

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 425 By Senator Cortez

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

WATER/SEWER OPERATORS. Provides for operations by certain private water supply or sewer system providers. (8/1/14)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Expands bill to political subdivisions in parishes having a population of not less than 107,000 and not greater than 110,000.
2. Includes compliance with standards relative to iron and manganese control and disinfection of waste water discharged.
3. Changes from three to two the minimum times within a 12-month period that a failure to comply with law and regulations after which a transfer to a political subdivision can occur upon request to the governing authority of the political subdivision.
4. Adds provisions requiring private water supply providers having on-site water filtration systems to maintain and utilize these systems and failure to do so subjects the provider to a fine of \$1,000 per day.
5. Adds provision for DHH to provide technical assistance for possible solutions such as installing new wells with greater depths and to assist the impacted population.
6. Adds provisions authorizing the Department of Environmental Quality to place a provider in a parish with a 107,00 to 110,000 population into receivership if it fails to comply within laws and regulations and this failure causes a grave public emergency.
7. Adds exclusion for any private water supplier or sewer system operator who on January 1, 2014 conducts operations in three or fewer parishes.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

Cortez (SB 425)

Proposed law provides relative to private water or sewer system providers.

Proposed law applies to any political subdivision within a parish having a population of not less than 107,000 but not greater than 110,000 and to any political subdivision located in a parish with a population of not less than 200,000 and not greater than 230,000 according to the latest federal census.

Proposed law requires that a private water supply or sewer system provider serving the residents of a political subdivision comply with all applicable standards set forth in law and regulation, including standards relative to chlorination and iron and manganese control and disinfection of waste water discharged in compliance with the sewer system provider's permit, rules, regulations, and laws governing the operation of the sewer system provider.

Proposed law provides that in addition to any other penalty or liability authorized by law that may be imposed upon a private water supply or sewer system provider who fails to meet

applicable standards, a political subdivision may by ordinance adopt a remediation charge to be imposed in accordance with the conditions and in an amount as may be determined by the political subdivision.

Proposed law provides that if a private water supply or sewer system provider is penalized by the state or political subdivision within which it operates at least two separate times within a consecutive 12-month period due to failure to comply with applicable laws and regulations relative to water supply or wastewater treatment and discharge, then the provider shall, upon request of the governing authority of the political subdivision, transfer the system to the political subdivision for just compensation or be subject to receivership. Requires that this transfer be subject to applicable rules, regulations, and laws governing the transfer of a permit, license, or certificate for a private water supply or sewer system provider and shall be subject to approval by the Public Service Commission.

Proposed law requires the Department of Health and Hospitals (DHH) to provide technical assistance to private water providers to pursue possible solutions such as installing new wells with greater depths and to assist impacted populations to resolve their drinking water issues.

Requires that private water supply providers having on-site water filtration systems maintain and utilize these systems and failure to maintain and utilize any such system shall subject the provider to a fine by DHH \$1,000 per day until the system is maintained and utilized.

Proposed law requires the office of public health of DHH to promulgate and adopt rules in accordance with the Administrative Procedure Act to implement iron and manganese control requirements for water systems.

Proposed law provides that if a private water supply or sewer system provider located in any parish with a population of not less than 107,000 and not more than 110,000 fails to comply with applicable laws and regulations concerning health standards and this failure to comply causes a grave public emergency, then authorizes the Department of Environmental Quality or the parish to petition the court to place the private water supply or sewer system provider into receivership in order to operate and maintain the system, collect any records relating to the current operation and users of the system, and collect money owed to the system.

Proposed law does not apply to any private water supplier or sewer system operator who on January 1, 2014 conducts operations in three or fewer parishes.

Effective August 1, 2014.

(Adds R.S. 33:42 and 43 and R.S. 40:4.15)

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