
Environment Committee

HB 1805

Brief Description: Beginning to address the issue of contaminated drinking water stemming from the lead content in drinking water infrastructure, including pipes, connections, and fixtures.

Sponsors: Representatives Farrell, McBride, Peterson, Stanford, Goodman, Fitzgibbon, Bergquist, Macri, Doglio, Hudgins, Reeves, Ormsby, Frame, Jinkins and Pollet.

Brief Summary of Bill

- Requires public water systems to replace lead-containing service lines to schools and early childhood programs by July 1, 2020, and to replace all other lead-containing service lines by July 1, 2030.
- Authorizes the use of funds in the Public Works Assistance Account to be used for lead service-line replacement by public water systems.

Hearing Date: 2/9/17

Staff: Jacob Lipson (786-7196).

Background:

Public Water System Regulation.

Established in 1974, the Safe Drinking Water Act (SDWA) is the federal law that addresses the quality of drinking water supplied by public water systems serving at least 15 connections or 25 individuals. Under the SDWA, the United States Environmental Protection Agency (EPA) identifies the universe of drinking water contaminants to be regulated, sets standards for drinking water quality, and oversees the states, localities, and water suppliers who implement those standards. The SDWA requires water systems to take actions to protect drinking water sources, deliver water that meets maximum contaminant levels established by EPA regulation, and undertake other measures as needed to ensure that water delivered to customer taps does not contain high levels of certain contaminants, including lead.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Under the SDWA, state regulatory agencies, rather than the EPA, are the regulators generally responsible for implementing drinking water standards, and for direct oversight of the operation of public water systems. Any state-adopted drinking water regulations must be no less stringent than the federal drinking water regulations adopted by the EPA. The Department of Health (DOH) implements the state's drinking water program mandated by the federal SDWA and parallel state laws.

Regulation of Lead in Drinking Water Provided by Public Water Systems.

Federal regulations to minimize exposure to lead and copper (Lead and Copper Rule) and related state standards do not include the establishment of maximum contaminant levels for lead in drinking water sources. Instead, public water systems are required to take certain corrosion-reduction actions to minimize the disturbance of lead during the delivery of water to customers' taps. Failing these corrosion-minimization precautions, when a water system's water quality monitoring results indicate that 10 percent of customer taps exceed 15 parts per billion (ppb) of lead (Lead Action Level), water systems must take corrective action by treating source water to reduce lead levels in the water delivered to the taps. Water systems must replace lead service lines in the event that water delivered to customer taps exceeds the Lead Action Level after implementing corrosion control and water source treatment. In such instances, replacement of lead lines must occur at the rate of 7 percent per year.

Finally, the SDWA and the lead rule also prohibit water systems from installing new plumbing fixtures that are not lead free, with certain exceptions for connections that will not be used for drinking water consumption. The SDWA considers solder and flux containing 0.2 percent lead, or other plumbing fixtures containing less than 0.25 percent lead to be lead free, and establishes calculation procedures for determining whether or not a plumbing fixture meets these standards.

2016 Executive Directive and Report.

On May 2, 2016, Governor Inslee issued a 7-part directive to the DOH and the Board of Health related to reducing lead exposure, including directing the DOH to develop policy and budget proposals with the goal of removing all lead service lines and components from large public water systems (Group A systems) within 15 years, and to prioritize removing lead service lines when making Drinking Water Revolving Fund loans. In response to the executive directive, the DOH reported that in 2017 it plans to survey large public water systems and provide them help in identifying lead service lines. The DOH also amended Drinking Water Revolving Fund loan eligibility criteria to give greater priority to public water systems that document the presence of lead service lines and components.

Public Works Assistance Account.

The Public Works Assistance Account (Account) was established in 1985 to encourage local government self-reliance in meeting public works needs, and assist in financing critical infrastructure projects. Moneys in the Account must be used to make loans and give financial guarantees, and may also be appropriated to provide state match for federal dollars under the Drinking Water State Revolving Fund. Loan repayments and revenues from three tax sources have historically been deposited into the Account.

The Public Works Board (PWB) may make low-interest or interest-free loans from the Account to finance the acquisition, construction, repair, replacement, or improvement of local: bridges, streets, and roads; water systems; storm and sanitary sewage systems; and solid waste facilities, including recycling. For up to a maximum of 15 percent of the biennial capital budget appropriation, the PWB may make loans for pre-construction, emergency, and capital facilities planning. Local governments and special purpose districts, except port and school districts, are eligible to apply for loans from the Account. The PWB may provide technical assistance. Existing debt or financial obligations may not be refinanced.

The PWB must consider a number of factors in prioritizing projects, including health and safety, relative project costs, and economic criteria.

Summary of Bill:

By July 1, 2020, public water systems must replace service lines that are not lead free and that connect to:

- public K-12 schools, including charter schools;
- or early childhood programs, including family day care providers and preschools.

By July 1, 2030, public water systems must replace all lead service lines within their service areas.

Public water systems must notify the Department of Health within 60 days of completing these lead service line replacement obligations, and must identify the lines and connections that were replaced. Public water systems must bear the cost associated with lead service line replacements.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.