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Exempt Action: Final Regulation Agency Background Document

Agency name	Virginia Department of Health
Virginia Administrative Code (VAC) Chapter citation(s)	12VAC5-590
VAC Chapter title(s)	Waterworks Regulations
Action title	Amend the Waterworks Regulations to incorporate the federal Consumer Confidence Report Rule Revisions.
Final agency action date	May 6, 2026
Date this document prepared	March 26, 2026

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 mandated by the federal Consumer Confidence Report Rule Revisions, 40 CFR §§ 141.151 – 141.156 and Appendix A to Subpart O, of the Safe Drinking Water Act. This amendment adds definitions for “pesticide” and “herbicide,” modifies existing federal health language, and changes the requirements for the information, content, manner, and frequency of the consumer confidence reports that community waterworks are currently required to make available to consumers.

VDH is required by the US Environmental Protection Agency to promulgate these regulatory amendments to maintain primacy over the implementation of the federal Safe Drinking Water Act.

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 regulatory amendments to 12VAC5-590-545 are mandated by the federal Consumer Confidence Report Rule Revisions, 40 CFR §§ 141.151 – 141.156 and Appendix A to Subpart O, and the National Primary Drinking Water Regulations Implementation, 40 CFR Part 142. It adds to and supersedes parts of 12VAC5-590, specifically 12VAC5-590-545, Consumer confidence reports.

Pursuant to § 2.2-4006 A 4 c of the Code of Virginia, this regulatory action is exempt from the requirements of the Virginia Administrative Process Act, as the amendments to this section are necessary to meet the requirements of federal law or regulation.

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 May 6, 2026 the State Health Commissioner adopted these final amendments to the Waterworks Regulations (12VAC5-590) on behalf of the State Board of Health while the Board was not in session.