

**\*\*\*Adopted\*\*\***

**AMENDMENT No. 1 PROPOSED TO**

**House Bill NO. 1390**

**By Senator(s) Committee**

16           Amend by striking all after the enacting clause and inserting  
17 in lieu thereof the following:

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19           SECTION 1. The following shall be codified as Section  
20 41-26-14, Mississippi Code of 1972:

21           41-26-14. (1) The department shall develop and implement a  
22 cross connection control program in accordance with this section.

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

32           (2) (a) The board shall adopt regulations defining a high  
33 hazard cross connection and a low hazard cross connection. The  
34 board shall determine which low hazard cross connections pose a  
35 very low risk and therefore are below regulatory concern. Those  
36 low hazard cross connections posing a very low risk shall be  
37 exempt from the requirements of this section. In addition, the  
38 regulations shall specify those backflow preventers which are

39 recommended to address both high hazard and low hazard cross  
40 connections.

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

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

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

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

69 (6) Each high hazard backflow preventer shall be inspected  
70 and tested at least annually. Each low hazard backflow preventer  
71 shall be inspected and tested at least biennially. If a high  
72 hazard backflow preventer fails to function properly, the property  
73 owner shall have the backflow preventer repaired and retested or

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

80 (7) All inspection and testing of backflow preventers under  
81 this section shall be conducted by a certified tester, unless  
82 otherwise provided in the regulations of the board. Certified  
83 backflow preventer testers shall be licensed by the department  
84 under those conditions as the department deems appropriate.

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

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

96 SECTION 2. Section 41-26-15, Mississippi Code of 1972, is  
97 amended as follows:

98 41-26-15. The following acts and the causing of these acts  
99 are prohibited:

100 (a) Failure by a supplier of water to comply with the  
101 requirements of Section 41-26-13, or dissemination by that  
102 supplier of any false or misleading information with respect to  
103 notices required under Section 41-26-13, or with respect to  
104 remedial actions being undertaken to achieve compliance with  
105 Mississippi Primary Drinking Water Regulations;

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

109 under this chapter;

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

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

116 (e) Contamination of a public water system;

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

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

123 \* \* \*

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

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

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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.