

By: Representative McBride

To: Conservation and Water Resources

HOUSE BILL NO. 935

1 AN ACT TO AMEND SECTION 41-26-8, MISSISSIPPI CODE OF 1972, TO  
2 ALLOW THE DIRECTOR UNDER THE MISSISSIPPI SAFE DRINKING WATER ACT  
3 TO IDENTIFY THOSE PUBLIC WATER SYSTEMS APPROPRIATELY DESIGNED AND  
4 CONSTRUCTED TO PROVIDE CORROSION CONTROL TREATMENT AND TO PROVIDE  
5 ANNUAL WRITTEN NOTIFICATION OF THE OPTIMUM DOSAGE OF CORROSION  
6 INHIBITOR; AND FOR RELATED PURPOSES.

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

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

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

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

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

27 (c) In granting any approval under this section, the  
28 director may specify any modifications, conditions or limitations



29 as may be required for the protection of the public health and  
30 welfare.

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32 water and the quantity of water to be withdrawn.

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

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

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

51 (h) The director shall identify those public water  
52 systems appropriately designed and constructed to provide  
53 corrosion control treatment, either pH adjustment or addition of  
54 corrosion inhibitors, to the water provided to their customers.  
55 The director shall further determine the optimum pH of the treated  
56 water or optimum dosage of corrosion inhibitor for those public  
57 water systems determined to be appropriately providing corrosion  
58 control treatment and the director shall provide annually official  
59 written notification to those water systems of this optimum pH or  
60 optimum dosage. Those public water systems determined by the  
61 director to be appropriately providing corrosion control treatment



62 shall effectively operate and maintain the system's water  
63 treatment facilities in order to continuously provide this optimum  
64 pH or optimum dosage.

65 (3) Each semi-public water system shall notify the  
66 department of its location, a responsible party and the number of  
67 connections served. The department shall, to the extent  
68 practicable, take appropriate actions to ensure that records on  
69 semi-public water systems are up-to-date. The board may require  
70 water well drillers to provide information on wells drilled for  
71 use by semi-public water systems. The department shall at least  
72 annually collect a sample from each semi-public water system and  
73 shall analyze that sample at no cost to the semi-public water  
74 system for microbiological contaminants and any other contaminants  
75 deemed appropriate by the department. If the department finds  
76 levels of contaminants exceeding the Mississippi Primary Drinking  
77 Water Standards, the department shall notify the responsible party  
78 and shall provide technical assistance to the system to correct  
79 the problem. No semi-public water system shall be subject to the  
80 penalty provided under Section 41-26-31, Mississippi Code of 1972.

81 **SECTION 2.** This act shall take effect and be in force from  
82 and after July 1, 2002.

