

By: Senator(s) Nunnelee

To: Public Health and Welfare

SENATE BILL NO. 2465

1 AN ACT TO AMEND SECTION 41-26-8, MISSISSIPPI CODE OF 1972, TO
2 DELETE THE AUTOMATIC REPEALER ON THE STATUTE PROVIDING CORROSION
3 CONTROL TREATMENT REQUIREMENTS FOR PUBLIC WATER SYSTEMS; AND FOR
4 RELATED PURPOSES.

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

6 **SECTION 1.** Section 41-26-8, Mississippi Code of 1972, is
7 amended as follows:

8 41-26-8. (1) The director shall exercise general
9 supervision over the construction and operation of public water
10 systems throughout the state. The general supervision shall
11 include all of the features of construction and operation of
12 public water systems which do or may affect the sanitary quality
13 or the quantity of the water supply.

14 (2) (a) No person shall construct or change any community
15 public water system or nontransient, noncommunity public water
16 system until the plans for that construction or change have been
17 submitted to and approved by the director. Plans for the
18 construction or change must be prepared by a professional engineer
19 registered in this state.

20 (b) In addition, each applicant for a new community
21 public water system or nontransient, noncommunity public water
22 system shall submit an operation and maintenance plan for review
23 and approval by the director. The plan must be approved before
24 beginning construction.

25 (c) In granting any approval under this section, the
26 director may specify any modifications, conditions or limitations
27 as may be required for the protection of the public health and
28 welfare.

29 (d) The director may also review the source of the
30 water and the quantity of water to be withdrawn.

31 (e) Records of construction, including plans and
32 descriptions of existing portions of a public water system, shall
33 be made available to the department upon request.

34 (f) Each applicant for a new community public water
35 system or nontransient, noncommunity public water system shall
36 submit financial and managerial information as required by the
37 public utilities staff. Following review of that information, the
38 executive director of the public utilities staff shall certify in
39 writing to the director the financial and managerial viability of
40 the system if the executive director determines the system is
41 viable. The director shall not approve the construction until
42 that certification is received.

43 (g) The director shall not approve any plans for
44 changes to an existing community public water system or
45 nontransient, noncommunity public water system, if the director
46 determines the changes would threaten the viability of the system
47 or if the changes may overload the operational capabilities of the
48 system.

49 (h) Those public water systems determined by the
50 director to be appropriately providing corrosion control treatment
51 shall effectively operate and maintain the system's water
52 treatment facilities in order to continuously provide the optimum
53 pH of the treated water or optimum dosage of corrosion inhibitor.

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55 (3) Each semipublic water system shall notify the department
56 of its location, a responsible party and the number of connections
57 served. The department shall, to the extent practicable, take
58 appropriate actions to ensure that records on semipublic water
59 systems are up-to-date. The board may require water well drillers
60 to provide information on wells drilled for use by semipublic
61 water systems. The department shall at least annually collect a

62 sample from each semipublic water system and shall analyze that
63 sample at no cost to the semipublic water system for
64 microbiological contaminants and any other contaminants deemed
65 appropriate by the department. If the department finds levels of
66 contaminants exceeding the Mississippi Primary Drinking Water
67 Standards, the department shall notify the responsible party and
68 shall provide technical assistance to the system to correct the
69 problem. No semipublic water system shall be subject to the
70 penalty provided under Section 41-26-31, Mississippi Code of 1972.

71 **SECTION 2.** This act shall take effect and be in force from
72 and after June 30, 2005.