

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 171 By Senator Donahue

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

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

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Add provision creating the Louisiana Standards for Water Works Construction, Operation, and Maintenance Committee and provide for the responsibilities and functions of the committee.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

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 Regulations without the modification. Proposed law provides "National Primary Drinking Water Regulations" 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 Regulations 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 *Recommended Standards for Water Works* (the Ten State Standards) promulgated by the Great Lakes and Upper Mississippi Board of State Sanitary Engineers 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 Regulations, whether or not such design comports to the Ten State Standards.

Proposed law creates the Louisiana Standards for Water Works Construction, Operation, and Maintenance Committee within the Department of Health and Hospitals (DHH) to develop standards to be placed in the state Sanitary Code for water works construction, operation, and maintenance .

Requires DHH's the office of public health to promulgate rules and regulations pursuant to the Administrative Procedure Act implementing the standards developed by the committee no later than August 1, 2014.

Proposed law for provides for appointment of committee members as follows:

- (a) Two members appointed by the office of public health.
- (b) Two members appointed by the La. Municipal Association.
- (c) Two members appointed by the La. Rural Water Association.
- (d) Two members appointed by the Police Jury Association of La.
- (e) Two members appointed by the La. Engineering Society.
- (f) Two members appointed by the La. public water suppliers, the Southwest Section of the American Water Works Association.
- (g) Two members appointed by the La. public water suppliers, the National Association of Water Companies.
- (h) Two members appointed by the La. Section of the American Society of Civil Engineers.
- (i) One member appointed by the La. Environmental Action Network.

Requires the assistant secretary of the office of public health to appoint one of its two appointees to the committee to serve as chairman of the committee who is to call the first meeting no later than September 1, 2013. Requires that all meetings are subject to the Louisiana Open Meetings Law and that they be held at DHH's headquarters in Baton Rouge. Requires the office of public health to provide administrative assistance to and serve as staff for the committee.

Proposed law requires that rules and regulations for the Louisiana Standards for Water Works Construction, Operation, and Maintenance not be promulgated until the proposed rules and regulations or changes are approved by DHH and approved by a majority vote of the committee.

Proposed law does not prohibit DHH from promulgating rules pursuant to the APA to secure or maintain from the United States Environmental Protection Agency primacy in drinking water regulation provided the rules are be limited to only those rules required to secure or maintain the Agency's primacy.

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

(Adds R.S. 36:259(D)(10) and R.S. 40:4.13)

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