

Regular Session, 2013

SENATE BILL NO. 171

BY SENATORS DONAHUE, ALLAIN, APPEL, BROOME, BUFFINGTON, CLAITOR, CORTEZ, CROWE, DORSEY-COLOMB, ERDEY, GUILLORY, LONG, MARTINY, MILLS, MORRELL, MORRISH, MURRAY, NEVERS, PERRY, GARY SMITH, TARVER, THOMPSON, WALSWORTH AND WARD

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

SANITARY CODE. Provides for certain limitations relative to actions or rules requiring modification of certain existing community water systems. (gov sig)

1 AN ACT

2 To enact R.S. 40:4.13, relative to water systems; to provide for the use of the National

3 Primary Drinking Standards; to provide for a sanitary survey; to provide for the use

4 of the Ten State Standards; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 40:4.13 is hereby enacted to read as follows:

7 **§4.13. Water systems; National Primary Drinking Water Standards; sanitary**

8 **survey; use of Ten State Standards**

9 **A. Neither the state health officer nor the office of public health of the**

10 **Department of Health and Hospitals shall promulgate a rule or take action**

11 **requiring the modification of an existing community water system in operation**

12 **before August 1, 2013, unless the state health officer or the office of public**

13 **health of the Department of Health and Hospitals demonstrates that such public**

14 **water system is incapable, with proper operation and maintenance, of attaining**

15 **compliance with the National Primary Drinking Water Standards without the**

16 **modification. For the purposes of this Section, "National Primary Drinking**

17 **Water Standards" means the maximum contaminant levels and the maximum**

1        **residual disinfectant levels as defined in 40 CFR Part 141 et seq.**

2                **B.(1) A sanitary survey of a public water system shall be conducted only**  
3        **to ensure compliance with the National Primary Drinking Water Standards and**  
4        **the state Sanitary Code requirements.**

5                **(2) The state health officer or the office of public health of the**  
6        **Department of Health and Hospitals shall classify as a significant deficiency**  
7        **only defects in design, operation, or maintenance, or a failure or malfunction**  
8        **of the sources, treatment, storage, or distribution systems that are causing the**  
9        **introduction of contamination into the water delivered to consumers.**

10               **C.(1) The state health officer and the office of public health of the**  
11        **Department of Health and Hospitals shall use the Ten State Standards only as**  
12        **a guide in the review of plans and specifications submitted in connection with**  
13        **an application for a permit for a new public water supply system or in**  
14        **connection with the modification of an existing public water system. For the**  
15        **purposes of this Section, "Ten State Standards" means the *Recommended***  
16        ***Standards for Water Works* (2003 Edition) or any other edition promulgated by**  
17        **the Great Lakes-Upper Mississippi River Board of State and Provincial Public**  
18        **Health and Environmental Managers.**

19               **(2) A public water supply system permit shall be issued for a design that**  
20        **complies with the National Primary Drinking Water Standards, whether or not**  
21        **such design comports to the Ten State Standards.**

22        Section 2. This Act shall become effective upon signature by the governor or, if not  
23        signed by the governor, upon expiration of the time for bills to become law without signature  
24        by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
25        vetoed by the governor and subsequently approved by the legislature, this Act shall become  
26        effective on the day following such approval.

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The original instrument was prepared by Christopher D. Adams. The following digest, which does not constitute a part of the legislative instrument, was prepared by J. Ashley Mitchell.

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### DIGEST

Donahue (SB 171)

Proposed law provides neither the state health officer nor the office of public health of the Department of Health and Hospitals shall promulgate a rule or take action requiring the modification of an existing community water system in operation before August 1, 2013, unless the state health officer or the office of public health of the Department of Health and Hospitals demonstrates that such public water system is incapable, with proper operation and maintenance, of attaining compliance with the National Primary Drinking Water Standards without the modification. Proposed law provides "National Primary Drinking Water Standards" means the maximum contaminant levels and the maximum residual disinfectant levels as defined in federal regulations.

Proposed law provides a sanitary survey of a public water system shall be conducted only to ensure compliance with the National Primary Drinking Water Standards and the state Sanitary Code requirements.

Proposed law provides the state health officer or the office of public health shall classify as a significant deficiency only defects in design, operation, or maintenance, or a failure or malfunction of the sources, treatment, storage, or distribution systems that are causing the introduction of contamination into the water delivered to consumers.

Proposed law provides the state health officer and the office of public health shall use the Ten State Standards only as a guide in the review of plans and specifications submitted in connection with an application for a permit for a new public water supply system or in connection with the modification of an existing public water system. Proposed law provides "Ten State Standards" means the *Recommended Standards for Water Works* (2003 Edition) or any other edition promulgated by the Great Lakes Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers.

Proposed law provides a public water supply system permit shall be issued for a design that complies with the National Primary Drinking Water Standards, whether or not such design comports to the Ten State Standards.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 40:4.13)

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Health and Welfare to the original bill

1. Removes reference to the Louisiana State Plumbing Code.

#### Summary of Amendments Adopted by Senate

##### Senate Floor Amendments to engrossed bill

1. Makes Legislative Bureau technical changes.