

1 SB391  
2 167533-1  
3 By Senator Glover  
4 RFD: Judiciary  
5 First Read: 21-APR-15

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8 SYNOPSIS: Under the Alabama Safe Drinking Water Act,  
9 the regulation of potable water is vested in the  
10 Alabama Department of Environmental Management  
11 (ADEM). In combination with the powers and  
12 authority provided under the Federal Safe Drinking  
13 Water Act and in compliance with the rules and  
14 regulations promulgated by the United States  
15 Environmental Protection Agency, ADEM is  
16 responsible for the continued development and  
17 enforcement of primary and secondary drinking water  
18 standards to ensure that citizens of the state are  
19 provided safe and wholesome drinking water from  
20 suppliers of water.

21 Under existing law, there is no specific  
22 provision which provides civil immunity to  
23 suppliers of water who comply with or obtain an  
24 exemption or variance from the regulations  
25 established by the Department of Environmental  
26 Management.

1                   This bill would provide civil immunity to  
2                   suppliers of water who have substantially complied  
3                   with the regulations established by the Department  
4                   of Environmental Management.

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6                   A BILL  
7                   TO BE ENTITLED  
8                   AN ACT

9  
10                   Relating to suppliers of water; to add a new Section  
11                   22-23-54 to the Code of Alabama 1975, to explicitly provide  
12                   civil immunity to suppliers of water who have complied with  
13                   the regulations established by the Alabama Department of  
14                   Environmental Management.

15                   BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16                   Section 1. Section 22-23-54 is added to the Code of  
17                   Alabama 1975, to read as follows:

18                   §22-23-54.

19                   A supplier of water that is organized pursuant to  
20                   Title 10, Chapter 4, and Title 11, Chapter 50, 88, or 89, of  
21                   the Code of Alabama 1975, or otherwise meets the definition of  
22                   a local governmental unit and is permitted by the Alabama  
23                   Department of Environmental Management may not be liable in  
24                   any civil action at law or in equity for damages or other  
25                   forms of relief of any kind or nature to any person for injury  
26                   or loss of any kind or nature, including, without limitation,  
27                   death, personal injury, property damage, business cessation,

1 and economic loss, alleged to result from the consumption or  
2 use of water supplied unless:

3 (1) The injury or loss was caused by a contaminant  
4 or contaminants in the water, or a physical property or  
5 properties of the water, to which Alabama Department of  
6 Environmental Management Division 335-7, State Primary or  
7 Secondary Drinking Water Standards, specifically applied.

8 (2) The contaminant or physical property did not  
9 meet the State Primary or Secondary Drinking Water Standards  
10 creating a non-compliant regulatory status at the time of the  
11 injury or loss.

12 (3) The injury or loss was caused by the failure of  
13 the supplier of water to act in accordance with Alabama  
14 Department of Environmental Management Division 335-7  
15 regulations and any allowable variances, exemptions, consent  
16 decrees, or other court orders pertaining to the applicable  
17 State Primary or Secondary Drinking Water Standards.

18 Section 2. This act shall become effective on the  
19 first day of the third month following its passage and  
20 approval by the Governor, or its otherwise becoming law.