

State of Arkansas
76th General Assembly
Regular Session, 1987
By: Senator Moore

SENATE BILL 211

As engrossed 2-4-87

"AN ACT TO ESTABLISH THE PUBLIC WATER SYSTEM SUPERVISION PROGRAM IN THE ARKANSAS DEPARTMENT OF HEALTH; TO PROVIDE A FEE SYSTEM FOR SERVICES RENDERED BY THE PROGRAM; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. This Act shall be known as the "Public Water System Service Act".

SECTION 2. DEFINITIONS. For the purposes of this Act, the following definitions shall apply:

(a) PUBLIC WATER SYSTEM: All sources and their surroundings from which water is derived for drinking or domestic purposes by the public, and all structures, conduits and appurtenances in connection therewith by which water for such use is obtained, treated, conditioned, stored and delivered to customers.

(b) COMMUNITY PUBLIC WATER SYSTEM: A public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

(c) NON-COMMUNITY PUBLIC WATER SYSTEM: A Public Water System not a Community Public Water System, which serves fifteen (15) connections or twenty-five persons at least sixty (60) days during the year.

(d) SERVICE CONNECTION: Any connection to a Community Public Water System which delivers treated water to a residence, business, office, industry or other customer for domestic, commercial, or industrial use.

(e) SURFACE WATER SYSTEM: Any Community Public Water System which obtains any of its water from any lake, river, spring, impoundment, or reservoir.

(f) GROUND WATER SYSTEM: Any Community Public Water System which is not a Surface Water System which obtains any of its water from wells.

(g) PURCHASED WATER SYSTEM: Any Public Water System which obtains all of its water from other Public Water Systems.

(h) PUBLIC WATER SYSTEM SUPERVISION PROGRAM: The program administered by the Arkansas Department of Health, Division of Engineering, which includes the monitoring and supervision of all Community Public Water Systems. Activities under this program include, but are not limited to, conducting sanitary surveys, collecting and analyzing water samples and interpreting the results, training water system operators, investigating water and wastewater complaints, and reviewing applications, engineering reports and construction plans for water and wastewater facilities.

(i) WHOLESALE WATER SYSTEM: Any Community Public Water System which serves a larger population indirectly (through sale of water to other public water system) than it serves directly.

SECTION 3. (a) The Arkansas Department of Health is hereby authorized to collect the following annual fees from each Public Water System for services provided other than plan reviews by the Public Water System Supervision Program:

(1) COMMUNITY WATER SYSTEMS:

No. of Service Connections		ANNUAL FEES		
		Type_of_System		
From	To	Ground_Water	Surface_Water	Purchased_Water
1	83	\$ 200	\$ 300	\$ 100
84	167	300	450	150
168	333	400	600	200
334	500	500	750	250
501	667	600	900	300
668	833	700	1,050	350
834	1,100	750	1,125	375
1,101	1,633	800	1,200	400
1,634	1,933	850	1,275	425
1,934	2,233	900	1,350	450
2,234	2,533	950	1,425	475
2,534	2,833	1,000	1,500	500

2,834	3,133	1,050	1,575	525
3,134	3,433	1,100	1,650	550
3,434	3,700	1,150	1,725	575
3,701	4,000	1,200	1,800	600
4,001	4,300	1,250	1,875	625
4,301	4,567	1,300	1,950	650
4,568	4,867	1,350	2,025	675
4,868	5,167	1,400	2,100	700
5,168	5,433	1,450	2,175	725
5,434	5,733	1,500	2,250	750
5,734	6,033	1,550	2,325	775
6,034	6,300	1,600	2,400	800
6,301	6,600	1,650	2,475	825
6,601	6,900	1,700	2,550	850
6,901	7,167	1,750	2,625	875
7,168	7,433	1,800	2,700	900
7,434	7,733	1,850	2,775	925
7,734	8,000	1,900	2,850	950
8,001	8,300	1,950	2,925	975
8,301	8,333	2,000	3,000	1,000
8,334	9,333	2,050	3,075	1,025
9,334	11,000	2,100	3,150	1,050
11,001	12,333	2,150	3,225	1,075
12,334	13,667	2,200	3,300	1,100
13,668	15,333	2,250	3,375	1,125
15,334	16,667	2,300	3,450	1,150
16,668	19,667	2,350	3,525	1,175
19,668	21,333	2,400	3,600	1,200
21,334	23,333	2,450	3,675	1,225
23,334	25,333	2,500	3,750	1,250
25,334	27,667	2,550	3,825	1,275
27,668	30,000	2,600	3,900	1,300
30,001	32,000	2,650	3,975	1,325
32,001	37,000	2,700	4,050	1,350
37,001	43,333	2,750	4,125	1,375
43,334	53,333	2,800	4,200	1,400

53,334	73,333	2,850	4,275	1,425
73,334	and up	\$2,900	\$4,350	\$1,450

(2) NON-COMMUNITY \$25

(3) A Community Water System which operates a certified bacteriological laboratory certified by the Department of Health shall receive a twenty-five percent (25%) reduction in the annual fee provided in (1) above.

(4) The annual fee for a Wholesale Water System shall be two-thirds (2/3) of the fee required in (1) above calculated on the equivalent number of service connections served by the purchasers.

(b) The number of service connections shall be taken from the Department of Health's Public Water System Inventory at the time of billing.

(c) (1) New water systems will not be assessed a fee for services until water is supplied to the first connection.

(2) Fees will not be assessed to those non-community water systems which are currently paying another fee to the Arkansas Department of Health which includes an inspection of the water system.

(3) All state owned non-community water systems are exempt from the fee provisions of this Act.

SECTION 4. All fees payable under this Act shall be due sixty (60) days after the effective date hereof or by January 1 of each year thereafter and shall be payable to the Arkansas Department of Health.

SECTION 5. (a) Any water system violating any provisions of this Act shall, upon conviction, be guilty of a misdemeanor and each day in violation shall constitute a separate offense subject to a fine of not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00).

(b) Additionally, any water system violating any provision of this Act shall be subject to civil penalties up to one thousand dollars (\$1,000.00) per day, for each day during which the violation occurs.

(c) The Attorney General or his designee shall assist the Arkansas Department of Health in prosecuting water systems not in compliance with this Act.

SECTION 6. (a) All fees, fines and penalties collected under this Act are hereby declared "special revenues" and shall be deposited in the State

Treasury to the credit of the Public Health Fund.

(b) Subject to such rules and regulations as may be implemented by the Chief Fiscal Officer of the State, the Disbursing Officer for the Department of Health is hereby authorized to transfer all unexpended funds relative to the Public Water System Supervision Program that pertain to fees collected, as certified by the Chief Fiscal Officer of the State, to be carried forward and made available for expenditures for the same purpose for any following fiscal year.

SECTION 7. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 8. EMERGENCY CLAUSE. It is hereby found and determined by the General Assembly that due to current revenue shortfalls the services provided to the citizens of this State by the Arkansas Department of Health are threatened; that these services protect the public health, welfare and safety; that the establishment of a fee system will keep these services operational. Therefore, an emergency is hereby declared to exist and this Act being necessary for the immediate preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

/s/ Moore

