

2016 Regular Session

HOUSE BILL NO. 823

BY REPRESENTATIVE HUNTER

WATER/DRINKING WATER: Provides for heightened drinking water quality standards and increased enforcement of water system safety regulations in certain parishes

1 AN ACT

2 To enact R.S. 40:5.6.1, relative to drinking water; to require enforcement of secondary  
3 maximum contaminant levels; to establish for the standard maximum containment  
4 levels; to provide for enforcement; to provide for penalties; to provide for emergency  
5 funding; to provide for a credit on consumer water utility bills; and to provide for  
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

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

9 §5.6.1. Drinking water; secondary contaminants; enforcement; standards; penalties;  
10 emergency funding; utility bill credit

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

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

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

17 (3) Generally, consumers have no means of judging the safety of their water  
18 themselves, but their attitude towards the water supply and water suppliers is often  
19 greatly affected by the aspects of water quality that they are able to perceive with  
20 their own senses.

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

6           B. Therefore, the Legislature of Louisiana hereby declares that it is the  
7           public policy of this state to require that every water utility system in the state of  
8           Louisiana, whether public or privately owned or managed and whether above ground  
9           or under ground, shall ensure that the water provided by the utility system to the  
10           public for use and consumption meets all of the secondary drinking water standards  
11           established by the United States Environmental Protection Agency as provided in  
12           Subsection C of this Section and any successive updates issued by the agency.

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

	<u>Contaminant</u>	<u>Secondary Maximum Contaminant Level</u>
15		
16	<u>(1) Aluminum</u>	<u>0.05 to 0.2 mg/L</u>
17	<u>(2) Chloride</u>	<u>250 mg/L</u>
18	<u>(3) Color</u>	<u>15 color units</u>
19	<u>(4) Copper</u>	<u>1.0 mg/L</u>
20	<u>(5) Corrosivity</u>	<u>Non-corrosive</u>
21	<u>(6) Fluoride</u>	<u>2.0 mg/L</u>
22	<u>(7) Foaming agents</u>	<u>0.5 mg/L</u>
23	<u>(8) Iron</u>	<u>0.3 mg/L</u>
24	<u>(9) Manganese</u>	<u>0.05 mg/L</u>
25	<u>(10) Odor</u>	<u>3 TON (threshold odor number)</u>
26	<u>(11) pH</u>	<u>6.5 - 8.5</u>
27	<u>(12) Silver</u>	<u>0.1 mg/L</u>
28	<u>(13) Sulfate</u>	<u>250 mg/L</u>
29	<u>(14) Total Dissolved Solids</u>	<u>500 mg/L</u>

1           (15) Zinc                                       5 mg/L

2                       D.(1) The Department of Environmental Quality, the Department of Health  
3                       and Hospitals, and the Public Service Commission shall enforce the provisions of  
4                       this Section.

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

12                     (E).(1) The Department of Environmental Quality, the Department of Health  
13                     and Hospitals, and the Public Service Commission shall conduct random  
14                     unannounced inspections at sufficient intervals to determine compliance with this  
15                     Section or when deemed necessary. Each entity shall post and maintain the results  
16                     of the inspections conducted pursuant to this Paragraph on their respective internet  
17                     website.

18                     (2) Each water utility system in this state shall conduct quarterly self-  
19                     inspections to confirm compliance with this Section. After completing a self-  
20                     inspection pursuant to this Paragraph, the water utility system shall submit a report  
21                     of the results of the inspection to the Department of Environmental Quality, the  
22                     Department of Health and Hospitals, and the Public Service Commission and each  
23                     entity shall post and maintain the reports on their respective internet website. Any  
24                     water utility system who fails to conduct a self-inspection or report the results as  
25                     required by this Paragraph shall be subject to the penalties provided for in Subsection  
26                     F of this Section.

27                     F.(1) On or before February 1, 2017, the Department of Environmental  
28                     Quality, the Department of Health and Hospitals, and the Public Service Commission  
29                     shall promulgate, in accordance with the Administrative Procedure Act, appropriate

1 penalties, including but not limited to civil fines, for any violation of the provisions  
2 of this Section.

3 (2) Prior to the promulgation of the penalties required by Paragraph (1) of  
4 this Subsection, and in the event of a failure to promulgate the required penalties, the  
5 Department of Environmental Quality, the Department of Health and Hospitals, and  
6 the Public Service Commission shall enforce the provisions of this Section using the  
7 corresponding penalties established by the United States Environmental Protection  
8 Agency for such violations including civil fines.

9 G.(1) Whenever one of the entities responsible for the enforcement of the  
10 secondary drinking water standards pursuant to Subsection D of this Section receives  
11 knowledge that a water utility system fails to meet the standards required by this  
12 Section, that entity, the parish or municipality in which the water utility system is  
13 located, or the water utility system itself may request an appropriation through the  
14 Interim Emergency Board for any funding necessary to take the appropriate action  
15 to bring the water utility system into compliance with this Section.

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

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

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

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

24 (d) Privately owned utility water systems.

25 H. On or before October 1, 2017, the Public Service Commission shall  
26 promulgate policies and procedures to provide any consumer adversely affected by  
27 water supplied to the consumer that did not meet the standards required by this  
28 Section for a consecutive period of three days the right to make written demand for  
29 and receive prorated reductions on their associated utility bills.

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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)]

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HB 823 Original

2016 Regular Session

Hunter

**Abstract:** Requires enforcement of the 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 Dept. of Health and Hospitals (DHH), and the Public Service Commission (PSC) to ensure that the potable water provided to the public for use and consumption meets all of the secondary drinking water standards established by the U.S. Environmental Protection Agency.

Proposed law requires DEQ, DHH, 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 this Paragraph on their respective internet website.

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

Proposed law requires DEQ, DHH, and the PSC to promulgate, on or before Jan. 1, 2017, 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)