

LEGISLATURE OF NEBRASKA
ONE HUNDRED FOURTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 899

Introduced by Baker, 30.

Read first time January 11, 2016

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to the Nebraska Safe Drinking Water Act; to
2 amend section 71-5301.01, Reissue Revised Statutes of Nebraska, and
3 section 71-5301, Revised Statutes Cumulative Supplement, 2014; to
4 change provisions relating to lead content; to redefine a term; to
5 provide for rules and regulations; to harmonize provisions; and to
6 repeal the original sections.

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-5301, Revised Statutes Cumulative Supplement,
2 2014, is amended to read:

3 71-5301 For purposes of the Nebraska Safe Drinking Water Act, unless
4 the context otherwise requires:

5 (1) Council means the Advisory Council on Public Water Supply;

6 (2) Department means the Division of Public Health of the Department
7 of Health and Human Services;

8 (3) Director means the Director of Public Health of the Division of
9 Public Health or his or her authorized representative;

10 (4) Designated agent means any political subdivision or corporate
11 entity having the demonstrated capability and authority to carry out in
12 whole or in part the Nebraska Safe Drinking Water Act and with which the
13 director has consummated a legal and binding contract covering
14 specifically delegated responsibilities;

15 (5) Major construction, extension, or alteration means those
16 structural changes that affect the source of supply, treatment processes,
17 or transmission of water to service areas but does not include the
18 extension of service mains within established service areas;

19 (6) Operator means the individual or individuals responsible for the
20 continued performance of the water supply system or any part of such
21 system during assigned duty hours;

22 (7) Owner means any person owning or operating a public water
23 system;

24 (8) Person means any individual, corporation, firm, partnership,
25 limited liability company, association, company, trust, estate, public or
26 private institution, group, agency, political subdivision, or other
27 entity or any legal successor, representative, agent, or agency of any of
28 such entities;

29 (9) Water supply system means all sources of water and their
30 surroundings under the control of one owner and includes all structures,
31 conduits, and appurtenances by means of which such water is collected,

1 treated, stored, or delivered except service pipes between street mains
2 and buildings and the plumbing within or in connection with the buildings
3 served;

4 (10)(a) Public water system means a system for providing the public
5 with water for human consumption through pipes or other constructed
6 conveyances, if such system has at least fifteen service connections or
7 regularly serves an average of at least twenty-five individuals daily at
8 least sixty days per year. Public water system includes (i) any
9 collection, treatment, storage, and distribution facilities under control
10 of the operator of such system and used primarily in connection with such
11 system and (ii) any collection or pretreatment storage facilities not
12 under such control which are used primarily in connection with such
13 system. Public water system does not include a special irrigation
14 district. A public water system is either a community water system or a
15 noncommunity water system.

16 (b) Service connection does not include a connection to a system
17 that delivers water by a constructed conveyance other than a pipe if (i)
18 the water is used exclusively for purposes other than residential uses,
19 consisting of drinking, bathing, cooking, and other similar uses, (ii)
20 the department determines that alternative water to achieve the
21 equivalent level of public health protection provided by the Nebraska
22 Safe Drinking Water Act and rules and regulations under the act is
23 provided for residential or similar uses for drinking and cooking, or
24 (iii) the department determines that the water provided for residential
25 or similar uses for drinking, cooking, and bathing is centrally treated
26 or treated at the point of entry by the provider, a pass-through entity,
27 or the user to achieve the equivalent level of protection provided by the
28 Nebraska Safe Drinking Water Act and the rules and regulations under the
29 act.

30 (c) Special irrigation district means an irrigation district in
31 existence prior to May 18, 1994, that provides primarily agricultural

1 service through a piped water system with only incidental residential or
2 similar use if the system or the residential or similar users of the
3 system comply with exclusion provisions of subdivision (b)(ii) or (iii)
4 of this subdivision;

5 (11) Drinking water standards means rules and regulations adopted
6 and promulgated pursuant to section 71-5302 which (a) establish maximum
7 levels for harmful materials which, in the judgment of the director, may
8 have an adverse effect on the health of persons and (b) apply only to
9 public water systems;

10 (12) Lead free means (a) not (a) when used with respect to solders
11 and flux means solders and flux containing not more than two-tenths
12 percent lead when used with respect to solder and flux and (b) not
13 containing more than a weighted average of twenty-five hundredths percent
14 lead, (b) when used with respect to the wetted surfaces of pipes, pipe
15 fittings, plumbing fittings, and fixtures pipes and pipe fittings means
16 pipes and pipe fittings containing not more than eight percent lead, and
17 (c) when used with respect to plumbing fittings and fixtures intended by
18 the manufacturer to dispense water for human ingestion means fittings and
19 fixtures that are in compliance with standards established in accordance
20 with 42 U.S.C. 300g-6(e) as such section existed on July 16, 2004;

21 (13) Community water system means a public water system that (a)
22 serves at least fifteen service connections used by year-round residents
23 of the area served by the system or (b) regularly serves at least twenty-
24 five year-round residents;

25 (14) Noncommunity water system means a public water system that is
26 not a community water system; and

27 (15) Nontransient noncommunity water system means a public water
28 system that is not a community water system and that regularly serves at
29 least twenty-five of the same individuals over six months per year.

30 Sec. 2. Section 71-5301.01, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 71-5301.01 ~~(1) After July 1, 1988, any pipe, pipe fitting, solder,~~
2 ~~or flux which is used in the installation or repair of any public water~~
3 ~~system shall be lead free.~~

4 ~~(2) By July 1, 1988, the owner of any public water system shall, by~~
5 ~~the adoption of plumbing codes or ordinances, contract, or other~~
6 ~~enforceable means, require that any solder or flux used in the~~
7 ~~installation or repair of any residential or nonresidential facility~~
8 ~~which is connected to the public water system be lead free.~~

9 ~~(3) The owner of any public water system shall inspect the~~
10 ~~installation or repair of facilities described in subsection (2) of this~~
11 ~~section to determine compliance with such subsection.~~

12 ~~(4) The owner of a public water system shall cause any joint or pipe~~
13 ~~in facilities described in subsection (2) of this section to be replaced~~
14 ~~if the owner or the director finds that such joint or pipe is not lead~~
15 ~~free.~~

16 ~~(5) This section shall not apply to the repair of leaded joints in~~
17 ~~cast iron pipes in any public water system that are in existence and use~~
18 ~~on July 1, 1988.~~

19 The director may adopt and promulgate rules and regulations
20 regarding the use of lead-free materials in public water systems in
21 compliance with standards established in accordance with 42 U.S.C. 300g,
22 as such sections existed on January 1, 2016.

23 Sec. 3. Original section 71-5301.01, Reissue Revised Statutes of
24 Nebraska, and section 71-5301, Revised Statutes Cumulative Supplement,
25 2014, are repealed.