
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Christopher D. Adams.

DIGEST

Donahue (SB 341)

Present law provides that neither the state health officer nor the office of public health of the Department of Health and Hospitals (DHH) 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 demonstrates that such public water system, with proper operation and maintenance, is incapable of attaining compliance with the National Primary Drinking Water Regulations without the modification. For the purposes of present law, "National Primary Drinking Water Regulations" means those requirements defined in 40 CFR 141 and 40 CFR 142.16(b).

Present law further provides the prerequisite for conducting a sanitary survey of a public water system shall be conducted, and provides that the state health officer or the office of public health shall classify as a significant deficiency only a defect in design, operation, or maintenance, or a failure or malfunction of the sources, treatment, storage, or distribution system that is causing, or may reasonably be expected to cause, the introduction of contamination into the water delivered to consumers.

Present law requires the state health officer and the office of public health to 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. Further provides that a permit for a public water supply system that complies with the National Primary Drinking Water Regulations shall be issued, whether or not such design adheres to the Ten State Standards.

Present law provides for the creation of the Louisiana Standards for Water Works Construction, Operation, and Maintenance Committee within DHH to develop standards to be placed in the state Sanitary Code for water works construction, operation, and maintenance. Further provides that no later than August 1, 2014, the office of public health shall promulgate rules and regulations pursuant to the Administrative Procedure Act implementing the standards developed by the committee. Further provides for the membership of the committee, and provides for the calling of the first meeting and for quorum requirements. Further provides for compliance with the Open Meetings Law and for location of meetings of the committee. Further provides for administrative support.

Present law provides that no provision shall prohibit DHH from promulgating rules pursuant to the Administrative Procedure Act to secure or maintain from the United States Environmental Protection Agency primacy in drinking water regulation provided such rules shall be limited to

only those rules required to secure or maintain such primacy.

Proposed law makes technical changes to present law.

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

(Amends R.S. 40:4.13)