

FIRST REGULAR SESSION

HOUSE BILL NO. 801

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KIDD.

1786H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 640, RSMo, by adding thereto six new sections relating to water safety and security, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 640, RSMo, is amended by adding thereto six new sections, to be known as sections 640.141, 640.142, 640.143, 640.144, 640.145, and 640.146, to read as follows:

640.141. 1. Sections 640.141 to 640.145 shall be known and may be cited as the "Missouri Water Safety and Security Act".

2. Within one year of the effective date of this section, each public water system, as defined in section 640.102, in the state shall create an asset management plan (AMP).

3. Each AMP shall contain the following:

(1) A water main renewal program designed to achieve a replacement rate of at least four-tenths of one percent or other appropriate replacement rate as determined by a detailed engineering analysis of the condition of the mains;

(2) A water supply and treatment program designed to inspect, maintain, repair, renew, and upgrade wells, intakes, pumps, and treatment facilities in accordance with all federal and state regulations and any notice of violation (NOV) mitigation plans prepared under section 640.143; and

(3) An annual allocation of public water system funds to address and remediate the highest priority projects.

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 **4. All AMPs shall be certified by the licensed operator or professional engineer of**
16 **the public water system and the responsible corporate officer, executive director, or mayor,**
17 **as applicable.**

18 **5. All AMPs shall be made available for inspection upon the request of the**
19 **department of natural resources.**

640.142. 1. Within twelve months of the effective date of this section, each public
2 **water system shall create a plan that establishes policies and procedures for identifying and**
3 **mitigating cyber risk. The plan shall include risk assessments and implementation of**
4 **appropriate controls to mitigate identified cyber risks.**

5 **2. Public water systems that do not use an internet-connected control system are**
6 **exempt from the provisions of this section.**

640.143. If a public water system receives three notices of violation (NOV) for any
2 **reason or two NOVs relating to exceeding maximum contaminant levels within any twelve-**
3 **month period, the public water system shall submit a mitigation plan to the department of**
4 **natural resources within sixty days of the latest violation. The mitigation plan shall**
5 **contain:**

6 **(1) If the NOV will be addressed through changes in procedure or requires a**
7 **capital expenditure, a schedule for implementing the changes or capital improvements;**

8 **(2) A report by a licensed operator of the public water system and an engineer who**
9 **has analyzed the NOVs about how the mitigation plan will address the cause of the NOVs;**
10 **and**

11 **(3) A modification of the AMP to reflect necessary capital expenditures, if any.**

640.144. 1. All public water systems shall be required to create a valve inspection
2 **program that includes:**

3 **(1) Inspection of all valves every ten years;**

4 **(2) Scheduled repair or replacement of broken valves;**

5 **(3) Identification of each valve location using a geographic information system; and**

6 **(4) An alternative physical mapping system that accurately identifies the location**
7 **of each valve.**

8 **2. All public water systems shall be required to create a hydrant inspection**
9 **program that includes:**

10 **(1) Annual testing of every hydrant in the public water system ;**

11 **(2) Scheduled repair or replacement of broken hydrants;**

12 **(3) A plan to flush every hydrant and dead-end main;**

13 **(4) Maintenance of records of inspections, tests, and flushings for six years;**

- 14 **(5) Identification of each hydrant location using a geographic information system;**
- 15 **and**
- 16 **(6) An alternative physical mapping system that accurately identifies the location**
- 17 **of each hydrant.**

640.145. 1. Public water systems shall submit an annual report to the department
2 **of natural resources that shall certify compliance with all regulations regarding:**

- 3 **(1) Water quality sampling, testing, and reporting;**
- 4 **(2) Hydrant and valve inspections under section 640.144;**
- 5 **(3) NOV mitigation plans submitted to the department under section 640.143, if**
- 6 **applicable;**
- 7 **(4) Cyber security plans and policies, if required under section 640.142; and**
- 8 **(5) Asset management plans required under section 640.141, including the**
- 9 **infrastructure improvements planned for the coming year and the estimated cost of those**
- 10 **improvements, and the infrastructure improvements made in the past year and the cost of**
- 11 **those improvements.**

12 **2. The annual report shall be certified by the responsible corporate officer,**
13 **executive director, or the mayor, as applicable.**

640.146. 1. The provisions of sections 640.140 to 640.146 shall be subject to
2 **administrative penalties as defined in 640.131.**

3 **2. Nothing in sections 640.140 to 640.146 shall be construed to establish a private**
4 **civil cause of action against an individual in violation of sections 640.140 to 640.146.**

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