

2020 Regular Session

SENATE BILL NO. 357

BY SENATOR PETERSON

PUBLIC HEALTH. Provides for testing certain drinking water systems. (8/1/20)

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AN ACT

To enact R.S. 40:5.6(C) through (I), relative to testing certain drinking water systems; to provide for specific notice to homeowners regarding water testing; to provide for specific requirements of public water systems for every test performed; to provide for the office of public health, Louisiana Department of Health to establish a mandatory training or certification program for all public water system operators; to provide for notice to homeowners when full or partial lead service lines are replaced; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:5.6(C) through (I) 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 by the U.S. Environmental Protection Agency's Primary Standards for drinking water (42 U.S.C. §300g-1; 40 C.F.R. Ch. I, Subch. D., pt. 141), the public water system shall also perform an iron test at the high risk tier 1 site.**

1           **(2) If a public water system's most recent source water test does not find**  
2           **that a secondary iron standard has been exceeded and an iron test at a high risk**  
3           **tier 1 site finds an excess over the maximum contaminant level for iron**  
4           **established by the U.S. Environmental Protection Agency's Secondary**  
5           **Standards for drinking water (42 U.S.C. §300g-1; 40 C.F.R. Ch. I, Subch. D., pt.**  
6           **143), then the public water system shall perform the following:**

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

11           **(b) The public water system shall work with the office of public health,**  
12           **in the Louisiana Department of Health to develop a corrosion control plan**  
13           **consistent with the standards of the lead and copper rule, and shall submit that**  
14           **plan for review to the office of public health within six months. The office of**  
15           **public health shall approve or deny the plan within three months of receipt of**  
16           **the plan. The public water system shall implement the plan within six months**  
17           **after approval by the office of public health.**

18           **D. The office of public health shall provide public access online for all**  
19           **drinking water test data including but not limited to addresses of sample sites,**  
20           **tier status of sample sites, dates of sample collection, all water test results, home**  
21           **sampling protocols provided to the homeowner during sampling, all**  
22           **documentation provided to the Louisiana Department of Health by each public**  
23           **water system indicating locations of lead service lines within their service area,**  
24           **a list of all sites approved by the public water system for lead and copper rule**  
25           **sample collection and each site's tier status, all documentation provided to the**  
26           **department serving as the basis for the lead and copper rule tier status, public**  
27           **water system corrosion control plans, all public water system audits by the**  
28           **department or the U.S. Environmental Protection Agency, and all lead pipe**  
29           **maps and databases assembled by the public water system or the department.**

1 The office of public health shall make all public water system-specific  
2 documents and data available to the public online.

3 E. If any public water system test determines that any applicable state  
4 or federal threshold for total coliform or E-coli has been exceeded, then the  
5 public water system shall perform a chlorination treatment of the system, and  
6 after at least one day of the test, but before ten days after the test, perform a  
7 follow-up test at the same site for disinfectant byproducts, chlorine, iron, and  
8 a lead and copper rule established by the U.S. Environmental Protection  
9 Agency's Primary Standards for drinking water (42 U.S.C. §300g-1; 40 C.F.R.  
10 Ch. I, Subch. D., pt. 141). The public water system shall report the results to the  
11 office of public health.

12 F. Fines levied against public water systems for noncompliance with this  
13 Section shall be added to the Drinking Water Revolving Loan Fund provided  
14 for in R.S. 40:2824.

15 G. All tests performed by public water systems under either  
16 Subsection C of this Section or the lead and copper rule established by the U.S.  
17 Environmental Protection Agency's Primary Standards for drinking water (42  
18 U.S.C. §300g-1; 40 C.F.R. Ch. I, Subch. D., pt. 141) shall conform to the  
19 following requirements:

20 (1) For every test conducted pursuant to Subsection C of this Section or  
21 under the lead and copper rule, the public water system shall provide the  
22 following directions to homeowners who perform the sampling:

23 (a) It is important for every homeowner who takes samples to follow the  
24 following rules when collecting samples. Following these rules helps ensure that  
25 any problem with your tap water is identified.

26 (b) Homeowner shall not remove or clean any faucet aerator from faucet  
27 prior to sampling.

28 (c) Homeowner shall not pre-flush water faucet immediately prior to the  
29 six-hour sitting time before the first lead test sample is collected.

1           (d) Homeowner shall not collect water at low flow, and shall not turn on  
2           the faucet gently and slowly. The homeowner shall turn the faucet to high  
3           velocity when obtaining a sample in order to collect the sample with the cold  
4           water tap fully open.

5           (e) Homeowner shall not use any small-mouth bottle when collecting  
6           samples. The public water system should provide you with a large-mouth bottle  
7           to collect samples at a high velocity of water flow.

8           (f) Homeowner shall take at least two samples. After taking the first  
9           sample, the homeowner shall then flush for one minute prior to taking the  
10          second sample.

11          (g) Homeowner shall allow the water in pipes to remain stagnant for at  
12          least six hours prior to taking samples. There is no maximum time for water to  
13          remain stagnant prior to sampling.

14          (h) If you have any question regarding these directions, please contact  
15          the office of public health of the Louisiana Department of Health, at phone  
16          number 225-342-9500.

17          (2) For every test conducted pursuant to Subsection C of this Section or  
18          under the lead and copper rule, the public water system shall:

19                (a) Not invalidate any sample after a sample has been analyzed.

20                (b) Not provide any small-mouth bottle to collect samples. Bottles shall  
21                be at least two inches in diameter at the mouth.

22                (c) Require that at least two sample draws be taken for each sampled  
23                home, the first a draw of the stagnant water, and the second a draw taken at  
24                least one minute after the first draw.

25                (d) Not provide any instruction to the homeowner that contravenes the  
26                mandated notice provision set forth in Subsection (H)(1) of this Section, and  
27                shall not provide any instruction designed to avoid a finding of iron, lead, or  
28                copper exceedance.

29                (e) Not revalidate any sample that was previously invalidated.

1           **H. The department shall review or establish a mandatory training or**  
2           **certification program for all water operators at every public water system,**  
3           **regardless of utility size. The program shall include training on corrosion**  
4           **control treatment and adjustment of water quality parameters to optimize**  
5           **corrosion control and water quality conditions.**

6           **I. For every full or partial lead service line replacement that includes**  
7           **either galvanized piping or lead piping, and regardless whether the replacement**  
8           **is done as a routine repair event or whether it is mandated by the lead and**  
9           **copper rule, the public water system shall provide hand-delivered or mailed**  
10           **notice prior to the replacement to every residence down-pipe of the**  
11           **replacement.**

12           **(1) The notice shall be provided at least two weeks prior to**  
13           **commencement of replacement.**

14           **(2) The notice shall include the following:**

15           **(a) Information about the service line replacement project.**

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

18           **(c) The notice shall also include the following information:**

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

20           **(ii) The recipient of this message is identified as residing down-pipe of**  
21           **this replacement project.**

22           **(iii) Service line replacements, especially partial lead service line**  
23           **replacements, can place the public at risk due to high spikes in lead, which can**  
24           **last days or months or years.**

25           **(iv) Service line replacements can cause spikes in lead.**

26           **(v) To reduce the risk to human health, extensive and repeated flushing**  
27           **should be conducted by the homeowner once the connections have been**  
28           **reinstalled to reduce levels of trapped sediment, scale, and other materials in**  
29           **lines.**

- 1                    **(vi) Residents with taps down-pipe of the replacement are encouraged**  
2                    **to install a Type NSF 53 water filter.**
- 3                    **(vii) If residents have a child below the age of six, the child is encouraged**  
4                    **to be tested by pediatricians for lead exposure.**
- 5                    **(viii) If residents want to know more, they should contact the Louisiana**  
6                    **Department of Health's Healthy Homes and Childhood Lead Poisoning**  
7                    **Prevention Program.**
- 8                    **(ix) Residents are recommended to get a pre- and post-replacement home**  
9                    **test, that some utilities provide tests free of charge, and to contact your public**  
10                   **water system to learn more.**
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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Christine Arbo Peck.

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## DIGEST

SB 357 Original

2020 Regular Session

Peterson

Proposed law provides for the testing of public drinking water in accordance with rules promulgated by the office of public health, Louisiana Department of Health and the lead and copper rule established by the U.S. Environmental Protection Agency's Primary Standards for drinking water.

Proposed law provides for specific notice to be provided to homeowners regarding water testing to ensure the most accurate results. Proposed law provides for specific requirements of public water systems for every test performed.

Proposed law requires LDH to establish a mandatory training or certification program for all public water system operators. Proposed law provides for notice to homeowners when full or partial lead service lines are replaced.

Effective August 1, 2020.

(Adds R.S. 40:5.6(C) through (I))