

HOUSE BILL 270

M3, F1

7lr0614

By: **Delegates Lafferty, Platt, Bromwell, Glenn, Hettleman, Lierman, McIntosh, Oaks, Rosenberg, and M. Washington**

Introduced and read first time: January 23, 2017

Assigned to: Environment and Transportation and Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Testing for Lead in Drinking Water – Public and Nonpublic**
3 **Schools**

4 FOR the purpose of requiring the Department of the Environment, in consultation with the
5 State Department of Education, to adopt certain regulations, on or before a certain
6 date, to require periodic testing for the presence of lead in each drinking water outlet
7 located in an occupied public or nonpublic school building; authorizing the
8 Department of the Environment, in consultation with the State Department of
9 Education, to provide a waiver from certain testing requirements under certain
10 circumstances; requiring the Department of the Environment and the State
11 Department of Education jointly to submit a report to the Governor and the General
12 Assembly on or before a certain date each year, beginning on or before a certain date;
13 providing for the application of this Act; defining certain terms; and generally
14 relating to testing for lead in drinking water in public and nonpublic schools.

15 BY adding to

16 Article – Environment

17 Section 6–1501 and 6–1502 to be under the new subtitle “Subtitle 15. Lead in
18 Drinking Water”

19 Annotated Code of Maryland

20 (2013 Replacement Volume and 2016 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

22 That the Laws of Maryland read as follows:

23 **Article – Environment**

24 **SUBTITLE 15. LEAD IN DRINKING WATER.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **6-1501.**

2 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
3 INDICATED.

4 (B) (1) “DRINKING WATER OUTLET” MEANS A POTABLE WATER FIXTURE
5 THAT IS USED OR POTENTIALLY USED FOR DRINKING OR FOOD PREPARATION.

6 (2) “DRINKING WATER OUTLET” INCLUDES:

7 (I) A WATER FOUNTAIN, FAUCET, OR TAP THAT IS USED OR
8 POTENTIALLY USED FOR DRINKING OR FOOD PREPARATION; AND

9 (II) ICE-MAKING AND HOT DRINK MACHINES.

10 (C) “ELEVATED LEVEL OF LEAD” MEANS A LEAD CONCENTRATION IN
11 DRINKING WATER THAT EXCEEDS THE STANDARD RECOMMENDED BY THE U.S.
12 ENVIRONMENTAL PROTECTION AGENCY IN TECHNICAL GUIDANCE.

13 (D) “PUBLIC WATER SYSTEM” HAS THE MEANING STATED IN § 9-401 OF THIS
14 ARTICLE.

15 (E) (1) “TECHNICAL GUIDANCE” MEANS THE MOST RECENT TECHNICAL
16 GUIDANCE ISSUED BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY FOR
17 REDUCING LEAD IN DRINKING WATER IN SCHOOLS.

18 (2) “TECHNICAL GUIDANCE” INCLUDES:

19 (I) 3TS FOR REDUCING LEAD IN DRINKING WATER IN
20 SCHOOLS (2006); AND

21 (II) ANY SUBSEQUENT TECHNICAL GUIDANCE ISSUED BY THE
22 U.S. ENVIRONMENTAL PROTECTION AGENCY FOR REDUCING LEAD IN DRINKING
23 WATER IN SCHOOLS.

24 **6-1502.**

25 (A) THIS SECTION DOES NOT APPLY TO A PUBLIC OR NONPUBLIC SCHOOL
26 THAT IS CLASSIFIED AS A PUBLIC WATER SYSTEM.

27 (B) ON OR BEFORE OCTOBER 1, 2017, THE DEPARTMENT, IN
28 CONSULTATION WITH THE STATE DEPARTMENT OF EDUCATION, SHALL ADOPT
29 REGULATIONS TO REQUIRE PERIODIC TESTING FOR THE PRESENCE OF LEAD IN

1 EACH DRINKING WATER OUTLET LOCATED IN AN OCCUPIED PUBLIC OR NONPUBLIC
2 SCHOOL BUILDING.

3 (C) REGULATIONS ADOPTED UNDER THIS SECTION SHALL:

4 (1) REQUIRE INITIAL TESTING TO BE CONDUCTED ON OR BEFORE
5 JANUARY 1, 2018;

6 (2) ESTABLISH A SAMPLING METHOD FOR THE REQUIRED TESTING
7 THAT IS CONSISTENT WITH TECHNICAL GUIDANCE;

8 (3) ESTABLISH THE FREQUENCY FOR THE REQUIRED TESTING;

9 (4) REQUIRE TEST SAMPLES FROM DRINKING WATER OUTLETS TO BE
10 ANALYZED BY AN ENTITY APPROVED BY THE DEPARTMENT;

11 (5) PROVIDE AN EXEMPTION FOR SCHOOLS CONSTRUCTED WITH
12 PLUMBING MATERIALS THAT MEET THE DEFINITION OF "LEAD-FREE" UNDER THE
13 FEDERAL SAFE DRINKING WATER ACT; AND

14 (6) IF AN ANALYSIS OF A TEST SAMPLE INDICATES AN ELEVATED
15 LEVEL OF LEAD IN A DRINKING WATER OUTLET, REQUIRE THAT:

16 (I) THE RESULTS OF THE ANALYSIS BE REPORTED TO THE
17 DEPARTMENT, THE STATE DEPARTMENT OF EDUCATION, THE DEPARTMENT OF
18 HEALTH AND MENTAL HYGIENE, AND THE APPROPRIATE LOCAL HEALTH
19 DEPARTMENT;

20 (II) ACCESS TO THE DRINKING WATER OUTLET BE CLOSED;

21 (III) AN ADEQUATE SUPPLY OF SAFE DRINKING WATER BE
22 PROVIDED TO SCHOOL OCCUPANTS;

23 (IV) THE SCHOOL TAKE APPROPRIATE REMEDIAL MEASURES,
24 INCLUDING:

25 1. PERMANENTLY SHUTTING OR CLOSING OFF ACCESS
26 TO THE DRINKING WATER OUTLET;

27 2. MANUAL OR AUTOMATIC FLUSHING OF THE
28 DRINKING WATER OUTLET;

1 **3. INSTALLING AND MAINTAINING A FILTER AT THE**
2 **DRINKING WATER OUTLET; AND**

3 **4. REPAIRING OR REPLACING THE DRINKING WATER**
4 **OUTLET, PLUMBING, OR SERVICE LINE CONTRIBUTING TO THE ELEVATED LEVEL OF**
5 **LEAD;**

6 **(v) THE SCHOOL CONDUCT FOLLOW-UP TESTING; AND**

7 **(vi) NOTICE OF THE ELEVATED LEVEL OF LEAD BE:**

8 **1. PROVIDED TO THE PARENT OR LEGAL GUARDIAN OF**
9 **EACH STUDENT ATTENDING THE SCHOOL; AND**

10 **2. POSTED ON THE WEB SITE OF THE SCHOOL.**

11 **(d) THE DEPARTMENT, IN CONSULTATION WITH THE STATE DEPARTMENT**
12 **OF EDUCATION, MAY GRANT A WAIVER FROM THE TESTING REQUIRED UNDER THIS**
13 **SECTION IF:**

14 **(1) THE DRINKING WATER OUTLETS IN THE SCHOOL BUILDING HAVE**
15 **BEEN TESTED FOR THE PRESENCE OF LEAD IN A MANNER THAT SUBSTANTIALLY**
16 **COMPLIES WITH REGULATIONS ISSUED UNDER THIS SECTION; AND**

17 **(2) THE TEST RESULTS INDICATE NO ELEVATED LEVELS OF LEAD IN**
18 **ANY OF THE DRINKING WATER OUTLETS IN THE SCHOOL BUILDING.**

19 **(e) ON OR BEFORE DECEMBER 1, 2018, AND ON OR BEFORE DECEMBER 1**
20 **EACH YEAR THEREAFTER, THE DEPARTMENT AND THE STATE DEPARTMENT OF**
21 **EDUCATION JOINTLY SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE**
22 **WITH § 2-1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY**
23 **ON THE FINDINGS OF THE TESTING REQUIRED UNDER THIS SECTION, INCLUDING:**

24 **(1) THE NAME AND ADDRESS OF EACH SCHOOL FOUND TO HAVE**
25 **ELEVATED LEVELS OF LEAD IN ITS DRINKING WATER; AND**

26 **(2) THE TYPE, LOCATION IN THE BUILDING, AND USE OF EACH**
27 **DRINKING WATER OUTLET WITH AN ELEVATED LEVEL OF LEAD.**

28 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June**
29 **1, 2017.**