

SECOND REGULAR SESSION

# HOUSE BILL NO. 1877

99TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE MILLER.

4172H.021

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To amend chapter 640, RSMo, by adding thereto six new sections relating to the Missouri water safety and security act.

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*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  
2 known as sections 640.141, 640.142, 640.143, 640.144, 640.145, and 640.146 to read as follows:

3       **640.141. 1. Sections 640.141 to 640.145 shall be known and may be cited as the**  
4 **“Missouri Water Safety and Security Act”.**

5       **2. Within one year of the effective date of this section, each public water system, as**  
6 **defined in section 640.102, in the state shall create an asset management plan (AMP).**

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

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

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

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

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

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

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

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

7 (2) A report by a licensed operator of the system and an engineer who has analyzed  
8 the NOVs about how the mitigation plan will address the cause of the NOVs; and

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

640.144. 1. All public water systems shall be required to create a valve inspection  
2 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 information system.

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

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

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

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

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

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

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

3 (1) Water quality sampling, testing, and reporting;

4 (2) Hydrant and valve inspections under section 640.144;

5 (3) NOV mitigation plans submitted to the department under section 640.143, if  
6 applicable;

7 (4) Cyber security plans and policies, if required under section 640.142; and

8 (5) Asset Management Plans required under section 640.141, including the  
9 infrastructure improvements planned for the coming year and the estimated cost of those

10 **improvements, and the infrastructure improvements made in the past year and the cost of**  
11 **those improvements.**

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

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

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