

2018 Regular Session

HOUSE BILL NO. 829

BY REPRESENTATIVE HUNTER

WATER/DRINKING WATER: Provides for public water supply testing by public water systems

1 AN ACT

2 To amend and reenact R.S. 40:31.33(C)(1) and to enact R.S. 40:5.6(C) through (H), relative
3 to safe drinking water; to provide requirements and standards for water testing by
4 public water systems; to provide for public notices when maximum contaminant
5 levels in public water systems are exceeded; to provide for public access to water
6 system testing data; to require annual drinking water tests at certain facilities; to
7 authorize a source of funding for water system testing; to authorize uses of safe
8 drinking water fee monies; to provide for an effective date; and to provide for related
9 matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 40:31.33(C)(1) is hereby amended and reenacted and R.S. 40:5.6(C)
12 through (H) are hereby enacted to read as follows:

13 §5.6. Safe drinking water; inspections and tests; cost

14 * * *

15 C.(1) Notwithstanding any other provision of law to the contrary, each public
16 water system that is not exempted by the provisions of Paragraph (2) of this
17 Subsection shall perform a monthly public water supply test based on the maximum
18 contaminant level for iron established by the United States Environmental Protection
19 Agency's Secondary Standards for drinking water (42 U.S.C. 300g-1 and 40 CFR
20 143.1 et seq.). The tests shall be performed at all high-risk Tier I homes. If the

1 public water system test for secondary standards exceeds the maximum contaminant
2 level for iron for two consecutive months, the public water system shall do all of the
3 following:

4 (a) Within five days, the public water system shall perform a public water
5 supply test of water pathogens and a public water supply test in accordance with the
6 Lead and Copper Rule established by the United States Environmental Protection
7 Agency's Primary Standards for drinking water. The test shall be performed at high-
8 risk Tier I homes.

9 (b) After ten days, but before the expiration of thirty days, the public water
10 system shall perform a retest of lead and copper and water pathogens at high-risk
11 Tier I homes.

12 (c) The public water system shall develop a corrosion control plan, and shall
13 submit that plan for review to the office of public health within one month. The
14 office of public health shall approve or deny the plan within three months. The
15 public water system shall implement the plan within four months.

16 (2) A public water system shall be exempt from the iron testing requirement
17 provided in this Subsection if the source water of the system exceeds the maximum
18 contaminant level.

19 D. If the Primary Standards test for drinking water under the Lead and
20 Copper Rule required by Subparagraph (C)(1)(a) of this Section reflects an
21 exceedance of the maximum contaminant levels, the public water system shall
22 furnish a notice to radio and television stations and daily newspapers serving the area
23 as soon as possible, but not later than twenty-four hours after the system learns of the
24 exceedance. The system shall also ensure that the actual public notice it prepares is
25 published in a daily or weekly newspaper serving the area as soon as possible, but
26 no later than forty-eight hours after learning of the exceedance. The public notice
27 shall include all of the following information:

28 (1) Specific information on the potential adverse health effects of lead
29 contamination on infants, children, and fetuses.

1 (2) The potential sources of lead.

2 (3) The compliance history of the public water supply on lead including its
3 most recent testing data.

4 (4) The cost and availability of replacement fixtures.

5 (5) Contact information for medical assistance.

6 E. Each public water system shall provide online for public access all of the
7 following:

8 (1) All drinking water test data including, but not limited to addresses and
9 dates collected, sampling regimes including collection-site and tier status, directions
10 for homeowner tap water sample collection procedures, and proof of validation of
11 tier status, lead lines, and lead solder presence.

12 (2) All corrosion control plans.

13 (3) All audits and reviews of the material makeup of the public water system.

14 F. Fines levied against public water systems for noncompliance shall be
15 added to the Drinking Water Revolving Loan Fund, R.S. 40:2824.

16 G. Each public water system shall perform an annual test of all of the
17 following facilities:

18 (1) Each child day care center licensed pursuant to the Early Learning Center
19 Licensing Act, R.S. 17:407.31 et seq.

20 (2) Each elementary school, in accordance with the Lead and Copper Rule
21 established by the United States Environmental Protection Agency's Primary
22 Standards for drinking water.

23 H. Each test performed by a public water system pursuant to either the
24 requirements of Subsection C of this Section or the Lead and Copper Rule
25 established by the United States Environmental Protection Agency's Primary
26 Standards for drinking water shall conform to the following requirements:

27 (1) For each test, the public water system shall provide the following notice
28 to homeowners who perform the sampling:

1 "Directions for Homeowner Tap Water Sample Collection Procedures. It is
2 important for every homeowner who takes samples to follow the following rules
3 when collecting samples. Following these rules helps ensure that any health problem
4 with your tap water is identified. If any of these directions are not followed, the test
5 may miss a health problem, such as hazardous lead, in your drinking water.

6 1. The homeowner must NOT remove or clean any faucet aerator from
7 faucet prior to sampling.

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

10 3. The homeowner must NOT collect water at low flow, and must NOT turn
11 on the faucet gently and slowly. INSTEAD, homeowner must turn faucet to high
12 velocity when obtaining sample, so as to collect the sample with the cold water tap
13 fully open.

14 4. The homeowner must NOT use any small-mouth bottle when collecting
15 samples.

16 5. The homeowner MUST take at least two samples. After taking the first
17 sample, the homeowner must then flush approximately 6 liters of water (about one
18 and a half gallons) and then take the second sample.

19 6. The homeowner MUST allow the water in pipes to remain stagnant for at
20 least six hours prior to taking samples.

21 7. If you have any question regarding these rules, please contact the state
22 office of public health, phone number (225) 342-8093."

23 (2) For each test, the public water system shall abide by the following
24 requirements:

25 (a) The system shall not invalidate any sample after the sample has been
26 analyzed.

27 (b) The system shall not provide any small-mouth bottle to collect samples.
28 Bottles for sample collection shall be at least two inches in diameter at the mouth.

1 The system shall retain information of bottle size and mouth diameter for all bottles
2 provided to homeowners.

3 (c) The system shall require that at least two sample draws be taken for each
4 sampled home.

5 (d) The system shall not provide any instruction to the homeowner that
6 contravenes any provision of the mandated notice required by Paragraph (1) of this
7 Subsection, and shall not provide any instruction designed to avoid a finding of iron,
8 lead, or copper exceedance.

9 (e) The system shall not discard any sample due to any upper limit of
10 stagnation time.

11 (f) The system shall not revalidate any sample that was previously
12 invalidated.

13 (g) The system shall not discard any sample for any reason without reporting
14 the sample and reason for discard to the office of public health.

15 * * *

16 §31.33. Safe drinking water fee; exemptions

17 * * *

18 C. The funds remitted to the department pursuant to Subsections A and B of
19 this Section shall be used for the following purposes:

20 (1) ~~To comply with the provisions of~~ fund all testing of public water systems
21 required by R.S. 40:5.6 and to comply with the federal Safe Drinking Water Act.

22 * * *

23 Section 2. This Act shall become effective on September 1, 2018.

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 829 Original

2018 Regular Session

Hunter

Abstract: Provides requirements and standards for water testing by public water systems and authorizes a funding source for such testing.

Proposed law requires each public water system to perform a monthly public water supply test based on the maximum contaminant level for iron established by the U.S. Environmental Protection Agency's (hereafter, "EPA") Secondary Standards for drinking water. Provides that a public water system shall be exempt from the iron testing requirement provided in proposed law if the source water of the system exceeds the maximum contaminant level.

Proposed law requires that the tests provided for in proposed law be performed at all high-risk Tier I homes. Provides that if the public water system test for secondary standards exceeds the maximum contaminant level for iron for two consecutive months, the public water system shall do all of the following:

- (1) Within five days, the public water system shall perform a public water supply test of water pathogens and a public water supply test in accordance with the Lead and Copper Rule established by the EPA Primary Standards for drinking water. Requires that the test be performed at high-risk Tier I homes.
- (2) After 10 days, but before the expiration of 30 days, the public water system shall perform a retest of lead and copper and water pathogens at high-risk Tier I homes.
- (3) The public water system shall develop a corrosion control plan and submit that plan for review to the office of public health within one month. The office of public health shall approve or deny the plan within three months. The public water system shall implement the plan within four months.

Proposed law stipulates that if the Primary Standards test for drinking water under the Lead and Copper Rule required by proposed law reflects an exceedance of the maximum contaminant levels, the public water system shall furnish a notice to radio and television stations and daily newspapers serving the area as soon as possible, but not later than 24 hours after the system learns of the exceedance. Requires the system to also ensure that the public notice it prepares is published in a daily or weekly newspaper serving the area as soon as possible, but no later than 48 hours after learning of the exceedance. Requires that the public notice include all of the following information:

- (1) Specific information on the potential adverse health effects of lead contamination on infants, children, and fetuses.
- (2) The potential sources of lead.
- (3) The compliance history of the public water supply on lead including its most recent testing data.
- (4) The cost and availability of replacement fixtures.
- (5) Contact information for medical assistance.

Proposed law requires each public water system to provide online for public access all of the following:

- (1) All drinking water test data including, but not limited to addresses and dates collected, sampling regimes including collection-site and tier status, directions for homeowner tap water sample collection procedures, and proof of validation of tier status, lead lines, and lead solder presence.
- (2) All corrosion control plans.
- (3) All audits and reviews of the material makeup of the public water system.

Proposed law provides that fines levied against public water systems for noncompliance shall be added to the Drinking Water Revolving Loan Fund provided for in present law, R.S. 40:2824.

Proposed law requires each public water system to perform an annual test of all of the following facilities:

- (1) Each child day care center licensed pursuant to present law, R.S. 17:407.31 et seq.
- (2) Each elementary school, in accordance with the Lead and Copper Rule established by the EPA Primary Standards for drinking water.

Proposed law requires that each test performed by a public water system pursuant to proposed law or the Lead and Copper Rule established by the EPA Primary Standards for drinking water shall conform to the following requirements:

- (1) For each test, the public water system shall provide to homeowners who perform the sampling a notice that complies with requirements of proposed law.
- (2) For each test, the public water system shall abide by the following requirements:
 - (a) The system shall not invalidate any sample after the sample has been analyzed.
 - (b) The system shall not provide any small-mouth bottle to collect samples. Requires that bottles for sample collection shall be at least two inches in diameter at the mouth, and that the system shall retain information of bottle size and mouth diameter for all bottles provided to homeowners.
 - (c) The system shall require that at least two sample draws be taken for each sampled home.
 - (d) The system shall not provide any instruction to the homeowner that contravenes any provision of the mandated notice required by proposed law, and shall not provide any instruction designed to avoid a finding of iron, lead, or copper exceedance.
 - (e) The system shall not discard any sample due to any upper limit of stagnation time.
 - (f) The system shall not revalidate any sample that was previously invalidated.
 - (g) The system shall not discard any sample for any reason without reporting the sample and reason for discard to the office of public health.

Present law, R.S. 40:31.33, establishes the safe drinking water fee. Provides for the amount of the fee and authorized uses of fee amounts collected by the state.

Present law provides that an authorized use of safe drinking water fees is to comply with the provisions of present law relative to inspections and tests of public water supplies. Proposed law revises present law to require that all testing of public water systems required by proposed law shall be funded by proceeds of the safe drinking water fee.

Effective Sept. 1, 2018.

(Amends R.S. 40:31.33(C)(1); Adds R.S. 40:5.6(C)-(H))