

RÉSUMÉ DIGEST

ACT 98 (SB 129)

2021 Regular Session

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Prior law provided for the remedies available to the state health officer for the enforcement of public drinking water laws and regulations relative to public water including administrative compliance orders, civil penalties, and civil actions for injunctions and to place a public water system in receivership. New law requires a receiver, within 90 days after appointment, to develop and submit an improvement plan to the La. Dept. of Health (LDH) for approval, and provides for the content of the improvement plan. New law provides that rate adjustments pursued pursuant to the plan are subject to approval by the appropriate rate setting authority.

New law creates the "Community Drinking Water Infrastructure Sustainability Act" and provides for legislative intent for development of a community water system accountability process to provide public assurance that drinking water is of high quality with clear standards and expectations of the community water system.

New law defines "community water system" as a public water system that serves year-round residents within a residential setting including systems serving municipalities, water districts, subdivisions, and mobile home parks.

New law provides that LDH will implement a statewide accountability system that assesses letter grades to community water systems based on a clear and appropriate point value assigned, at a minimum, for federal water quality violation history, state violation history, water system financial sustainability, operation and maintenance performance history, infrastructure violations, customer satisfaction, and level of secondary contaminants. New law provides for the assignment of a letter grade of "A", "B", "C", "D", or "F".

News law provides that LDH shall publish scores and letter grades earned by each community water system on its website in a frequency and duration established by LDH in rulemaking.

New law provides that any community water system that receives a letter grade of "D" or "F" shall be considered operationally unacceptable and may be subject to present law enforcement actions including administrative compliance orders, civil actions, and court appointed receivership, oversight of federal or state grant funding by an auditor approved by the legislative auditor, or being placed on notice to the State Bond Commission, the Public Service Commission, and the attorney general to prohibit the incurring of any additional debt for anything not directly related to the water system.

New law provides that no local governing authority that operates a community water system that receives a grade of "D" or "F" shall expend any money raised through payments made by customers for access to water or from any other water system revenue for any item, debt payment, or public purpose other than the improvement and sustainability of the community water system. New law shall not be construed to prohibit the payment of bonded indebtedness secured by the water system's revenue incurred prior to the effective date of new law.

New law provides that a community water system with an "F" or "D" grade shall not be denied access to funding to improve or sustain the community water system based solely on the grade.

New law provides that LDH shall publish the first letter grades no later than January 1, 2023.

New law provides that a community water system or local governing authority operating a community water system receiving federal funds, including stimulus or relief payments or grants, for the upgrade, repair, or otherwise replacement of the water system infrastructure shall submit a detailed plan describing how the federal funds will be used to LDH.

Prior law provided that LDH shall promulgate a rule or take action requiring the modification of an existing community water system in operation before August 1, 2013, only if LDH demonstrates that the public water system is incapable of attaining compliance with the National Primary Drinking Water Regulations without the modification and provides for

permits for a new public water supply system or in connection with the modification of an existing public water system. Prior law established the Louisiana Standards for Water Works Construction, Operation, and Maintenance Committee and provide for the duties, membership, and meetings of the committee. New law repeals prior law.

Effective August 1, 2021.

(Amends R.S. 40:5.9(C)(4) and (5); adds R.S. 40:5.9(C)(6), 5.9.1, and 5.9.2; repeals R.S. 36:259(B)(9) and R.S. 40:4.13)