

By: Madla

S.B. No. 856

A BILL TO BE ENTITLED

AN ACT

1
2 relating to an exemption for small community water systems from
3 public drinking water standards for certain naturally occurring
4 materials.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter C, Chapter 341, Health and Safety
7 Code, is amended by adding Section 341.0316 to read as follows:

8 Sec. 341.0316. EXEMPTION FOR SMALL COMMUNITY WATER SYSTEMS
9 FROM CERTAIN DRINKING WATER STANDARDS. (a) In this section:

10 (1) "Demonstrable public health benefit" means a
11 material health benefit affecting an entire community water system
12 as evidenced by natural disease rates highly distinguishable from
13 disease rates enhanced by levels of naturally occurring materials
14 in drinking water as represented by maximum contaminant levels
15 established by federal mandate.

16 (2) "Reasonably available alternate water supply"
17 means another water source, the cost of access to which is not equal
18 to or greater than 1.3 times the amount of the user's cost for the
19 user's existing water supply.

20 (3) "Small community water system" means an entity
21 that serves 10,000 customers or fewer.

22 (b) In adopting a rule to implement a federal drinking water
23 standard for the maximum contaminant level of such naturally
24 occurring materials as radionuclides and arsenic, the commission

1 shall exempt from that standard a potentially affected small
2 community water system that has no reasonably available alternate
3 water supply unless:

4 (1) the commission and other state agencies with
5 expertise in the protection of public health demonstrate that the
6 standard is based on peer-reviewed and proper oral ingestion
7 studies to ensure that the standard provides a demonstrable public
8 health benefit; or

9 (2) the existing source of water for the small
10 community water system is groundwater, the reservoir of which
11 crosses state boundaries.

12 (c) The exemption does not apply if the federal government
13 pays for all costs for complying with the standards, including
14 costs of the state, the drinking water supplier, and the end point
15 drinking water user.

16 SECTION 2. This Act takes effect immediately if it receives
17 a vote of two-thirds of all the members elected to each house, as
18 provided by Section 39, Article III, Texas Constitution. If this
19 Act does not receive the vote necessary for immediate effect, this
20 Act takes effect September 1, 2003.