

2014 REGULAR LEGISLATIVE SESSION

SB341 by Senator Jack Donahue

SANITARY CODE: Provides rules requiring modification of certain existing community water systems by the Louisiana Standards for Water Works Construction, Operation and Maintenance Committee. (gov sig)

Current Status (as of 6/10/2014 11:50 am): Signed by the Governor - Act 488

<u>Date</u>	<u>Chamber</u>	<u>Page</u>	<u>Action</u>
06/05	S		Effective date 6/5/2014.
06/05	S		Signed by the Governor. Becomes Act No. 488.
06/01	S	87	Sent to the Governor by the Secretary of the Senate.
05/30	H	108	Signed by the Speaker of the House.
05/30	S	49	Enrolled. Signed by the President of the Senate.
05/29	S	25	Amendments proposed by the House read and concurred in by a vote of 36 yeas and 0 nays.
05/28	S	3	Received from the House with amendments.
05/27	H	67	Read third time by title, amended, roll called on final passage, yeas 95, nays 0. Finally passed, ordered to the Senate.
05/27	H	67	Called from the calendar.
05/27	H	41	Read by title, returned to the calendar.
05/22	H		Scheduled for floor debate on 05/27/2014.
05/08	H	11	Read by title, amended, passed to 3rd reading.
05/07	H	37	Reported without Legislative Bureau amendments.
05/06	H	44	Reported with amendments (12-0). Referred to the Legislative Bureau.
04/23	H	3	Read by title, under the rules, referred to the Committee on Natural Resources and Environment.
04/22	H	2	Received in the House from the Senate, read by title, lies over under the rules.
04/21	S	27	Senate floor amendments read and adopted. Read by title and passed by a vote of 36 yeas and 0 nays; ordered reengrossed and sent to the House. Motion to reconsider tabled.
04/16	S	12	Read by title. Committee amendments read and adopted. Ordered engrossed and passed to third reading and final passage.
04/15	S	16	Reported with amendments.
03/10	S	34	Introduced in the Senate; read by title. Rules suspended. Read second time and referred to the Committee on Health and Welfare.
02/27	S		Prefiled and under the rules provisionally referred to the Committee on Health and Welfare.

Authors:

Jack Donahue

Available Documents:

Text

SB341 Act 488 <http://www.legis.la.gov/legis/ViewDocument.aspx?d=913672>
SB341 Enrolled <http://www.legis.la.gov/legis/ViewDocument.aspx?d=910297>
SB341 Reengrossed <http://www.legis.la.gov/legis/ViewDocument.aspx?d=895418>
SB341 Engrossed <http://www.legis.la.gov/legis/ViewDocument.aspx?d=894035>
SB341 Original <http://www.legis.la.gov/legis/ViewDocument.aspx?d=878571>

Amendments

House Floor Amendment, #5846, Dove, Adopted <http://www.legis.la.gov/legis/ViewDocument.aspx?d=908800>
House Committee Amendment, #4603, NATR, Adopted <http://www.legis.la.gov/legis/ViewDocument.aspx?d=900439>
House Committee Amendment, #4552, NATR, Draft <http://www.legis.la.gov/legis/ViewDocument.aspx?d=900243>
Senate Floor Legislative Bureau Amendment, #2579, Martiny, Adopted <http://www.legis.la.gov/legis/ViewDocument.aspx?d=894226>
Senate Committee Amendment, #2326, H&W, Adopted <http://www.legis.la.gov/legis/ViewDocument.aspx?d=892760>

Digests

Resume Digest for SB341 <http://www.legis.la.gov/legis/ViewDocument.aspx?d=912883>
Summary of House Amendments to SB341 <http://www.legis.la.gov/legis/ViewDocument.aspx?d=909498>
House Committee Redigest of SB341 <http://www.legis.la.gov/legis/ViewDocument.aspx?d=904918>
Digest of SB341 Reengrossed <http://www.legis.la.gov/legis/ViewDocument.aspx?d=895452>
Digest of SB341 Engrossed <http://www.legis.la.gov/legis/ViewDocument.aspx?d=894405>
Digest of SB341 Original <http://www.legis.la.gov/legis/ViewDocument.aspx?d=878574>

Votes

Senate Vote on SB 341, CONCUR (#1522) <http://www.legis.la.gov/legis/ViewDocument.aspx?d=910031>
House Vote on SB 341, FINAL PASSAGE (#1270) <http://www.legis.la.gov/legis/ViewDocument.aspx?d=908998>
Senate Vote on SB 341, FINAL PASSAGE (#443) <http://www.legis.la.gov/legis/ViewDocument.aspx?d=895381>

SENATE BILL NO. 341

BY SENATOR DONAHUE

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AN ACT

To amend and reenact R.S. 40:4.13, relative to water systems; to provide for water system regulations; to provide for the promulgation of rules and regulations; to provide for the powers, duties, functions, and responsibilities of the Louisiana Standards for Water Works Construction, Operation, and Maintenance Committee; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:4.13 is hereby amended and reenacted to read as follows:

§4.13. Water systems; National Primary Drinking Water Regulations; sanitary survey; use of Ten State Standards

A. Neither the state health officer nor the office of public health of the Department of Health and Hospitals shall promulgate a rule or take action requiring the modification of an existing community water system in operation before August 1, 2013, unless the state health officer or the office of public health of the Department of Health and Hospitals demonstrates that such public water system, with proper operation and maintenance, is incapable of attaining compliance with the National Primary Drinking Water Regulations without the modification. For the purposes of this Section, "National Primary Drinking Water Regulations" means ~~those~~ such requirements defined in 40 CFR 141 and 40 CFR 142.16(b).

B.(1) A sanitary survey of a public water system shall be conducted only to ensure compliance with the National Primary Drinking Water Regulations and the state Sanitary Code requirements.

(2) The state health officer or the office of public health of the Department of Health and Hospitals shall classify as a significant deficiency only a defect in design, operation, or maintenance, or a failure or malfunction of the sources,

1 treatment, storage, or distribution system that is causing, or may reasonably be
 2 expected to cause, the introduction of contamination into the water delivered to
 3 consumers.

4 C.(1) The state health officer and the office of public health of the
 5 Department of Health and Hospitals shall use the *Recommended Standards for Water*
 6 *Works*, the "Ten State Standards", promulgated by the Great Lakes and Upper
 7 **Lakes-Upper Mississippi River** Board of State ~~Sanitary Engineers~~ **and Provincial**
 8 **Public Health and Environmental Managers** only as a guide in the review of plans
 9 and specifications submitted in connection with an application for a permit for a new
 10 public water supply system or in connection with the modification of an existing
 11 public water system.

12 (2) A permit for a public water supply system that complies with the National
 13 Primary Drinking Water Regulations shall be issued, whether or not such design
 14 adheres to the Ten State Standards.

15 D.(1) The Louisiana Standards for Water Works Construction, Operation, and
 16 Maintenance Committee, hereinafter referred to as the "committee", shall be created
 17 within the Department of Health and Hospitals to develop standards to be placed in
 18 the state Sanitary Code for water works construction, operation, and maintenance
 19 **and approve rules and regulations to repeal, revise, or replace 51:XII Chapters**
 20 **1 and 3. Such rules and regulations shall include but not be limited to rules and**
 21 **regulations for waterworks construction, operation, and maintenance and the**
 22 **list of significant deficiencies contemplated in Paragraph (B)(2) of this Section.**
 23 **The committee shall not repeal, revise, or replace LAC 51:XII Chapters 5**
 24 **through 19, which shall continue to be revised as necessary by the state health**
 25 **officer in accordance with the Administrative Procedure Act.**

26 (2) ~~No later than August 1, 2014, the~~ **The** office of public health of the
 27 Department of Health and Hospitals shall promulgate rules and regulations pursuant
 28 to the Administrative Procedure Act implementing the standards developed by the
 29 committee.

30 (3) The committee shall be appointed as follows:

1 (a) ~~Two~~ **Three** members appointed by the office of public health of the
2 Department of Health and Hospitals.

3 (b) Two members appointed by the Louisiana Municipal Association.

4 (c) Two members appointed by the Louisiana Rural Water Association.

5 (d) Two members appointed by the Police Jury Association of Louisiana.

6 (e) Two members appointed by the Louisiana Engineering Society.

7 (f) Two members appointed by the Louisiana public water suppliers, the
8 Southwest Section of the American Water Works Association.

9 (g) Two members appointed by the Louisiana public water suppliers, the
10 National Association of Water Companies.

11 (h) Two members appointed by the Louisiana Section of the American
12 Society of Civil Engineers.

13 (i) One member appointed by the Louisiana Environmental Action Network.

14 (4) The assistant secretary of the office of public health of the Department of
15 Health and Hospitals shall appoint one of its two appointees to the committee to
16 serve as chairman of the committee. The chairman shall call the first meeting no later
17 than September 1, 2013. The committee shall meet monthly ~~until the requirements~~
18 ~~of Paragraph (D)(9) of this Section are complete~~ **until the committee-approved**
19 **rules and regulations are promulgated.** Thereafter, the committee shall meet
20 quarterly. Additional meetings may be called by the chairman. The chairman shall
21 call additional meetings if requested in writing by at least nine committee members.

22 (5) Nine members of the committee physically present shall constitute a
23 quorum and the presence of a quorum shall be required to transact the business of the
24 committee.

25 (6) The meetings of the committee shall be subject to the Louisiana Open
26 Meetings Law.

27 (7) The meetings of the committee shall be held at the Department of Health
28 and Hospitals headquarters in Baton Rouge.

29 (8) The office of public health of the Department of Health and Hospitals
30 shall provide administrative assistance to and serve as staff for the committee.

1 (9) The rules and regulations for the Louisiana Standards for Water Works
 2 Construction, Operation, and Maintenance shall not be promulgated until the
 3 proposed rules and regulations or changes thereto are approved by the Department
 4 of Health and Hospitals and approved by a majority vote of the committee.

5 E. ~~No provision of this Section shall prohibit the Department of Health and~~
 6 Hospitals from promulgating rules pursuant to the Administrative Procedure Act to
 7 secure of maintain from the United States Environmental Protection Agency primacy
 8 in drinking water regulation provided such rules shall be limited to only those rules
 9 required to secure or maintain such primacy. **The committee shall, at a minimum,**
 10 **approve rules and regulations pursuant to Subsection D of this Section**
 11 **necessary for the state of Louisiana to maintain drinking water program**
 12 **primacy from the United States Environmental Protection Agency. The**
 13 **Department of Health and Hospitals shall promulgate, pursuant to the**
 14 **Administrative Procedure Act, only such committee approved rules and**
 15 **regulations and only as necessary to secure or maintain such primacy.**

16 Section 2. This Act shall become effective upon signature by the governor
 17 or, if not signed by the governor, upon expiration of the time for bills to become law
 18 without signature by the governor, as provided by Article III, Section 18 of the
 19 Constitution of Louisiana. If vetoed by the governor and subsequently approved by
 20 the legislature, this Act shall become effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____