

By: Representative Warren

To: Conservation and Water Resources

HOUSE BILL NO. 771

1 AN ACT TO AMEND SECTION 41-26-8, MISSISSIPPI CODE OF 1972, TO  
2 EXTEND THE REPEALER FROM JULY 1, 2007, TO JULY 1, 2009, ON THE  
3 PROVISION OF LAW THAT PROVIDES CORROSION CONTROL TREATMENT  
4 REQUIREMENTS FOR PUBLIC WATER SYSTEMS; AND FOR 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30 water and the quantity of water to be withdrawn.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.  
54 This paragraph shall repeal on July 1, 2009.

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 July 1, 2007.