

## State Drinking Water Legislation Enacted in 2024

State legislatures in 2024 enacted 51 bills regarding drinking water and public health. Bills about the administration and implementation of the Safe Drinking Water Act (SDWA), eligibilities for state drinking water revolving funds, and bills on drinking water service, private wells, lead hazards, and contamination by per- and polyfluoroalkyl substances (PFAS) were enacted by state legislatures in 2024.

California had the most enacted bills, followed by Puerto Rico. The foremost issue was PFAS contamination, identification, and mitigation, followed by bills regarding SDWA and the state drinking water revolving funds.

### Safe Drinking Water Act

Legislation was enacted regarding SDWA in California, New Jersey, and Utah.

#### California

- A 664 (Chapter No. 810) authorizes the State Water Resources Control Board to issue a citation to any person in violation of the California SDWA. Requires persons to reimburse the state board for actual costs incurred by the state water board for specified enforcement activities related to that person.
- A 1627 (Chapter No. 173) requires the State Water Resources Control Board to regulate specified water systems and maintain specified primary drinking water standards. It also revises the definition of a public water system to apply to a system that regularly serves an average of at least a specified number of individuals daily for a specified number of days out of the year.
- S 1188 (Chapter No. 2024-507) requires the State Water Resources Control Board to develop and adopt minimum standards related to the technical, managerial, and financial capacity of community water systems serving fewer than a specified number of service connections and nontransient, noncommunity water systems that serve K–12 schools. It also requires that these new community and noncommunity water systems demonstrate compliance with standards.

#### New Jersey

- SR 99 urges the U.S. Environmental Protection Agency (U.S. EPA) to adopt drinking water standards for microplastics and nanoplastics.

#### Utah

- S 17 extends the sunset date for the state SDWA.

### Drinking Water Treatment Revolving Fund

U.S. EPA provides states funds to support a drinking water revolving fund, which allows states to loan money to support public water utilities systems. States then define the eligibility criteria to receive loans from the fund. Colorado, Hawaii, Nebraska, New Mexico, South Dakota, and Utah all passed legislation regarding their funds.

#### Colorado

- SJR 4 adopts specified additions to the Drinking Water Project Eligibility List of the Water Project Revolving Fund.

#### Hawaii

- H 2453 (Act No. 2024-218) provides that the governor may transfer part of the Drinking Water Treatment Revolving Loan Fund Capitalization Grant amount to the Water Pollution Control Revolving Fund, or an equivalent dollar amount from the Water Pollution Control Revolving Fund to the Drinking Water Treatment Revolving Loan Fund.

#### Nebraska

- L 880 changes a requirement relating to the Land Acquisition and Source Water Loan Fund under the revolving fund.

#### New Mexico

- H 148 (Chapter No. 6) authorizes the state finance authority to make loans or grants from the water project fund for certain water projects.

#### South Dakota

- S 53 (Chapter No. 231) appropriates funds for eligible water and wastewater projects. It also appropriates a federal fund expenditure authority to the Board of Water and Natural Resources for the purpose of providing grants for eligible water and wastewater projects previously awarded American Rescue Plan Act state fiscal recovery funds. S 66 (Chapter No. 221) appropriates funds for eligible water, wastewater, and stormwater projects and specifies who shall approve vouchers for eligible projects.

#### Utah

- H 280 modifies provisions related to the formulation of a state water plan and requires a study of the financing of water infrastructure projects and provides a sunset date for the study. It also modifies provisions related to the Water Development Coordinating Council, creates the Water Infrastructure Fund, modifies provisions of the Watershed Councils Act, provides for ranking and prioritizing of water infrastructure projects, and requires reserve studies and capital asset management.

### **Drinking Water Service**

Illinois, Maine, and Puerto Rico enacted legislation regarding the services provided by drinking water systems.



## Illinois

- H 5459 (Public Act No. 716) amends the Public Utilities Act and provides that public utilities shall provide timely and accurate water usage data in a format identifiable to the requester and for purposes of calculating wastewater billings. It also provides that the public utility be entitled to collect reasonable costs incurred to provide such data.

## Maine

- S 592 (Public Law No. 264) relates to protecting unfiltered drinking water sources. It provides for a lot that is within the watershed of a water source that is located in the City of Lewiston or the City of Auburn and that is used to provide drinking water by a water utility that has received a waiver from filtration.

## Puerto Rico

- HR 888, HR 1096, SR 15, SR 110, SR 672, SR 673, SR 674, and SR 822 relate to carrying out an exhaustive investigation into the reasons why several communities experience prolonged interruptions and low pressure in the drinking water service provided by the Aqueduct and Sewer Authority.

## Drinking Water After Wildfires

### California

- A 541 (Chapter No. 2023-530) directs the State Water Resources Control Board to require a public water system that has experienced a wildfire event to perform sample collections and analysis for the presence of benzene in its source waters, treatment facilities, conveyance facilities, and distribution systems. It also authorizes the board to require a response from the public water system if a system tests positive for benzene.

## Private Well Water

### California

- A 2454 (Chapter No. 506) requires an owner of a domestic well that serves a rental property to participate in a well testing program and ensure that test results are provided to residents.

## Lead Hazards

Several states enacted legislation regarding lead hazards and lead service lines.

### Indiana

- S 5 (Public Law No. 6-2024) relates to a lead service line, including any galvanized steel service line connected to any upstream component made of lead.

### Kansas

- S 331 (Chapter No. 7) removes the definition of lead-free and an exception for leaded joints from public water supply system laws. It also updates terminology related to hazardous waste generated by certain persons.



## Louisiana

- S 460 (Act No. 527) provides that a municipality may adopt an ordinance that allows the municipality or municipal water system to enter a property within the municipality to perform a lead service line replacement. It specifies that the municipality needs to provide the owner and any property residents with specified notice before entering the property, unless in the case of an emergency as determined by the municipality or municipal water system. It also provides that service lines include water meters.

## PFAS Contamination

The foremost enacted legislation on drinking water in 2024 addressed PFAS. Maryland, New Hampshire, Rhode Island, and Virginia passed 15 bills related to this water contaminant.

## Maryland

- H 1153 and S 956 (Chapter Nos. 556 and 557) requires the Department of the Environment to identify significant industrial users and to develop PFAS monitoring and testing criteria for certain users. It also requires the department to develop PFAS action levels and mitigation plans and requires a significant industrial user to store PFAS chemicals.

## New Hampshire

- H 398 (Chapter No. 98) provides that before the purchase and sale of real property (including buildings), the seller shall provide specified notification to the buyer that PFAS are found in products used in domestic, commercial, institutional, and industrial settings and that testing of the water by an accredited laboratory can measure PFAS levels and inform a buyer's decision regarding the need to install water treatment systems.
- H 1114 (Chapter No. 187) extends a commission to investigate and analyze the environmental and public health impacts related to releases of perfluorinated chemicals in the air, soil, and groundwater in Merrimack, Bedford, Londonderry, Hudson, and Litchfield counties.
- H 1649 (Chapter No. 349) restricts the use of PFAS in certain consumer products and makes appropriations to the Department of Environmental Services to fund an additional position and the PFAS Products Control Program. It also provides that funds received by the state in settlement of PFAS litigation will be deposited in the Drinking Water and Groundwater Trust Fund and used to provide grants and loans to public water systems whose water sources have been impacted by PFAS above applicable standards.
- HR 28 urges compensation for injuries from PFAS and for the closure and cleaning of sites affected by PFAS.
- S 393 (Chapter No. 288) makes an appropriation to the Department of Environmental Services for the funding of regional drinking water infrastructure as part of Phase 2 of the Southern New Hampshire Regional Water Project to increase water supply to multiple towns impacted by PFAS contamination and growing water demands.



## Rhode Island

- H 5861 (Public Law No. 2023-257) and S 724 (Public Law No. 2023-258) provide that water supply systems with PFAS contaminants that exceed the interim drinking water standard be required to enter into a consent agreement with the Department of Health to implement treatment to reduce the levels of PFAS contaminants.
- H 7356 (Public Law No. 2024-344) and S 2152 (Public Law No. 2024-345) enacts the Comprehensive PFAS Ban Act of 2024, prohibiting the intentional addition of PFAS in products offered for sale or manufactured in the state as of specified date. It also provides that the Department of Environmental Management is responsible for regulating the prohibition and bans the sale of Class B firefighting foam that contains intentionally added PFAS chemicals.
- H 7439 (Public Law No. 2024-046) S 2809 (Public Law No. 2024-047) delays the necessity to conduct monitoring for the maximum level of PFAS in drinking water and would amend the type of water systems to which the requirement applies.

## Virginia

- H 1085 (Chapter No. 316) and S 243 (Chapter No. 343) provide that the Department of Environmental Quality establish a PFAS Advisory Committee. It also includes guidance on the identification, monitoring, and reporting of PFAS in public water systems.

