia.gov/commissions/swc.htm.

Respectfully submitted,

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