

House Bill 1094

By: Representatives Kaiser of the 59<sup>th</sup> and Drenner of the 85<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 5 of Article 3 of Chapter 5 of Title 12 of the Official Code of Georgia  
2 Annotated, relating to public water systems, so as to impose additional requirements on  
3 municipal water supply systems related to testing for certain contaminants; to require timely  
4 notice to affected users in the event of emergencies related to drinking water quality; to  
5 provide for related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Part 5 of Article 3 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated,  
9 relating to public water systems, is amended by revising paragraph (8) of Code Section  
10 12-5-172, relating to definitions relative to public water systems, as follows:

11 "(8) 'Municipality' means a city, town, or other similar public body created by or  
12 pursuant to state law."

13 **SECTION 2.**

14 Said part is further amended by revising Code Section 12-5-177, relating to enforcement,  
15 minimum requirements, and applicability of drinking water regulations, as follows:

16 "12-5-177.

17 (a) The director shall enforce all rules and regulations promulgated and adopted pursuant  
18 to this part.

19 (b) The Georgia primary drinking water regulations shall be no less stringent than the  
20 complete interim or revised national primary drinking water regulations adopted pursuant  
21 to the federal act and shall include the following additional requirements:

22 (1) All public water systems serving a municipality shall monitor at least once every 12  
23 months for levels of lead exceeding 15 parts per billion and report the results to the  
24 division; and

25 (2) Any monitoring conducted pursuant to paragraph (1) of this subsection which  
 26 identifies levels of lead exceeding 5 parts per billion shall be included in the water bills  
 27 of such public water system until the levels of lead no longer exceed 5 parts per billion.

28 (c) The Georgia primary drinking water regulations shall apply to each public water  
 29 system in ~~the~~ this state, except that such regulations shall not apply to a public water  
 30 system which:

31 (1) Consists only of distribution and storage facilities and which does not have any  
 32 collection and treatment facilities;

33 (2) Obtains all of its water from, but is not owned or operated by, the owner or operator  
 34 of a public water system to which such regulations apply;

35 (3) Does not sell water to any persons; and

36 (4) Is not a carrier which conveys passengers in intrastate commerce.

37 (d) The director shall initiate procedures for the enforcement of the rules and regulations  
 38 promulgated and adopted pursuant to this part, including, but not necessarily limited to,  
 39 monitoring and inspection procedures.

40 (e) The director shall keep such records and make such reports with respect to his or her  
 41 activities under subsections (a) and (d) of this Code section as may be required by  
 42 regulations established by the administrator pursuant to the federal act."

### 43 **SECTION 3.**

44 Said part is further amended by revising Code Section 12-5-182, relating to powers of the  
 45 director to protect public from contaminants presenting imminent and substantial danger, as  
 46 follows:

47 "12-5-182.

48 (a) The director, upon receipt of information that a contaminant is present in or is likely  
 49 to enter a public water system and that such contaminant may present imminent and  
 50 substantial danger to the public health, ~~may~~ shall take such ~~authorized action as he may~~  
 51 ~~deem~~ action necessary in order to protect the public health. The actions which the director  
 52 may take include, but shall not be limited to, issuing such orders as may be necessary to  
 53 protect the health of persons who are or may be users of such system, including travelers;  
 54 commencing actions under Code Section 12-5-187; and commencing a civil action for  
 55 appropriate relief, including, but not limited to, an action to obtain a restraining order or  
 56 temporary or permanent injunction.

57 (b) The director, upon receipt of information that a contaminant which may pose an  
 58 imminent and substantial danger to the public health is present in a public water system,  
 59 shall provide notice thereof by publication in a newspaper of general circulation within the  
 60 area served by such water system."

61 **SECTION 4.**

62 Said part is further amended by revising Code Section 12-5-183, relating to emergency  
63 provision of water, as follows:

64 "12-5-183.

65 The director shall develop an adequate plan for the provision of safe drinking water under  
66 emergency circumstances. When, in the judgment of the director, emergency  
67 circumstances exist in ~~the~~ this state with respect to a need for safe drinking water, he ~~may~~  
68 or she shall take such actions ~~as he may deem necessary in order~~ to provide such water  
69 where it otherwise would not be available."

70 **SECTION 5.**

71 Said part is further amended by revising Code Section 12-5-187, relating to emergency  
72 orders, as follows:

73 "12-5-187.

74 (a) Whenever the director finds that an emergency exists requiring immediate action to  
75 protect the public health, he or she may, without notice or hearing, issue an order reciting  
76 the existence of such an emergency and requiring that such action be taken as he or she  
77 deems necessary to meet the emergency. Notwithstanding the provisions of Code Sections  
78 12-5-185 and 12-5-186, such order shall be effective immediately. Any person to whom  
79 such order is directed shall comply therewith immediately but shall be afforded a hearing  
80 within 20 days of the issuance of same. Notice of the time and place of such hearing shall  
81 be specified in such order. The hearing shall be conducted by a hearing officer appointed  
82 by the Board of Natural Resources. Based upon findings adduced at such hearing, the  
83 order shall be modified, revoked, or continued by the hearing officer as he or she deems  
84 appropriate. Review of the hearing officer's decision shall be conducted in accordance with  
85 subsection (c) of Code Section 12-2-2.

86 (b) Whenever the director issues an order pursuant to subsection (a) of this Code section,  
87 he or she shall also provide notice of such order by publication in a newspaper of general  
88 circulation within the area affected by such emergency."

89 **SECTION 6.**

90 All laws and parts of laws in conflict with this Act are repealed.