

By: Representative Warren

To: Conservation and Water Resources

HOUSE BILL NO. 210

1 AN ACT TO AMEND SECTION 41-26-8, MISSISSIPPI CODE OF 1972, TO
2 EXTEND THE DATE OF REPEAL ON THE SECTION OF LAW THAT OUTLINES THE
3 REQUIREMENTS FOR CONSTRUCTION AND OPERATION OF PUBLIC WATER
4 SYSTEMS AND ASSESSES CORROSION CONTROL TREATMENT; AND FOR RELATED
5 PURPOSES.

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

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

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

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

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

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

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

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31 water and the quantity of water to be withdrawn.

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

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

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

50 (h) Those public water systems determined by the
51 director to be appropriately providing corrosion control treatment
52 shall effectively operate and maintain the system's water
53 treatment facilities in order to continuously provide the optimum
54 pH of the treated water or optimum dosage of corrosion inhibitor.
55 This paragraph shall repeal on July 1, 2007.

56 (3) Each semi-public water system shall notify the
57 department of its location, a responsible party and the number of
58 connections served. The department shall, to the extent
59 practicable, take appropriate actions to ensure that records on
60 semi-public water systems are up-to-date. The board may require

61 water well drillers to provide information on wells drilled for
62 use by semi-public water systems. The department shall at least
63 annually collect a sample from each semi-public water system and
64 shall analyze that sample at no cost to the semi-public water
65 system for microbiological contaminants and any other contaminants
66 deemed appropriate by the department. If the department finds
67 levels of contaminants exceeding the Mississippi Primary Drinking
68 Water Standards, the department shall notify the responsible party
69 and shall provide technical assistance to the system to correct
70 the problem. No semi-public water system shall be subject to the
71 penalty provided under Section 41-26-31, Mississippi Code of 1972.

72 **SECTION 2.** This act shall take effect and be in force from
73 and after July 1, 2005.