

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 66

AN ACT

To amend chapters 640 and 701, RSMo, by adding thereto six new sections relating to water safety and security.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

Section A. Chapters 640 and 701, RSMo, are amended by adding thereto six new sections, to be known as sections 640.141, 640.142, 640.144, 640.145, 640.146, and 701.200, to read as follows:

640.141. 1. Sections 640.141 to 640.145 shall be known and may be cited as the "Missouri Water Safety and Security Act".

2. By January 1, 2021, each public water system, as defined in section 640.102, that serves less than fifty thousand customers in the state shall create an asset management plan (AMP).

3. Each AMP shall contain the following:

(1) A water main renewal plan; and

(2) A water supply and treatment plan designed to inspect, maintain, repair, renew, and upgrade wells, intakes, pumps, and treatment facilities in accordance with all federal and state regulations.

4. All AMPs shall be signed by the operator or engineer of the public water system and the responsible corporate officer, executive director, or mayor, as applicable.

5. The public water system shall make a summary of its AMP available upon request. The summary of the AMP shall not include any information that could compromise the physical or cyber security of the system.

640.142. 1. Within one year of the effective date of this section, each public water system that serves less than three thousand two hundred customers shall create a plan that establishes policies and procedures for identifying and mitigating cyber risk. The plan shall include risk assessments and implementation of appropriate controls to mitigate identified cyber risks.

2. Public water systems that do not use an internet-connected control system are exempt from the provisions of this section.

640.144. 1. All public water systems shall be required to create a valve inspection plan that includes:

(1) An inspection plan of all valves every ten years;
(2) Planned scheduled repair or replacement of broken valves; and

(3) Identification of each valve location using a geographic information system or metes and bounds, with the geographic information system locations to be completed by 2029.

2. All public water systems shall be required to create a hydrant inspection plan that includes:

(1) Testing of every hydrant in the public water system every two years;

(2) A schedule for repair or replacement of broken hydrants;

(3) A plan to flush every hydrant and dead-end main;

(4) Maintenance of records of inspections, tests, and flushings for six years; and

(5) Identification of each hydrant location using a geographic information system or metes and bounds, with the geographic information system locations to be completed by 2029.

640.145. Public water systems operated by the department of natural resources are exempt from the provisions of sections 640.141 to 640.146.

640.146. Nothing in sections 640.140 to 640.146 shall be construed to establish a private civil cause of action against an individual in violation of sections 640.140 to 640.146.

701.200. 1. Subject to appropriations, each school district, as such term is defined in section 160.011, shall test each source of potable water in a public school building in that district serving students under first grade and constructed before 1996 for lead contamination in accordance with guidance provided by the department of health and senior services. The school district shall submit the samples to a department-approved laboratory for analysis for lead and provide the written sampling results to the department within seven days of receipt. Sampling and analysis under this subsection shall be completed by December 31, 2021.

2. The department shall develop guidance for schools in collecting and testing first-draw samples of potable water. The department shall develop and make publicly available a list of approved laboratories for lead analysis.

3. If any of the samples taken in the building exceed five

parts per billion, the school district shall promptly provide individual notification of the sampling results, by written or electronic communication, to the parents or legal guardians of all enrolled students and include the following information: the corresponding sampling location within the building and the U.S. Environmental Protection Agency's website for information about lead in drinking water. If any of the samples taken in the building are at or below five parts per billion, notification may be made as provided in this subsection or by posting on the school's website.

4. A school district may seek a waiver of the requirements of this section from the department if the district collected a sample of water from each source of potable water in accordance with the procedures established under subsection 2 of this section or comparable procedures, a department-approved laboratory analyzed the samples, test results were obtained prior to August 28, 2019, and test results are submitted to the department by December 31, 2020.

5. The department may promulgate rules and regulations necessary to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010 that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536, and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536, to review, to delay the effective date, or to disapprove and annul a rule are subsequently held

unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2019, shall be invalid and void.

6. As used in this section, the term "source of potable water" shall mean the point at which nonbottled water that may be ingested by children or used for food preparation exits any tap, faucet, drinking fountain, wash basin in a classroom occupied by children or students under first grade, or similar point of use; provided, that all bathroom sinks and wash basins used by janitorial staff are excluded from this definition.