

2016 Regular Session

HOUSE BILL NO. 823

BY REPRESENTATIVE HUNTER

WATER/DRINKING WATER: Provides for heightened drinking water quality standards and increased enforcement of water system safety regulations in certain municipalities

1 AN ACT

2 To enact R.S. 40:5.6.1, relative to drinking water; to require enforcement of secondary
3 maximum contaminant levels in certain municipalities located in certain parishes;
4 to establish for the standard maximum containment levels; to provide for
5 enforcement; to provide for penalties; to provide for emergency funding; to provide
6 for a credit on consumer water utility bills; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:5.6.1 is hereby enacted to read as follows:

9 §5.6.1. Drinking water; secondary contaminants; enforcement; standards; penalties;
10 emergency funding; utility bill credit

11 A. The Legislature of Louisiana does hereby find and declare the following:

12 (1) The provision of water for public use and consumption that is not only
13 safe but also acceptable in appearance, taste, and odor is of the highest priority.

14 (2) Water that is aesthetically unacceptable can undermine the confidence
15 of consumers, will lead to complaints, and could lead to the use of water from
16 sources that are less safe.

17 (3) Generally, consumers have no means of judging the safety of their water
18 themselves, but their attitude towards the water supply and water suppliers is often

1 greatly affected by the aspects of water quality that they are able to perceive with
2 their own senses.

3 (4) It is natural for consumers to regard with suspicion water that appears
4 dirty or discolored or that has an unpleasant taste or smell. Even though these
5 characteristics may not in themselves be of direct consequence, they may
6 consequently cause a substantial number of persons to discontinue using a public
7 water system.

8 B. A water utility system servicing municipalities having a population less
9 than one thousand two hundred but greater than seven hundred located in parishes
10 having a population of less than six thousand as of the latest federal decennial
11 census, whether public or privately owned or managed and whether above ground
12 or under ground, shall ensure that the water provided by the utility system to the
13 public for use and consumption meets all of the secondary drinking water standards
14 established by the United States Environmental Protection Agency as provided in
15 Subsection C of this Section and any successive updates issued by the agency.

16 C. All of the following secondary maximum contaminant levels shall be
17 enforced pursuant to Subsection B of this Section:

	<u>Contaminant</u>	<u>Secondary Maximum Contaminant Level</u>
18		
19	<u>(1) Aluminum</u>	<u>0.05 to 0.2 mg/L</u>
20	<u>(2) Chloride</u>	<u>250 mg/L</u>
21	<u>(3) Color</u>	<u>15 color units</u>
22	<u>(4) Copper</u>	<u>1.0 mg/L</u>
23	<u>(5) Corrosivity</u>	<u>Non-corrosive</u>
24	<u>(6) Fluoride</u>	<u>2.0 mg/L</u>
25	<u>(7) Foaming agents</u>	<u>0.5 mg/L</u>
26	<u>(8) Iron</u>	<u>0.3 mg/L</u>
27	<u>(9) Manganese</u>	<u>0.05 mg/L</u>
28	<u>(10) Odor</u>	<u>3 TON (threshold odor number)</u>
29	<u>(11) pH</u>	<u>6.5 - 8.5</u>

1 (12) Silver 0.1 mg/L

2 (13) Sulfate 250 mg/L

3 (14) Total Dissolved Solids 500 mg/L

4 (15) Zinc 5 mg/L

5 D.(1) The Department of Environmental Quality, the Department of Health
6 and Hospitals, and the Public Service Commission shall enforce the provisions of
7 this Section.

8 (2) Whenever one of the state entities responsible for the enforcement of the
9 secondary drinking water standards pursuant to Paragraph (1) of this Subsection
10 receives visual, verbal, or written knowledge that a water utility system fails to meet
11 the standards required by this Section, that entity shall immediately provide written
12 notice to all of the other responsible entities who shall each individually take
13 appropriate action to enforce the provisions of this Section and bring the water utility
14 system into compliance.

15 E.(1) The Department of Environmental Quality, the Department of Health
16 and Hospitals, and the Public Service Commission shall conduct random
17 unannounced inspections at sufficient intervals to determine compliance with this
18 Section or when deemed necessary. Each entity shall post and maintain the results
19 of the inspections conducted pursuant to this Paragraph on their respective internet
20 website.

21 (2)(a) Each water utility system in the parishes and municipalities provided
22 for in Subsection B of this Section shall conduct quarterly self-inspections to confirm
23 compliance with this Section. After completing a self-inspection pursuant to this
24 Paragraph, the water utility system shall submit a report of the results of the
25 inspection to the Department of Environmental Quality, the Department of Health
26 and Hospitals, and the Public Service Commission and each entity shall post and
27 maintain the reports on their respective internet website. Any water utility system
28 who fails to conduct a self-inspection or report the results as required by this

1 Paragraph shall be subject to the penalties provided for in Subsection F of this
2 Section.

3 (b) If the results of the inspection required by this Section or any other
4 inspection show an imminent danger to human health the secretary of the
5 Department of Health and Hospitals shall appoint a certified operator of the system
6 who shall immediately consult with the chief executive of the entity that owns the
7 water system to determine the appropriate action to take to ensure the safety of the
8 drinking water. If the appointed certified operator is unable to timely consult with
9 such chief executive, the appointed certified operator shall take any action necessary
10 to ensure the safety of the drinking water and notify the executive and the secretary
11 as soon as practicable.

12 F.(1) Whenever one of the entities responsible for the enforcement of the
13 secondary drinking water standards pursuant to Subsection D of this Section receives
14 knowledge that a water utility system fails to meet the standards required by this
15 Section, that entity, the parish or municipality in which the water utility system is
16 located, or the water utility system itself may request an appropriation through the
17 Interim Emergency Board for any funding necessary to take the appropriate action
18 to bring the water utility system into compliance with this Section.

19 (2) Nothing in this Section shall be construed to guarantee that privately
20 owned water utility systems will receive funding assistance as a result of a request
21 made pursuant to Paragraph (1) of this Subsection. When considering funding
22 requests made pursuant to this Subsection, the Interim Emergency Board shall grant
23 funding priority in the following order:

24 (a) State-owned or operated water utility systems.

25 (b) Publicly owned and publicly managed water utility systems.

26 (c) Publicly owned and privately managed water utility systems.

27 (d) Privately owned utility water systems.

28 G. On or before October 1, 2017, the Public Service Commission shall
29 promulgate policies and procedures to provide any consumer adversely affected by

- 1 water supplied to the consumer that did not meet the standards required by this
 2 Section for a consecutive period of three days the right to make written demand for
 3 and receive prorated reductions on their associated utility bills.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 823 Engrossed

2016 Regular Session

Hunter

Abstract: Requires enforcement of the secondary drinking water standards established by the U.S. Environmental Protection Agency in certain municipalities.

Present law provides for the inspection and testing of public drinking water to enforce the federal Safe Drinking Water Act.

Proposed law retains present law and requires the Dept. of Environmental Quality (DEQ), the Dept. of Health and Hospitals (DHH), and the Public Service Commission (PSC) to ensure that the potable water provided to the public for use and consumption meets all of the secondary drinking water standards established by the U.S. Environmental Protection Agency for a water utility system servicing municipalities having a population less than 1,200 but greater than 700 located in parishes having a population of less than 6,000 as of the latest federal decennial census.

Proposed law requires DEQ, DHH, and the PSC to conduct random unannounced inspections at sufficient intervals to determine compliance with proposed law or when deemed necessary and to post and maintain the results of the inspections conducted pursuant to this Paragraph on their respective internet website.

Proposed law requires each water utility system to conduct quarterly self-inspections to confirm compliance with proposed law and to submit a report of the results of the inspection to DEQ, DHH, and the PSC, who shall post and maintain the reports on their respective internet website.

Proposed law requires that if an inspection required by proposed law or any other inspection shows an imminent danger to human health the DHH secretary shall appoint a certified operator of the system who shall immediately consult with the chief executive of the entity that owns the water system to determine the appropriate action to take to ensure the safety of the drinking water.

Proposed law provides that if the appointed certified operator is unable to timely consult with such chief executive, the appointed certified operator shall take any action necessary to ensure the safety of the drinking water and notify the executive and the secretary as soon as practicable.

Proposed law authorizes a request for an appropriation through the Interim Emergency Board for any funding necessary to take the appropriate action to bring a water utility system into compliance with proposed law and sets the funding priority.

Proposed law provides for a credit on a customer's water utility bill for each day that the water supplied to the consumer did not meet the standards required by proposed law.

(Adds R.S. 40:5.6.1)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Natural Resources and Environment to the original bill:

1. Limit the application of proposed law to a water utility system servicing municipalities having a population less than 1,200 but greater than 700 located in parishes having a population of less than 6,000.
2. Require the secretary to appoint a certified operator with certain duties for systems in those municipalities with inspections that show an imminent danger to human health.
3. Remove requirements to establish penalties.
4. Make technical changes.