

SENATE BILL NO. 341

BY SENATOR DONAHUE

1 AN ACT

2 To amend and reenact R.S. 40:4.13, relative to water systems; to provide for water system
3 regulations; to provide for the promulgation of rules and regulations; to provide for
4 the powers, duties, functions, and responsibilities of the Louisiana Standards for
5 Water Works Construction, Operation, and Maintenance Committee; and to provide
6 for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:4.13 is hereby amended and reenacted to read as follows:

9 §4.13. Water systems; National Primary Drinking Water Regulations; sanitary
10 survey; use of Ten State Standards

11 A. Neither the state health officer nor the office of public health of the
12 Department of Health and Hospitals shall promulgate a rule or take action requiring
13 the modification of an existing community water system in operation before August
14 1, 2013, unless the state health officer or the office of public health of the
15 Department of Health and Hospitals demonstrates that such public water system,
16 with proper operation and maintenance, is incapable of attaining compliance with the
17 National Primary Drinking Water Regulations without the modification. For the
18 purposes of this Section, "National Primary Drinking Water Regulations" means
19 ~~those~~ **such** requirements defined in 40 CFR 141 and 40 CFR 142.16(b).

20 B.(1) A sanitary survey of a public water system shall be conducted only to
21 ensure compliance with the National Primary Drinking Water Regulations and the
22 state Sanitary Code requirements.

23 (2) The state health officer or the office of public health of the Department
24 of Health and Hospitals shall classify as a significant deficiency only a defect in
25 design, operation, or maintenance, or a failure or malfunction of the sources,

1 treatment, storage, or distribution system that is causing, or may reasonably be
2 expected to cause, the introduction of contamination into the water delivered to
3 consumers.

4 C.(1) The state health officer and the office of public health of the
5 Department of Health and Hospitals shall use the *Recommended Standards for Water*
6 *Works*, the "Ten State Standards", promulgated by the Great Lakes and Upper
7 **Lakes-Upper Mississippi River** Board of State ~~Sanitary Engineers~~ **and Provincial**
8 **Public Health and Environmental Managers** only as a guide in the review of plans
9 and specifications submitted in connection with an application for a permit for a new
10 public water supply system or in connection with the modification of an existing
11 public water system.

12 (2) A permit for a public water supply system that complies with the National
13 Primary Drinking Water Regulations shall be issued, whether or not such design
14 adheres to the Ten State Standards.

15 D.(1) The Louisiana Standards for Water Works Construction, Operation, and
16 Maintenance Committee, hereinafter referred to as the "committee", shall be created
17 within the Department of Health and Hospitals to develop standards to be placed in
18 the state Sanitary Code for water works construction, operation, and maintenance
19 **and approve rules and regulations to repeal, revise, or replace 51:XII Chapters**
20 **1 and 3. Such rules and regulations shall include but not be limited to rules and**
21 **regulations for waterworks construction, operation, and maintenance and the**
22 **list of significant deficiencies contemplated in Paragraph (B)(2) of this Section.**
23 **The committee shall not repeal, revise, or replace LAC 51:XII Chapters 5**
24 **through 19, which shall continue to be revised as necessary by the state health**
25 **officer in accordance with the Administrative Procedure Act.**

26 (2) ~~No later than August 1, 2014, the~~ **The** office of public health of the
27 Department of Health and Hospitals shall promulgate rules and regulations pursuant
28 to the Administrative Procedure Act implementing the standards developed by the
29 committee.

30 (3) The committee shall be appointed as follows:

1 (a) ~~Two~~ **Three** members appointed by the office of public health of the
2 Department of Health and Hospitals.

3 (b) Two members appointed by the Louisiana Municipal Association.

4 (c) Two members appointed by the Louisiana Rural Water Association.

5 (d) Two members appointed by the Police Jury Association of Louisiana.

6 (e) Two members appointed by the Louisiana Engineering Society.

7 (f) Two members appointed by the Louisiana public water suppliers, the
8 Southwest Section of the American Water Works Association.

9 (g) Two members appointed by the Louisiana public water suppliers, the
10 National Association of Water Companies.

11 (h) Two members appointed by the Louisiana Section of the American
12 Society of Civil Engineers.

13 (i) One member appointed by the Louisiana Environmental Action Network.

14 (4) The assistant secretary of the office of public health of the Department of
15 Health and Hospitals shall appoint one of its two appointees to the committee to
16 serve as chairman of the committee. The chairman shall call the first meeting no later
17 than September 1, 2013. The committee shall meet monthly ~~until the requirements~~
18 ~~of Paragraph (D)(9) of this Section are complete~~ **until the committee-approved**
19 **rules and regulations are promulgated.** Thereafter, the committee shall meet
20 quarterly. Additional meetings may be called by the chairman. The chairman shall
21 call additional meetings if requested in writing by at least nine committee members.

22 (5) Nine members of the committee physically present shall constitute a
23 quorum and the presence of a quorum shall be required to transact the business of the
24 committee.

25 (6) The meetings of the committee shall be subject to the Louisiana Open
26 Meetings Law.

27 (7) The meetings of the committee shall be held at the Department of Health
28 and Hospitals headquarters in Baton Rouge.

29 (8) The office of public health of the Department of Health and Hospitals
30 shall provide administrative assistance to and serve as staff for the committee.

1 (9) The rules and regulations for the Louisiana Standards for Water Works
2 Construction, Operation, and Maintenance shall not be promulgated until the
3 proposed rules and regulations or changes thereto are approved by the Department
4 of Health and Hospitals and approved by a majority vote of the committee.

5 E. ~~No provision of this Section shall prohibit the Department of Health and~~
6 ~~Hospitals from promulgating rules pursuant to the Administrative Procedure Act to~~
7 ~~secure or maintain from the United States Environmental Protection Agency primacy~~
8 ~~in drinking water regulation provided such rules shall be limited to only those rules~~
9 ~~required to secure or maintain such primacy.~~ **The committee shall, at a minimum,**
10 **approve rules and regulations pursuant to Subsection D of this Section**
11 **necessary for the state of Louisiana to maintain drinking water program**
12 **primacy from the United States Environmental Protection Agency. The**
13 **Department of Health and Hospitals shall promulgate, pursuant to the**
14 **Administrative Procedure Act, only such committee approved rules and**
15 **regulations and only as necessary to secure or maintain such primacy.**

16 Section 2. This Act shall become effective upon signature by the governor
17 or, if not signed by the governor, upon expiration of the time for bills to become law
18 without signature by the governor, as provided by Article III, Section 18 of the
19 Constitution of Louisiana. If vetoed by the governor and subsequently approved by
20 the legislature, this Act shall become effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____