

FIRST REGULAR SESSION

# SENATE BILL NO. 66

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WHITE.

Pre-filed December 1, 2018, and ordered printed.

ADRIANE D. CROUSE, Secretary.

0552S.011

## AN ACT

To amend chapter 640, 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. Chapter 640, RSMo, is amended by adding thereto six new sections, to be known as sections 640.141, 640.142, 640.143, 640.144, 640.145, and 640.146, 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. Within one year of the effective date of this section, each public water system, as defined in section 640.102, in the state shall create an asset management plan (AMP).**

**3. Each AMP shall contain the following:**

**(1) A water main renewal program designed to achieve a replacement rate of at least four-tenths of one percent or other appropriate replacement rate as determined by a detailed engineering analysis of the condition of the mains;**

**(2) A water supply and treatment program designed to inspect, maintain, repair, renew, and upgrade wells, intakes, pumps, and treatment facilities in accordance with all federal and state regulations and any notice of violation (NOV) mitigation plans prepared under section 640.143; and**

**(3) An annual allocation of public water system funds to address and remediate the highest priority projects.**

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

640.142. 1. Within one hundred twenty days of the effective date  
2 of this section, each public water system shall create a plan that  
3 establishes policies and procedures for identifying and mitigating cyber  
4 risk. The plan shall include risk assessments and implementation of  
5 appropriate controls to mitigate identified cyber risks.

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

640.143. If a public water system receives three notices of  
2 violation (NOV) for any reason or two NOVs relating to exceeding  
3 maximum contaminant levels within any twelve-month period, the  
4 public water system shall submit a mitigation plan to the department  
5 of natural resources within sixty days of the latest violation. The  
6 mitigation plan shall contain:

7 (1) If the NOV will be addressed through changes in procedure  
8 or requires a capital expenditure, a schedule for implementing the  
9 changes or capital improvements;

10 (2) A report by a licensed operator of the public water system  
11 and an engineer who has analyzed the NOVs about how the mitigation  
12 plan will address the cause of the NOVs; and

13 (3) A modification of the AMP to reflect necessary capital  
14 expenditures, if any.

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

3 (1) Inspection of all valves every ten years;

4 (2) Scheduled repair or replacement of broken valves; and

5 (3) Identification of each valve location using a geographic  
6 information system.

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

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

11 (2) Scheduled repair or replacement of broken hydrants;

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

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

15 (5) Identification of each hydrant location using a geographic  
16 information system.

640.145. 1. Public water systems shall submit an annual report  
2 to the department of natural resources that shall certify compliance  
3 with all regulations regarding:

- 4 (1) Water quality sampling, testing, and reporting;
- 5 (2) Hydrant and valve inspections under section 640.144;
- 6 (3) NOV mitigation plans submitted to the department under  
7 section 640.143, if applicable;
- 8 (4) Cyber security plans and policies, if required under section  
9 640.142; and
- 10 (5) Asset management plans required under section 640.141,  
11 including the infrastructure improvements planned for the coming year  
12 and the estimated cost of those improvements, and the infrastructure  
13 improvements made in the past year and the cost of those  
14 improvements.

15 2. The annual report shall be certified by the responsible  
16 corporate officer, executive director, or the mayor, as applicable.

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

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