

MAINE STATE LEGISLATURE

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L.D. 1743

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HUMAN RESOURCES

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
117TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 1268, L.D. 1743, Bill, "An Act to Establish Consistency between Federal and State Drinking Water Laws"

Amend the bill by striking out all of sections 4 to 6 and inserting in their place the following:

Sec. 4. 22 MRSA §2614, sub-§3 is enacted to read:

3. Boil-water order. For the purposes of this section and section 2615, "boil-water order" means an order issued by the commissioner to protect the health of persons consuming water from a public water system that may be contaminated by pathogenic microorganisms.

The boil-water order may immediately require the supplier of water to complete public notification of the threat to public health pursuant to section 2615.

A boil-water order may be issued when, in the judgment of the commissioner, a threat to the public health may exist from the presence of pathogenic microorganisms in a public water system. A boil-water order may be issued without a prior public hearing and served on the supplier of water by personal service, certified mail or by any other method if receipt is acknowledged by the supplier of water. At the written request of a supplier of water, a public hearing must be held on the boil-water order within 15 days of the receipt of the request.

Sec. 5. 22 MRSA §2615, sub-§1, as enacted by PL 1975, c. 751, §4, is repealed and the following enacted in its place:

COMMITTEE AMENDMENT

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1 1. Notification. A public water system shall notify the
2 public of the nature and extent of possible health effects as
3 soon as practicable, but not later than the time periods
4 established under subsection 4, if the system:

6 A. Is not in compliance with a state drinking water rule;

8 B. Fails to perform monitoring, testing or analyzing or
9 fails to provide samples as required by departmental rules;

10 C. Is subject to a variance or an exemption granted under
11 section 2613; or

12 D. Is not in compliance with the terms of a variance or an
13 exemption granted under section 2613.

14 Public notification under this section must be provided
15 concurrently to the system's local health officer and to the
16 department. When required by law, the department shall forward a
17 copy of the notification to the Administrator of the United
18 States Environmental Protection Agency. The department may
19 require notification to a public water system's individual
20 customers by mail delivery or by hand delivery within a
21 reasonable time, but not earlier than required under federal laws.
22

23 **Sec. 6. 22 MRSA §2615, sub-§§3 to 5** are enacted to read:

24 3. Form of notification. In addition to the notification
25 required under subsection 1, a public water system shall provide
26 public notification by furnishing a copy of the information
27 required under subsection 1 in accordance with this subsection.
28 A public water system that may provide notification via newspaper
29 or media may voluntarily provide notification to its customers
30 via mail or hand delivery. Notification must be provided:
31

32 A. To a daily newspaper or the communications media
33 covering the territory served by the system; or

34 B. When a public water system is not served by a daily
35 newspaper or communications media, or when a public water
36 system is a nontransient, noncommunity system, directly to
37 its customers via hand delivery or through continuous
38 posting in conspicuous places reasonably calculated to reach
39 the customers within the territory served by the system.

40 4. Timing of notification. A public water system shall
41 provide public notification pursuant to subsection 3 on a
42 notification schedule as follows:
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H. 8.

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- 2 A. When a boil-water order is properly issued to a public
- 4 water system under section 2614, subsection 3, within 24
- 6 hours;
- 8 B. When a violation of a maximum contaminant level does not
- 10 result in an acute risk to public health, when a treatment
- 12 technique is required or when a schedule is contained within
- 14 a variance or an exemption, within 14 days;
- 16 C. When a violation of a maximum contaminant level results
- 18 in an acute risk to public health, within 72 hours of the
- 20 identification of the violation;
- 22 D. For minor monitoring violations, as defined by the
- 24 commissioner by rule, at least once annually;
- 26 E. For monitoring violations, other than for minor
- 28 monitoring violations, within 90 days of the identification
- 30 of the violation and at least once annually; and
- 32 F. For ongoing violations, once notification for a
- 34 violation under this section has been provided, notification
- 36 by mail delivery or by hand delivery at least once every 3
- 38 months for as long as the violation continues.

26 5. Rulemaking. The commissioner shall adopt rules
 28 establishing the procedures for the provision of public
 30 notification as required to comply with state and federal laws.
 32 Rules adopted pursuant to this section are minor technical rules
 34 as defined in Title 5, chapter 375, subchapter II-A.'

STATEMENT OF FACT

34 This amendment replaces sections 4 to 6 of the bill. It
 36 makes the boil-water requirements of state law consistent with
 38 federal requirements. It clarifies the requirements for form and
 timing of notification of a boil-water order.

COMMITTEE AMENDMENT