

2021 Regular Session

HOUSE BILL NO. 481

BY REPRESENTATIVE WILLARD

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

WATER/DRINKING WATER: Provides relative to testing for certain contaminants in drinking water and for other functions pertaining to drinking water safety

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AN ACT

To enact R.S. 40:5.6(C) through (F) and 2827, relative to drinking water quality; to provide relative to testing of drinking water supplied by public water systems; to require testing for certain contaminants in drinking water; to provide requirements and specifications relative to notices to persons who perform drinking water sampling; to provide requirements for public water systems with respect to drinking water samples collected; to require that certain procedures be followed in connection with lead service line replacements; to provide requirements and specifications relative to notices concerning lead service line replacement work; to provide for allocation of the proceeds of fines levied against public water systems for certain violations; to provide for uses of certain federal funding appropriated to the Drinking Water Revolving Loan Fund of this state; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:5.6(C) through (F) and 2827 are hereby enacted to read as follows:

§5.6. Safe drinking water; inspections and tests; cost

* * *

C.(1) For every public water system test at a high-risk Tier 1 site under the Lead and Copper Rule established pursuant to the United States Environmental

1 Protection Agency's Primary Standards for drinking water (40 CFR 141.80 et seq.),
2 the public water system shall also perform an iron test at that site.

3 (2) If a public water system's most recent source water test does not find an
4 exceedance of a secondary iron standard, and an iron test at a high-risk Tier 1 site
5 finds an exceedance of the maximum contaminant level for iron established by the
6 United States Environmental Protection Agency's Secondary Standards for drinking
7 water (40 C.F.R. 143.1 et seq.), then the public water system shall do all of the
8 following:

9 (a) Within one month of identification of system noncompliance with
10 secondary iron standard, perform a follow-up public water supply test at the taps of
11 the previously sampled high-risk Tier 1 sites for residual chlorine, total coliform, and
12 E. coli.

13 (b) Develop and submit a proposed corrosion control plan consistent with the
14 standards of the Lead and Copper Rule, 40 C.F.R. 141.80 et seq., to the office of
15 public health for approval within six months of the test performed pursuant to
16 Subparagraph (a) of this Paragraph.

17 D.(1) For each test performed in accordance with the requirements of
18 Subsection C of this Section or the Lead and Copper Rule, 40 C.F.R. 141.80 et seq.,
19 the public water system shall provide to homeowners who perform the sampling a
20 written notice that features the following text:

21 "It is important for every homeowner who takes samples to follow the rules
22 discussed in this notice when collecting the samples. Following these rules helps
23 ensure that any problem with your tap water is identified.

24 The homeowner must NOT remove or clean any faucet aerator from a faucet
25 prior to sampling.

26 The homeowner must NOT pre-flush his or her water faucet immediately
27 prior to the six-hour sitting time before the first lead test sample is collected.

28 The homeowner must NOT collect water at low flow and must NOT turn on
29 the faucet gently and slowly. INSTEAD, the homeowner must turn the faucet to

1 high velocity when obtaining the sample, so as to collect the sample with the cold
2 water tap fully open.

3 The homeowner must NOT use any small-mouth bottle when collecting
4 samples. The public water system should provide you with a large-mouth bottle to
5 collect samples at a high velocity of water flow.

6 The homeowner must allow water in the pipes to remain stagnant for at least
7 six hours prior to taking samples. There is no maximum time for water to remain
8 stagnant prior to sampling.

9 If you have any questions regarding these rules, please contact the state
10 Office of Public Health at (225) 342-8093."

11 (2) For each test performed in accordance with the requirements of
12 Subsection C of this Section or the Lead and Copper Rule, 40 C.F.R. 141.80 et seq.,
13 the public water system shall abide by the following requirements:

14 (a) The public water system shall not invalidate any sample after the sample
15 has been reported to the state.

16 (b) The public water system shall not provide any instruction to the
17 homeowner that contravenes the mandated notice provision set forth in Paragraph
18 (1) of this Subsection, and shall not provide any instruction designed to avoid finding
19 iron, lead, or copper exceedances.

20 (c) The public water system shall not revalidate any sample that was
21 previously invalidated.

22 E.(1) For purposes of this Subsection, the following definitions apply:

23 (a) "Lead service line" means a service line made of lead or service line
24 connected to a lead pigtail, lead gooseneck, or other lead fitting.

25 (b) "Lead and Copper Rule" means the set of federal regulations codified in
26 Subpart I of Part 141 of Subchapter D of Chapter I of Title 40 of the Code of Federal
27 Regulations, 40 C.F.R. 141.80 et seq.

28 (2) For each full or partial lead service line replacement that includes either
29 galvanized piping or lead piping, regardless of whether the replacement is done as

1 a routine repair or is mandated by the Lead and Copper Rule, the public water system
2 shall hand-deliver or mail a notice prior to the replacement to every residence
3 down-pipe of the replacement. The notice shall be provided at least two weeks prior
4 to commencement of the service line replacement and shall include all of the
5 following:

6 (a) Information about the service line replacement project.

7 (b) The American Water Works Association's ANSI/AWWA C810-17
8 Standard, Section 4.4.2, 4.4.2.1, and 4.4.2.2 suggestions for residents.

9 (c) The following information and statements:

10 (i) The public water system is conducting a service line replacement.

11 (ii) The recipient of the notice has been identified as residing down-pipe
12 from the service line replacement project.

13 (iii) Service line replacements, especially partial lead service line
14 replacements, can place the public at risk due to high spikes in lead, which can last
15 for days, months, or years.

16 (iv) To reduce the risk to human health from the service line replacement,
17 the homeowner should conduct extensive and repeated flushing once the connections
18 have been reinstalled in order to reduce levels of trapped sediment, scale, and other
19 materials in water lines.

20 (v) Residents with taps down-pipe from the service line replacement are
21 encouraged to install a type NSF 53 water filter.

22 (vi) Residents down-pipe from the service line replacement project whose
23 households include any child under the age of six are encouraged to have the child
24 tested by a pediatrician for lead exposure.

25 (vii) If residents want to know more about childhood lead testing, they
26 should contact the Louisiana Department of Health's Healthy Homes and Childhood
27 Lead Poisoning Prevention Program.

28 (viii) Residents should have a home water quality test for lead conducted
29 before and after any service line work, repair, or replacement. Some utilities provide

1 these tests free of charge. Contact your public water system to learn more about
2 water testing or treatment.

3 F. Monies collected through fines levied against a public water system for
4 noncompliance with any provision of Subsections C through E of this Section shall
5 be deposited into the Drinking Water Revolving Loan Fund established by R.S.
6 40:2824.

7 * * *

8 §2827. Federal funding through the LIFT America Act of 2021; assistance for
9 certain public water systems

10 With respect to any federal funding provided to the Drinking Water
11 Revolving Loan Fund through the public law originating as H.R. 1848 of the One
12 Hundred Seventeenth Congress and known as the "LIFT America Act of 2021", the
13 Louisiana Department of Health shall assist public water systems in disadvantaged
14 communities in the application process for grants and loans financed with such
15 funding and shall inform public water systems with Lead and Copper Rule violations
16 of the availability of such grants and loans.

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 481 Original

2021 Regular Session

Willard

Abstract: Provides relative to testing for certain contaminants in drinking water, for notices concerning drinking water to be issued in certain instances, and for other functions pertaining to drinking water safety.

Proposed law requires that for every public water system test at a high-risk Tier 1 site under the U.S. Environmental Protection Agency's drinking water regulations known as the Lead and Copper Rule (40 C.F.R. 141.80 et seq.), the public water system shall also perform an iron test at that site.

Proposed law stipulates that if a public water system's most recent source water test does not find an exceedance of a secondary iron standard, and an iron test at a high-risk Tier 1 site finds an exceedance of the maximum contaminant level for iron established by the U.S. Environmental Protection Agency's Secondary Standards for drinking water (40 C.F.R. 143.1 et seq.), then the public water system shall do all of the following:

- (1) Within one month of identification of system non-compliance with secondary iron standard, perform a follow-up public water supply test at the taps of the previously sampled high-risk Tier 1 sites for residual chlorine, total coliform, and E. coli.
- (2) Develop and submit a proposed corrosion control plan consistent with the standards of the Lead and Copper Rule to the office of public health of the La. Department of Health for approval within six months of the test performed pursuant to proposed law.

Proposed law requires that for each test performed in accordance with proposed law or the federal Lead and Copper Rule, the public water system shall:

- (1) Provide a written notice to homeowners who perform the sampling which features instructions and information specified in proposed law.
- (2) Abide by the following requirements:
 - (a) The public water system shall not invalidate any sample after the sample has been reported to the state.
 - (b) The public water system shall not provide any instruction to the homeowner that contravenes the mandated notice provision set forth in proposed law, and shall not provide any instruction designed to avoid finding iron, lead, or copper exceedances.
 - (c) The public water system shall not revalidate any sample that was previously invalidated.

Proposed law provides that, for its purposes, "lead service line" means a service line made of lead or service line connected to a lead pigtail, lead gooseneck, or other lead fitting. Provides that for each full or partial lead service line replacement that includes either galvanized piping or lead piping, the public water system shall hand-deliver or mail a notice prior to the replacement to every residence down-pipe of the replacement. Requires that the notice be provided at least two weeks prior to commencement of the service line replacement and include information specified in proposed law.

Proposed law provides that monies collected through fines levied against a public water system for noncompliance with any provision of proposed law shall be deposited into the Drinking Water Revolving Loan Fund established by present law (R.S. 40:2824).

With respect to federal funding that may be provided to the state's Drinking Water Revolving Loan Fund through federal law known as the "LIFT America Act of 2021", proposed law requires the La. Department of Health to do all of the following:

- (1) Assist public water systems in disadvantaged communities, as defined in present law (R.S. 40:2822), in the application process for grants and loans financed with such funding.
- (2) Inform public water systems with Lead and Copper Rule violations of the availability of grants and loans financed with such funding.

(Adds R.S. 40:5.6(C)-(F) and 2827)