

2017 Regular Session

HOUSE BILL NO. 533

BY REPRESENTATIVE HUNTER

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

WATER/DRINKING WATER: Provides relative to drinking water standards

1 AN ACT

2 To enact R.S. 40:5.6.1, relative to drinking water; to provide for legislative findings; to
3 require enforcement of primary and secondary maximum contaminant levels; to
4 establish the standard maximum containment levels; to require public water supply
5 testing; to require notification when levels are exceeded; to provide for enforcement;
6 to provide for a fiscal administrator; to provide for penalties; to provide for
7 emergency funding; to provide for a credit on consumer water utility bills; and to
8 provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 40:5.6.1 is hereby enacted to read as follows:

11 §5.6.1. Drinking water; primary and secondary contaminants; testing; enforcement;
12 fiscal administrator; penalties; emergency funding; utility bill credit

13 A. The Legislature of Louisiana does hereby find and declare the following:

14 (1) The provision of water for public use and consumption that is not only
15 safe but also acceptable in appearance, taste, and odor is of the highest priority.

16 (2) Water that is aesthetically unacceptable can undermine the confidence
17 of consumers, will lead to complaints, and could lead to the use of water from
18 sources that are less safe.

19 (3) Generally, consumers have no means of judging the safety of their water
20 themselves, but their attitude towards the water supply and water suppliers is often

1 greatly affected by the aspects of water quality that they are able to perceive with
2 their own senses.

3 (4) It is natural for consumers to regard with suspicion water that appears
4 dirty or discolored or that has an unpleasant taste or smell. Even though these
5 characteristics may not in themselves be of direct consequence, they may
6 consequently cause a substantial number of persons to discontinue using a public
7 water system.

8 (5) On July 28, 2010, through Resolution 64/292, the United Nations General
9 Assembly explicitly recognized the right to safe and clean drinking water and
10 sanitation as a human right that is essential for the full enjoyment of life and all
11 human rights.

12 (6) In November 2002, the United Nations Committee on Economic, Social,
13 and Cultural Rights adopted General Comment No. 15, The Right to Water, which
14 states that the human right to water is indispensable for leading a life in human
15 dignity and is a prerequisite for the realization of other human rights.

16 B. Therefore, the Legislature of Louisiana hereby declares that it is the
17 public policy of this state to require that every water utility system in the state of
18 Louisiana, whether public or privately owned or managed and whether above ground
19 or under ground, shall ensure that the water provided by the utility system to the
20 public for use and consumption meets all of the primary and secondary drinking
21 water standards established by the United States Environmental Protection Agency
22 as provided in Subsection C of this Section and any successive updates issued by the
23 agency.

24 C. All of the following secondary maximum contaminant levels shall be
25 enforced pursuant to Subsection B of this Section:

	<u>Contaminant</u>	<u>Secondary Maximum Contaminant Level</u>
26		
27	<u>(1) Aluminum</u>	<u>0.05 to 0.2 mg/L</u>
28	<u>(2) Chloride</u>	<u>250 mg/L</u>
29	<u>(3) Color</u>	<u>15 color units</u>

1	<u>(4)</u>	<u>Copper</u>	<u>1.0 mg/L</u>
2	<u>(5)</u>	<u>Corrosivity</u>	<u>Non-corrosive</u>
3	<u>(6)</u>	<u>Fluoride</u>	<u>2.0 mg/L</u>
4	<u>(7)</u>	<u>Foaming agents</u>	<u>0.5 mg/L</u>
5	<u>(8)</u>	<u>Iron</u>	<u>0.3 mg/L</u>
6	<u>(9)</u>	<u>Manganese</u>	<u>0.05 mg/L</u>
7	<u>(10)</u>	<u>Odor</u>	<u>3 TON (threshold odor number)</u>
8	<u>(11)</u>	<u>pH</u>	<u>6.5 - 8.5</u>
9	<u>(12)</u>	<u>Silver</u>	<u>0.1 mg/L</u>
10	<u>(13)</u>	<u>Sulfate</u>	<u>250 mg/L</u>
11	<u>(14)</u>	<u>Total Dissolved Solids</u>	<u>500 mg/L</u>
12	<u>(15)</u>	<u>Zinc</u>	<u>5 mg/L</u>

13 D.(1) Each water utility system shall perform a monthly public water supply
14 test for conformance with all of the secondary drinking water standards established
15 by the United States Environmental Protection Agency as provided in Subsection C
16 of this Section.

17 (2) If the water utility system's test results reflect an amount greater than the
18 secondary maximum contaminant level for any containment for two consecutive
19 months, the water utility system shall, within five days of receiving the results for
20 the second test, perform a public water supply test for conformance with the primary
21 drinking water standards established by the United States Environmental Protection
22 Agency.

23 (3) If the state health officer or water utility system issues a boil water
24 notice, the water utility system subject to the boil water notice shall, within five days
25 of the issuance of the notice, perform a public water supply test for conformance
26 with the primary drinking water standards established by the United States
27 Environmental Protection Agency.

28 E.(1) If a primary standards test for drinking water conducted pursuant to
29 Subsection D of this Section reflects an amount greater than the maximum

1 contaminant level for any primary containment, the water utility system shall furnish
2 a notice to radio and television stations serving the area as soon as possible but not
3 later than twenty-four hours after the water utility system receives the results for the
4 test.

5 (2) The water utility system shall also ensure that a public notice is published
6 in a daily or weekly newspaper serving the area as soon as possible but no later than
7 forty-eight hours after the water utility system receives the results for the test.

8 F.(1) The Department of Environmental Quality, the Louisiana Department
9 of Health, and the Public Service Commission shall enforce the provisions of this
10 Section.

11 (2) Whenever one of the state entities responsible for the enforcement of the
12 drinking water standards pursuant to Paragraph (1) of this Subsection receives visual,
13 verbal, or written knowledge that a water utility system fails to meet the standards
14 required by this Section, that entity shall immediately provide written notice to all
15 of the other responsible entities who shall each individually take appropriate action
16 to enforce the provisions of this Section and bring the water utility system into
17 compliance.

18 (3) The Department of Environmental Quality, the Louisiana Department of
19 Health, and the Public Service Commission shall conduct random unannounced
20 inspections at sufficient intervals to determine compliance with this Section or when
21 deemed necessary. Each entity shall post and maintain the results of the inspections
22 conducted pursuant to this Paragraph on their respective internet website.

23 G.(1) After completing the tests required by Subsection D of this Section,
24 the water utility system shall submit a report of the results of the inspection to the
25 Department of Environmental Quality, the Louisiana Department of Health, and the
26 Public Service Commission and each entity shall post and maintain the reports on
27 their respective internet website. Any water utility system who fails to conduct a
28 self-inspection or report the results as required by this Paragraph shall be subject to
29 the penalties provided for in Subsection H of this Section.

1 (2)(a) If the results of the inspection required by this Section or any other
2 inspection show an imminent danger to human health, the secretary of the Louisiana
3 Department of Health shall appoint a fiscal administrator for the water utility system
4 who shall immediately consult with the chief executive of the entity that owns the
5 water utility system to determine the appropriate action to take to ensure the safety
6 of the drinking water. If the appointed fiscal administrator is unable to timely
7 consult with the chief executive, the appointed fiscal administrator shall take any
8 action necessary to ensure the safety of the drinking water and notify the executive
9 and the secretary as soon as practicable.

10 (b) In cases where a fiscal administrator is appointed for a political
11 subdivision, the fiscal administrator's duties shall be limited to those necessary to
12 provide the natural resource. If the political subdivision is a private entity, the fiscal
13 administrator shall limit his duties to an advisory capacity.

14 H.(1) The Department of Environmental Quality, the Louisiana Department
15 of Health, and the Public Service Commission shall promulgate, in accordance with
16 the Administrative Procedure Act, appropriate penalties, including but not limited
17 to civil fines, for any violation of the provisions of this Section.

18 (2) Prior to the promulgation of the penalties required by Paragraph (1) of
19 this Subsection, and in the event of a failure to promulgate the required penalties, the
20 Department of Environmental Quality, the Louisiana Department of Health, and the
21 Public Service Commission shall enforce the provisions of this Section using the
22 corresponding penalties established by the United States Environmental Protection
23 Agency for such violations including civil fines.

24 I.(1) Whenever one of the entities responsible for the enforcement of the
25 secondary drinking water standards pursuant to Subsection F of this Section receives
26 knowledge that a water utility system fails to meet the standards required by this
27 Section, that entity, the parish or municipality in which the water utility system is
28 located, or the water utility system itself may request an appropriation through the

1 Interim Emergency Board for any funding necessary to take the appropriate action
2 to bring the water utility system into compliance with this Section.

3 (2) Nothing in this Section shall be construed to guarantee that privately
4 owned water utility systems will receive funding assistance as a result of a request
5 made pursuant to Paragraph (1) of this Subsection. When considering funding
6 requests made pursuant to this Subsection, the Interim Emergency Board shall grant
7 funding priority in the following order:

8 (a) State-owned or operated water utility systems.

9 (b) Publicly owned and publicly managed water utility systems.

10 (c) Publicly owned and privately managed water utility systems.

11 (d) Privately owned utility water systems.

12 J.(1) The Public Service Commission shall promulgate policies and
13 procedures to provide any consumer adversely affected by water supplied to the
14 consumer that did not meet the standards required by this Section for a consecutive
15 period of three days the right to make written demand for and receive prorated
16 reductions on his associated utility bills.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 533 Original

2017 Regular Session

Hunter

Abstract: Requires enforcement of the primary and secondary drinking water standards established by the U. S. Environmental Protection Agency.

Present law provides for the inspection and testing of public drinking water to enforce the federal Safe Drinking Water Act.

Proposed law retains present law and requires the Dept. of Environmental Quality (DEQ), the La. Dept. of Health (LDH), and the Public Service Commission (PSC) to ensure that the potable water provided to the public for use and consumption meets all of the primary and secondary drinking water standards established by the U.S. Environmental Protection Agency.

Proposed law requires DEQ, LDH, and the PSC to conduct random unannounced inspections at sufficient intervals to determine compliance with proposed law or when deemed necessary and to post and maintain the results of the inspections conducted pursuant to proposed law on their respective internet website.

Proposed law requires each water utility system to conduct quarterly tests to confirm compliance with proposed law and to submit a report of the results of the inspection to DEQ, LDH, and the PSC, who shall post and maintain the reports on their respective internet website.

Proposed law requires LDH, if the results of a test show an imminent danger to human health, to appoint a fiscal administrator for the water utility system who shall immediately consult with the chief executive of the entity that owns the water utility system to determine the appropriate action to take to ensure the safety of the drinking water.

Proposed law requires DEQ, LDH, and the PSC to promulgate appropriate penalties, including but not limited to civil fines, for any violation of proposed law. In the absence of promulgated penalties, proposed law requires imposition of the civil fines established by the U. S. Environmental Protection Agency.

Proposed law authorizes a request for an appropriation through the Interim Emergency Board for any funding necessary to take the appropriate action to bring a water utility system into compliance with proposed law and sets the funding priority.

Proposed law provides for a credit on a customer's water utility bill for each day that the water supplied to the consumer did not meet the standards required by proposed law.

(Adds R.S. 40:5.6.1)