

BILL NO. 35-0209

Thirty-Fifth Legislature of the Virgin Islands

An Act requiring the Virgin Islands Department of Planning and Natural Resources, in collaboration with the Virgin Islands Water and Power Authority, to conduct a comprehensive overview and generate a report of the Territory's potable water infrastructure and related equipment to ensure compliance with the Federal Safe Water Drinking Act and the Virgin Islands Safe Drinking Water Act and regulations promulgated under them and matters relating them

PROPOSED BY: Senator Diane T. Capehart

WHEREAS, the Legislature finds that water constitutes a public resource benefitting the entire Territory; and

WHEREAS, water is an essential element to this Territory's current and future growth, sustainability, and environmental health; and

WHEREAS, a needs-based water assessment is vital to successfully plan for this Territory's current and future population growth and infrastructural and environmental needs; and

WHEREAS, a secure, reliable water infrastructure system and a well-thought-out plan for the future are essential to sustaining growth and business investment in a community; and

WHEREAS, a solid, sustainable water infrastructure approach can result in better bond ratings that help the community when it needs financing; and

1 **WHEREAS**, maximizing the value of each infrastructure dollar spent keeps user rate
2 increases under control and helps justify when rates need to be increased; and

3 **WHEREAS**, infrastructure not managed sustainably causes increased pollution of
4 waterways that harms human beings, wildlife, and the ecosystem; and

5 **WHEREAS**, adopting more efficient management practices can greatly reduce water and
6 energy usage, leading to decreased greenhouse gas emissions and reduced strain on natural
7 resources and its infrastructure; Now Therefore,

8 ***Be it enacted by the Legislature of the Virgin Islands:***

9 **SECTION 1.** (a) The Virgin Islands Department of Planning and Natural Resources
10 (“DPNR”), in collaboration with the Virgin Islands Water and Power Authority (“WAPA”),
11 shall conduct a comprehensive overview and generate a report of the Territory’s potable water
12 infrastructure and related equipment to ensure compliance with the Safe Water Drinking Act,
13 42 U.S.C. §300f. et seq., and the Virgin Islands Safe Drinking Water Act, 19 V.I.C. §1301et.
14 seq., and regulations promulgated thereunder.

15 (b) (1) DPNR and WAPA shall create a Three-Year Action Plan based on the report
16 of the Territory’s potable water infrastructure and equipment as provided in subsection (a) and
17 provide a copy of the action plan and the report to the Governor and the Legislature. The
18 action plan must identify quantitative needs-based annual goals to address immediate needs
19 and provide an analysis, cost, and a timeline for the completion of all the goals in three- years.

20 (2) The action plan in paragraph (1) must also include an estimate of the funds
21 necessary:

22 (A) for the infrastructure’s capacity to meet current and future demands;

23 (B) to provide for the infrastructure’s existing and near-future physical condition;

24 (C) to provide expected levels of service and protection to public safety;

(D) for the infrastructure to be operated and maintained in compliance with federal and local regulations;

(E) for the infrastructure to be able to prevent or protect against significant multi-hazard threats and incidents and its ability to return to a pre-hazard or pre-threat level of service quickly;

(F) for replacement costs for infrastructure components that are nearing, at, or exceeding their estimated service life;

(G) for costs necessary to comply with legislative intent that sufficient water be available for all existing and future reasonable-beneficial uses and for natural systems and related equipment;

(H) for adverse effects of competition for water supplies to be avoided; and

(I) for infrastructure costs necessary to protect, restore, and enhance the Territory's potable water.

SECTION 2. (a) DPNR and WAPA shall complete the overview of the potable water infrastructure and the report under section 1, subsection (a) not later than 90 days after the effective date of this act.

(b) DPNR and WAPA shall submit the Three-Year Action Plan under section 1, subsection (b) to the Governor and the President of the Legislature not later than 120 days after the effective date of this Act and submit an update of the plan every calendar year thereafter.

SECTION 3. (a) The Governor may allocate, not inconsistent with federal law, a sum of up to \$10,000,000 from the American Rescue Plan Act (ARPA) funds to the Virgin Islands Water and Power Authority to complete the Three-Year Action Plan under section 1, subsection (b)(1).

(b) The Virgin Islands Water and Power Authority shall submit quarterly reports to the Governor and the Legislature regarding its progress in completing the respective annual goals, including an accounting of the monies spent.

(c) The Commissioner of the Department of Planning and Natural Resources shall, prior to any of the work being performed under section 1, subsection (b)(1), conduct an environmental impact assessment to ensure the protection of human life, livestock, natural resources, and ecosystems in the landfill areas.

BILL SUMMARY

This bill requires the Virgin Islands Department of Planning and Natural Resources (“DPNR”), in collaboration with the Virgin Islands Water and Power Authority (“WAPA”), to conduct a comprehensive overview and generate a report of the Territory's potable water infrastructure and related equipment to ensure compliance with the Safe Water Drinking Act and the Virgin Islands Safe Drinking Water Act and regulations promulgated thereunder. The DPNR and WAPA must create a Three-Year Action Plan based on the results of the overview and provide a copy of the action plan to the Governor and the Legislature along with annual updates. The bill also provides that the Governor may allocate, not inconsistent with federal law, a sum of up to \$10,000,000 from the American Rescue Plan Act funds to WAPA to complete the Three-Year Action Plan and requires the WAPA to submit quarterly progress reports to the Governor and the Legislature. The bill also requires the Commissioner of the DPNR to, prior to any of the work in the action plan being performed, conduct an environmental impact assessment to ensure the protection of human life, livestock, natural resources, and ecosystems in the landfill areas.

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