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To: Public Health and  
Welfare

HOUSE BILL NO. 1390  
(As Sent to Governor)

1 AN ACT TO CREATE NEW SECTION 41-26-14, MISSISSIPPI CODE OF  
2 1972, TO REQUIRE THE DEPARTMENT OF HEALTH TO DEVELOP AND IMPLEMENT  
3 A CROSS CONNECTION CONTROL PROGRAM; TO REQUIRE THE STATE BOARD OF  
4 HEALTH TO ADOPT REGULATIONS FOR IMPLEMENTATION OF THE PROGRAM; TO  
5 PLACE CERTAIN REQUIREMENTS ON THE IMPLEMENTATION OF THAT PROGRAM;  
6 TO REQUIRE PUBLIC WATER SYSTEMS TO IDENTIFY CROSS CONNECTIONS ON  
7 THE SYSTEM; TO REVISE CURRENT REGULATORY DEADLINES FOR PROPERTY  
8 OWNERS TO INSTALL BACKFLOW PREVENTERS; TO REQUIRE THE PERIODIC  
9 TESTING OF BACKFLOW PREVENTERS; TO REQUIRE THE DEPARTMENT OF  
10 HEALTH TO LICENSE CERTIFIED BACKFLOW PREVENTER TESTERS AND TO  
11 PLACE CONDITIONS ON CERTIFICATION OF BACKFLOW PREVENTER TESTERS;  
12 TO PROVIDE FOR PENALTIES FOR FAILURE TO COMPLY WITH THIS SECTION;  
13 TO AMEND SECTION 41-26-15, MISSISSIPPI CODE OF 1972, IN CONFORMITY  
14 TO THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

16 SECTION 1. The following shall be codified as Section  
17 41-26-14, Mississippi Code of 1972:

18 41-26-14. (1) The department shall develop and implement a  
19 cross connection control program in accordance with this section.

20 Before development of the cross connection control program, the  
21 department shall consult with the United States Environmental  
22 Protection Agency regarding the development of a federal cross  
23 connection control program. It is the intent of the Legislature  
24 that any cross connection control program developed and  
25 implemented by the department be equivalent to a federal program,  
26 unless otherwise provided in this section. The cross connection  
27 control program developed and implemented under this act shall be  
28 considered the minimum program for cross connection control.

29 (2) (a) The board shall adopt regulations defining a high  
30 hazard cross connection and a low hazard cross connection. The  
31 board shall determine which low hazard cross connections pose a  
32 very low risk and therefore are below regulatory concern. Those

33 low hazard cross connections posing a very low risk shall be  
34 exempt from the requirements of this section. In addition, the  
35 regulations shall specify those backflow preventers which are  
36 recommended to address both high hazard and low hazard cross  
37 connections.

38 (b) Any regulations previously adopted to implement a  
39 cross connection control program shall be void to the extent those  
40 regulations are in conflict or inconsistent with this section.

41 (3) Before December 31, 2000, each public water system shall  
42 develop and implement a cross connection control program and shall  
43 conduct a survey and on-site visits, as necessary, to locate cross  
44 connections within its system. Single family dwellings and  
45 multifamily dwellings designed to house not more than eight (8)  
46 families shall be excluded from the survey, unless the public  
47 water system has reason to believe a cross connection exists.

48 (4) Before June 30, 2001, each property owner identified by  
49 the public water system as having a high hazard cross connection  
50 shall install an approved backflow preventer. If the property  
51 owner already has a backflow preventer installed, the public water  
52 system shall require the property owner to have the backflow  
53 preventer tested. If the backflow preventer functions properly,  
54 the public water system shall consider the backflow preventer  
55 approved and may allow the installed backflow preventer to remain  
56 in place until the backflow preventer fails to function properly.

57 (5) Before June 30, 2004, each property owner identified by  
58 the public water system as having a low hazard cross connection  
59 shall install an approved backflow preventer. If the property  
60 owner already has a backflow preventer installed, the public water  
61 system shall require the property owner to have the backflow  
62 preventer tested. If the backflow preventer functions properly,  
63 the public water system shall consider the backflow preventer  
64 approved and may allow the installed backflow preventer to remain  
65 in place until the backflow preventer fails to function properly.

66 (6) Each high hazard backflow preventer shall be inspected  
67 and tested at least annually. Each low hazard backflow preventer  
68 shall be inspected and tested at least biennially. If a high  
69 hazard backflow preventer fails to function properly, the property

70 owner shall have the backflow preventer repaired and retested or  
71 shall install a new approved backflow preventer within thirty (30)  
72 days of the initial test. If a low hazard backflow preventer  
73 fails to function properly, the property owner shall have the  
74 backflow preventer repaired and retested or shall install a new  
75 approved backflow preventer within ninety (90) days of the initial  
76 test.

77 (7) All inspection and testing of backflow preventers under  
78 this section shall be conducted by a certified tester, unless  
79 otherwise provided in the regulations of the board. Certified  
80 backflow preventer testers shall be licensed by the department  
81 under those conditions as the department deems appropriate. As a  
82 condition of certification, each certified backflow preventer  
83 tester shall not charge a fee in excess of Fifty Dollars (\$50.00)  
84 for the inspection and testing of any low hazard backflow  
85 preventer.

86 (8) If a property owner fails to install an approved  
87 backflow preventer or fails to have a backflow preventer tested as  
88 required by this section, the public water system may discontinue  
89 service to that property owner until the failure is corrected.

90 (9) After the dates specified in subsections (4) and (5) of  
91 this section, it is unlawful to install or allow the installation  
92 or maintenance of any cross connection, auxiliary intake or  
93 bypass, unless the source and quality of water from the auxiliary  
94 supply, the method of connection and the use and operation of that  
95 cross connection, auxiliary intake or bypass has been approved by  
96 the director.

97 SECTION 2. Section 41-26-15, Mississippi Code of 1972, is  
98 amended as follows:[RF1]

99 41-26-15. The following acts and the causing of these acts  
100 are prohibited:

101 (a) Failure by a supplier of water to comply with the  
102 requirements of Section 41-26-13, or dissemination by that

103 supplier of any false or misleading information with respect to  
104 notices required under Section 41-26-13, or with respect to  
105 remedial actions being undertaken to achieve compliance with  
106 Mississippi Primary Drinking Water Regulations;

107 (b) Failure by a supplier of water to comply with this  
108 chapter or applicable rules or regulations promulgated under this  
109 chapter, or with conditions of any variances or exemptions granted  
110 under this chapter;

111 (c) Failure by any person to comply with any order  
112 issued by the director, administrative law judge or hearing  
113 officer under this chapter;

114 (d) Refusal by a supplier of water to allow an  
115 authorized representative of the department to inspect any public  
116 water system;

117 (e) Contamination of a public water system;

118 (f) Intentionally damaging any pipe or other part of a  
119 public water system;

120 (g) Discharge of sewage or other waste at any location  
121 that may come into contact with a public water system intake,  
122 unless that discharge is permitted or authorized by a state or  
123 federal agency; and

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125 (h) Abandonment or other termination of water services  
126 to more than fifty percent (50%) of the customers of a system by a  
127 supplier of water, without providing at least sixty (60) days'  
128 notice to all customers served by the public water system and the  
129 department.

130 SECTION 3. This act shall take effect and be in force from  
131 and after its passage.