

SENATE BILL NO. 425

BY SENATORS CORTEZ, BROOME, DORSEY-COLOMB, JOHNS, MILLS AND THOMPSON AND REPRESENTATIVE ORTEGO

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AN ACT

To enact R.S. 33:42 and R.S. 40:4.15, relative to water and sewer systems; to provide relative to the operation and maintenance of certain water and sewer systems; to provide relative to required standards, including but not limited to chlorination and other standards; to provide for the failure to satisfy such standards and the effects of such failure; to authorize certain actions by a political subdivision; to provide certain definitions, terms, conditions, and procedures; to provide for certain rulemaking; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:42 is hereby enacted to read as follows:

§42. Privately owned public water supply and sewer systems; failure to meet certain standards; effects

A. The provisions of this Section shall apply to any political subdivision within a parish having a population greater than two hundred thousand but less than two hundred and thirty thousand according to the latest federal census.

B. A privately owned public water supply or sewer system provider serving the residents of a political subdivision as set forth in this Section shall comply with all applicable standards set forth in law and regulation, including standards relative to chlorination and iron and manganese control of drinking water and disinfection of waste water discharged in compliance with such sewer system provider's permit, rules, regulations, and laws governing the operation of such sewer system provider.

C.(1) In addition to any other penalty or liability authorized by law that may be imposed upon a privately owned public water supply or sewer system provider that fails to meet applicable standards, a political subdivision may by

1 ordinance adopt a remediation charge to be imposed upon such a system
2 operating therein in accordance with such conditions and in such an amount as
3 the political subdivision determines in order to implement the provisions of this
4 Section.

5 (2) A privately owned public water supply or sewer system provider that
6 is penalized by the state or political subdivision within which it operates at least
7 two separate times within a consecutive twelve-month period due to failure to
8 comply with applicable laws and regulations relative to water supply or
9 wastewater treatment and discharge shall, upon the request of the governing
10 authority of the political subdivision, transfer such system to the political
11 subdivision for just compensation or be subject to receivership pursuant to R.S.
12 30:2075.3 or R.S. 40:5.9. Such a transfer shall be subject to applicable rules,
13 regulations, and laws governing the transfer of a permit, license, or certificate
14 for a privately owned public water supply or sewer system provider and shall
15 be subject to approval by the Public Service Commission.

16 D. The Department of Health and Hospitals shall provide technical
17 assistance concerning iron and manganese issues to privately owned public
18 water supply providers to pursue possible solutions such as installing new wells
19 with greater depths and to assist impacted populations to resolve their drinking
20 water issues.

21 E. Privately owned public water supply providers that have on-site
22 water filtration systems shall be required to maintain and utilize such systems.
23 Any privately owned public water supply provider that fails to maintain and
24 utilize any such system shall be subject to a fine by the Department of Health
25 and Hospitals of one thousand dollars per day until the system is maintained
26 and utilized.

27 F. The provisions of this Section shall not apply to any privately owned
28 public water supplier or sewer system provider who, on January 1, 2014,
29 conducted operations in three or fewer parishes. This Section shall apply to any
30 privately owned public water supplier or sewer system provider who, on

1 January 1, 2014, conducted operations in more than three parishes.

2 Section 2. R.S. 40:4.15 is hereby enacted to read as follows:

3 §4.15. Water systems; iron and manganese control

4 The office of public health of the Department of Health and Hospitals
5 shall promulgate and adopt rules in accordance with the Administrative
6 Procedure Act to implement iron and manganese control requirements for
7 water systems.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____