

By: Senator(s) Carter

To: Public Health and  
Welfare

SENATE BILL NO. 2340

1 AN ACT TO ENACT THE MISSISSIPPI WATER QUALITY ACCOUNTABILITY  
2 ACT; AND FOR RELATED PURPOSES.

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

4 **SECTION 1. Definitions.** (1) This section shall be known  
5 and may be cited as the "Mississippi Water Quality Accountability  
6 Act."

7 (2) For the purposes of this section, the following words  
8 and phrases shall have the meanings ascribed herein unless the  
9 context clearly indicates otherwise:

10 (a) "Commission" means the Mississippi Public Service  
11 Commission.

12 (b) "Critical valves" means those valves that are  
13 identified as critical per a water purveyor's definition, which  
14 shall include valves that are:

15 (i) Sixteen inches (16") and larger;

16 (ii) Located at hospitals, dialysis centers or  
17 nursing homes;



18 (iii) Located at certain water treatment plants or  
19 at emergency interconnections with purveyors; or

20 (iv) Regulator or relief control valves.

21 Additional critical valves may be defined by each water purveyor  
22 in cooperation with the Public Service Commission to ensure  
23 localized customization and cost control.

24 (c) "Department" means the Mississippi Department of  
25 Environmental Quality.

26 (d) "Public water system" means a system for the  
27 provision to the public of water for human consumption through  
28 pipes or other constructed conveyances, if such system has at  
29 least fifteen (15) service connections or regularly serves an  
30 average of at least twenty-five (25) individuals a day on at least  
31 sixty (60) days out of the year. Such term includes:

32 (i) Any collection, treatment, storage and  
33 distribution facilities under control of the operator of such  
34 system and used primarily in connection with such system; and

35 (ii) Any collection or pre-treatment storage  
36 facilities not under such control which are used primarily in  
37 connection with such system.

38 (e) "Public community water system" means a public  
39 water system which serves at least fifteen (15) service  
40 connections used by year-round residents or regularly serves at  
41 least twenty-five (25) year-round residents.



42 (f) "Water purveyor" means any person that owns a  
43 public water system.

44 (g) "Asset management plan" means a plan that is filed  
45 with the commission and the department that contains the  
46 following:

47 (i) A water main renewal program designed to  
48 achieve a one-hundred-fifty-year replacement cycle, or other  
49 appropriate replacement cycle as determined by a detailed  
50 engineering analysis of the asset condition and estimated service  
51 lives of the water mains serving the public water system;

52 (ii) A water supply and treatment program designed  
53 to inspect, maintain, repair, renew and upgrade wells, intakes,  
54 pumps and treatment facilities in accordance with all federal and  
55 state regulations, standards established by the American Water  
56 Works Association and any mitigation plan required pursuant to  
57 Section 5 of this act; and

58 (iii) Any other programs, plans or provisions as  
59 may be required by the Department pursuant to rules and  
60 regulations adopted pursuant to the Mississippi Administrative  
61 Procedures Act, Section 2-43-1.10 et seq.

62 **SECTION 2. Inspections; testing by water purveyor.** (1)

63 Each water purveyor in this state shall inspect each critical  
64 valve in its public water system in accordance with the provisions  
65 of subsection (2) of this section in order to determine the  
66 accessibility of the valve for operational purposes and the



67 valve's operating condition. A water purveyor shall repair or  
68 replace any valve found to be broken or otherwise not operational.

69 (2) Each water purveyor shall inspect each critical valve  
70 that is defined according to its own standards, developed in  
71 cooperation with the commission, at a frequency defined by the  
72 water purveyor and agreed to by the commission. At a minimum,  
73 each valve inspection conducted pursuant to this subsection shall  
74 include:

75 (a) Clearing of the area around the valve to ensure  
76 full access to the valve for operating purposes;

77 (b) Cleaning out of the valve box;

78 (c) Dynamic testing of the valve, by opening and then  
79 closing the valve for either of the following number of turns:

80 (i) The number of turns recommended by the valve  
81 manufacturer to constitute a credible test; or

82 (ii) The number of turns which constitute fifteen  
83 percent (15%) of the total number of turns necessary to completely  
84 open or completely close the valve; and

85 (d) complying with any other criteria as may be  
86 required by the Department pursuant to rules and regulations  
87 adopted pursuant to the Mississippi Administrative Procedures Act,  
88 Section 2-43-1.10 et seq.

89 (3) Each water purveyor shall, at least once a year, inspect  
90 the fire hydrants in its system to ensure operability unless more  
91 frequent inspections are required by local ordinance.



92 (4) Each water purveyor shall formulate and implement a plan  
93 for flushing fire hydrants and dead ends, as needed, with the  
94 intent to maintain adequate water quality levels.

95 (5) Each water purveyor's fire hydrants, regardless of  
96 whether owned solely or jointly shall be recorded in a database  
97 accessible to regulators. The database shall contain the  
98 characteristics of the hydrant as well as distinguishing  
99 identification.

100 (6) Each water purveyor shall identify, to the extent  
101 possible, the geographic location of each valve and fire hydrant  
102 in its public water system using a global positioning system based  
103 on satellite or other location technology.

104 **SECTION 3. Development of cybersecurity system; exemptions.**

105 Within one hundred twenty (120) days after the effective date of  
106 this act, each water purveyor shall develop a cybersecurity  
107 program, in accordance with requirements established by the  
108 commission, that defines and implements organization  
109 accountability and responsibility for cyber risk management  
110 activities, and establishes policies, plans, processes and  
111 procedures for identifying and mitigating cyber risk to its public  
112 water system. As part of the program, a water purveyor shall  
113 conduct risk assessments and implement appropriate controls to  
114 mitigate identified risks to the public water system, maintain  
115 situational awareness of cyber threats and vulnerabilities to the  
116 public water system and create and exercise incident response and



117 recovery plans. A copy of the program developed pursuant to this  
118 subsection shall be provided to the commission.

119 **SECTION 4. Violations; mitigation.** In addition to any other  
120 requirements in law, or any rule or regulation adopted pursuant  
121 thereto, whenever a water purveyor is issued three notices of  
122 violation for any reason or two notices of violation related to an  
123 exceedance of a maximum contaminant level within any twelve-month  
124 period, the water purveyor, within sixty (60) days after receipt  
125 of the third or second notice, as applicable, shall submit to the  
126 Department a mitigation plan specifying whether the notice of  
127 violation will be addressed through operational changes or require  
128 a capital expenditure and providing a schedule for implementation  
129 of the mitigation plan. The mitigation plan shall include a  
130 report prepared by the licensed operator of the public water  
131 system and a professional licensed engineer that includes a  
132 technical analysis of the notices of violation and an explanation  
133 of how the mitigation plan submitted pursuant to this section is  
134 intended to prevent a recurrence of the issue that resulted in the  
135 notice of violation. Any capital expenditures required pursuant  
136 to this section shall be incorporated into the asset management  
137 plan required pursuant to Section 7 of this act.

138 **SECTION 5. Additional certifications and notifications.** (1)  
139 In addition to any other certifications required pursuant to law,  
140 rule or regulation, the responsible corporate officer of the  
141 public water system, if privately held, executive director, if an



142 authority, or mayor or chief executive officer of the  
143 municipality, if municipally owned, as applicable, shall be  
144 required to certify in writing each year to the department and, if  
145 applicable, the commission, that the water purveyor complies with:

146 (a) All federal and state drinking water  
147 regulations, including water quality sampling, testing and  
148 reporting requirements;

149 (b) The hydrant and valve requirements set forth  
150 in Section 3 of this act;

151 (c) The notice of violation mitigation plan  
152 requirements set forth in Section 5 of this act, if applicable;  
153 and

154 (d) The infrastructure improvement investment  
155 required pursuant to Section 7 of this act.

156 This certification is a public document that shall be made  
157 available upon request.

158 (2) Each year the utility shall inform their customers of  
159 compliance with this act with an annual report, which can be  
160 incorporated into any other required annual reporting.

161 **SECTION 6. Asset management plan; reporting.** (1) Beginning  
162 no later than eighteen (18) months after the effective date of  
163 this act, every water purveyor shall implement an asset management  
164 plan designed to inspect, maintain, repair and renew its  
165 infrastructure consistent with standards established by the  
166 American Water Works Association.



167           (2) Each water purveyor shall dedicate funds on an annual  
168 basis to address and remediate the highest priority projects as  
169 determined by its asset management plan.

170           (3) All asset management plans and system condition reports  
171 shall be certified to by the licensed operator or professional  
172 engineer of the public water system and the responsible corporate  
173 officer of the public water system, if privately held, executive  
174 director, if an authority, or mayor or chief executive officer of  
175 the municipality, if municipally owned, as applicable. The  
176 replacement cycle shall be determined by dividing the miles of  
177 water main located in the public water system by one hundred fifty  
178 (150), or by other appropriate demonstration set forth in the  
179 certified asset management plan prepared pursuant to this section.

180           (4) Every year each water purveyor shall provide to the  
181 department and the commission an annual report based on its asset  
182 management plan identifying the infrastructure improvements to be  
183 undertaken in the coming year and the cost of those improvements,  
184 as well as identifying the infrastructure improvements completed  
185 in the past year and the cost of those improvements.

186           (5) The department and the commission shall create a  
187 centralized portal allowing for electronic submittal of the annual  
188 report; provided, however, that any lack of a centralized portal  
189 pursuant to this subsection shall not negate the requirement for a  
190 water purveyor to submit an annual report.





191           **SECTION 7.**   **Effects on public funding.**   Each water purveyor  
192 to which or for the benefit of any public subsidized loan or other  
193 public financial assistance is provided shall demonstrate that it  
194 has developed or is actively developing an asset management  
195 program as defined in Section 1 of this act and a cybersecurity  
196 plan as described in Section 3 of this act.

197           **SECTION 8.**   **Enforcement.**   For a water system or wastewater  
198 system operator as specified under Section 1 of this act, the  
199 department shall issue an order, enter into a consent decree,  
200 assess a civil penalty or take any other action deemed necessary  
201 by the Department to enforce compliance with this section.

202           **SECTION 9.**   **Acquisition safe harbor.**   A water purveyor shall  
203 not be required to bring a newly-acquired water system into  
204 compliance with the provision of this act for a period of  
205 thirty-six months following the acquisition of such water system.

206           **SECTION 10.**   Sections 1 through 9 of this act shall be  
207 codified as a new chapter in Title 51, Mississippi Code of 1972.

208           **SECTION 11.**   This act shall take effect and be in force from  
209 and after July 1, 2023.

