

HB541 INTRODUCED



1 HB541
2 ARGER7S-1
3 By Representative Rafferty
4 RFD: State Government
5 First Read: 08-Apr-25



SYNOPSIS:

Under existing law, the Alabama Safe Drinking Water Act of 1977 grants or delegates regulatory authority over all public water systems to the Alabama Department of Environmental Management to ensure the safety and quality of drinking water in this state.

This bill would require the department to investigate for the presence of PFAS, commonly known as forever chemicals, in public water systems and drinking water sources and those persons responsible upon receiving a complaint.

This bill would authorize the department, public water systems, and the Attorney General to bring a civil action against these responsible persons under certain circumstances.

This bill would limit the liability of certain persons for the release of PFAS.

This bill would also make nonsubstantive, technical revisions to update the existing code language to current style.

A BILL
TO BE ENTITLED



HB541 INTRODUCED

AN ACT

Relating to the Safe Drinking Water Act 1977; to amend Section 22-23-31, Code of Alabama 1975, to define certain terms; to add Section 22-23-47.1 to the Code of Alabama 1975, to require the Alabama Department of Environmental Management to investigate for the presence of PFAS and responsible persons; to provide a right of action for the department, an affected public water system, or the Attorney General against responsible persons; to exempt certain persons from liability for releasing PFAS; and to make nonsubstantive, technical revisions to update the existing code language to current style;.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The Legislature finds and declares the following:

(1) Providing safe, reliable, and cost-effective drinking water and drinking water treatment is of paramount importance to the welfare of Alabama's economy, industry, agriculture, and citizens.

(2) Perfluoroalkyl and polyfluoroalkyl substances, known as "PFAS" or "forever chemicals," in public drinking water sources pose a threat to human health and the efficient operation of drinking water systems.

(3) Water utilities are in the best position to understand, identify, and assess threats to public health.

(4) Stringent new federal requirements for PFAS in drinking water will impose significant costs on Alabama's



HB541 INTRODUCED

drinking water utilities, through no fault of their own.

(5) Current methods for utilities to recover costs from those responsible for this contamination are costly and time consuming, leading utilities to depend on public and ratepayer funds to address these emerging contaminants.

Section 2. Section 22-23-31, Code of Alabama 1975, is amended to read as follows:

"§22-23-31

When used in this article and except where the context prohibits, the following ~~words and~~ terms ~~shall~~ have the following meanings:

~~(1)~~ (6) FEDERAL ACT. The Federal Safe Drinking Water Act, being Public Law 93-523.

~~(2)~~ (1) ADMINISTRATOR. The Administrator of the United States Environmental Protection Agency.

~~(3)~~ (11) NATIONAL PRIMARY DRINKING WATER REGULATIONS. Primary drinking water regulations ~~promulgated~~ adopted by the administrator pursuant to the federal act.

~~(4)~~ (7) FEDERAL AGENCY. Any department, agency, or instrumentality of the government of the United States, the regulation of which has been delegated to the State of Alabama pursuant to the federal act.

~~(5)~~ (2) BOARD. The Alabama Department of Environmental Management.

~~(6)~~ (8) HEALTH OFFICER. The Director of the Alabama Department of Environmental Management.

~~(7)~~ (9) LOCAL GOVERNMENTAL UNIT. Any community, town, city, county, board, authority, nonprofit corporation, or



HB541 INTRODUCED

other unit of government created by the Legislature.

~~(8)~~ (14) PERSON. Any individual, firm, partnership, corporation, local governmental unit, party, company, association, federal agency, state agency, or any other public or private legal entity.

~~(9)~~ (18) SUPPLIER OF WATER. Any person who owns or operates a public water system.

~~(10)~~ (4) CONTAMINANT. Any physical, chemical, biological, or radiological substance or matter in water.

~~(11)~~ (15) PUBLIC WATER SYSTEM. A system for the provision to the public of piped water for human consumption, if ~~such~~ the system has at least 15 service connections or regularly serves an average of at least 25 individuals at least 60 days out of the year. A public water system includes both of the following:

a. Any collection, treatment, storage, and distribution facilities under the control of the operator of ~~such~~ the system and used primarily in connection with ~~such~~ the system ~~and~~.

b. Any collection or pretreatment storage facilities not under such control which are used primarily in connection with ~~such~~ the system. A public water system is either a community water system or a noncommunity water system.

~~(12)~~ (3) COMMUNITY WATER SYSTEM. A public water system ~~which~~ that serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

~~(13)~~ (12) NONCOMMUNITY WATER SYSTEM. A public water



HB541 INTRODUCED

113 system ~~which~~ that does not meet the requirements of a
114 community water system.

115 ~~(14)~~ (10) MAJOR MODIFICATION. Any modification of a
116 public water supply ~~which~~ that is declared to be "major" by
117 the regulations of the board.

118 ~~(15)~~ (16) STATE PRIMARY DRINKING WATER REGULATION. A
119 regulation ~~which~~ that satisfies all of the following:

- 120 a. Applies to a public water system~~;~~ .
- 121 b. Specifies contaminants which, in the judgment of the
122 board, may have an adverse effect on the public health~~;~~ .
- 123 c. Specifies for each ~~such~~ contaminant either:
- 124 1. A maximum contaminant level; or
- 125 2. Each treatment technique known to the board which
126 leads to a reduction in the level of ~~such~~ the contaminant
127 sufficient to satisfy the requirements of Section 22-23-33 if,
128 in the judgment of the board, it is not economically or
129 technologically feasible to ascertain the level of ~~such~~ the
130 contaminant~~;~~ and.

131 d. Contains criteria and procedures to assure a supply
132 of drinking water which dependably does not exceed ~~such~~ the
133 maximum contaminant levels, including quality control and
134 testing procedures to ~~insure~~ ensure compliance with ~~such~~ the
135 levels and to ~~insure~~ ensure proper operation and maintenance
136 of the system, and requirements as to:

137 1. The minimum quality of water which may be taken into
138 the system; and

139 2. Siting for new facilities for public water systems.

140 ~~(16)~~ (17) STATE SECONDARY DRINKING WATER REGULATION. A



HB541 INTRODUCED

regulation~~which~~ that satisfies all of the following:

a. Applies to a public water system~~;~~.

b. Specifies maximum contaminant levels necessary to protect the public comfort or well-being controlling contaminants which:

1. Adversely affect odor or appearance of water, thereby causing substantial number of persons to discontinue its use; or

2. Otherwise adversely affect the public comfort or well-being~~;~~and.

c. May vary according to geographic and other circumstances.

(5) DRINKING WATER SOURCE. Any waters of this state that have been designated by the board to be a public water supply.

(13) PERFLUOROALKYL or POLYFLUOROALKYL SUBSTANCES (PFAS). Has the same meaning as provided in 40 C.F.R. § 705.3. The term includes any PFAS for which a maximum containment level is established by the board."

Section 3. Section 22-23-47.1 is added to the Code of Alabama 1975, to read as follows:

§22-23-47.1

(a) Upon the board receiving a complaint that a person has caused a measurable amount of PFAS to enter a public water system or a drinking water source, the board, as soon as feasible, shall investigate the source of the PFAS and identify potentially responsible persons.

(b) (1) If either of the following occur, the board,



HB541 INTRODUCED

the public water system, or upon the request of the board or public water system, the Attorney General, may bring a civil action against all potentially responsible persons to recover the costs of remediation, actual damages, and any appropriate equitable relief:

a. The board determines that the presence of PFAS in a public water system or a drinking water source is a risk to public health and safety.

b. A public water system determines that the presence of PFAS will require the modification of its operations, installation of new treatment equipment, or elimination of the use of wells, intakes, or treatment facilities.

(2) A public water system may intervene in an action brought by the Attorney General or the board.

(c) A person found responsible for the presence of PFAS in a public water system or a drinking water source shall be strictly liable.

(d) An owner or operator of a public water treatment plant, water distribution system, wastewater treatment plant, or public wastewater collection system may not be held liable for a discharge containing PFAS that complies with a valid national pollutant discharge elimination system (NPDES) permit.

Section 4. This act shall become effective on October 1, 2025.