S-1274.2

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**SENATE BILL 5745**

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**State of Washington 65th Legislature 2017 Regular Session**

**By** Senators Kuderer, Keiser, Hasegawa, and Chase

AN ACT Relating to addressing contaminated drinking water stemming from the lead content in drinking water infrastructure, including pipes, connections, and fixtures; reenacting and amending RCW 43.155.050; adding a new section to chapter 70.119A RCW; and adding new sections to chapter 43.20 RCW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  A new section is added to chapter 70.119A RCW to read as follows:

(1)(a) By July 1, 2020, each public water system must fully replace all lead service lines to a school or an early childhood program. The public water system must bear the cost associated with the replacement required under this section. The public water system must perform lead service line replacements in coordination with the relevant local government, school district, and school or early childhood program. To the extent possible, the public water system must work with the property owner to coordinate complete service line replacement as needed to minimize disruption and to ensure drinking water quality.

(b) No later than sixty days after completing the replacement of all lead service lines consistent with (a) of this subsection, a public water system must submit a report to the department certifying the public water system's compliance with (a) of this subsection and identifying the service lines and connections that were replaced.

(2)(a) By July 1, 2030, each public water system must fully replace all lead service lines located within its service area. The public water system must bear the cost associated with the replacement required under this section. The public water system must perform lead service line replacements in coordination with the relevant local government. To the extent possible, the public water system must work with the property owner to coordinate complete service line replacement as needed to minimize disruption and to ensure drinking water quality.

(b) No later than sixty days after completing the replacement of all lead service lines consistent with (a) of this subsection, a public water system must submit a report to the department certifying the public water system's compliance with (a) of this subsection and identifying the service lines and connections that were replaced.

(3) The definitions in this subsection apply throughout this section unless the context clearly requires otherwise.

(a) "Early childhood program" means any child care facility or preschool including, but not limited to, a child day care center as defined in RCW 43.215.010, a family day care provider as defined in RCW 43.215.010, or any education program for children three to five years old who have not yet entered kindergarten.

(b) "Lead service line" means utility-owned distribution system components made of lead, including a pigtail, gooseneck, or other fitting made of lead, which extends from the water main to the service connection of the property served.

(c) "School" means a public school as defined in RCW 28A.150.010.

NEW SECTION. **Sec.**  A new section is added to chapter 43.20 RCW to read as follows:

(1) The state board shall consider the most current guidance from the United States environmental protection agency guidance manual "3Ts for reducing lead in drinking water in schools: revised technical guidance" for the purpose of adopting rules requiring statewide testing for lead in drinking water and drinking water fixtures used for drinking or cooking at public schools, as defined in RCW 28A.150.010.

(2) The rules must:

(a) Require testing over six years for lead in drinking water and drinking fixtures;

(b) Require that testing drinking water and drinking water fixtures is conducted in the following order of priority:

(i) Public elementary schools where the drinking water:

(A) Has not been tested for lead;

(B) Has not been tested for lead in the past three years;

(ii) Other public schools where the drinking water has not been tested for lead; and

(iii) All other public schools;

(c) Establish a schedule for ongoing testing of drinking water and drinking water fixtures for lead at schools to ensure drinking water quality.

NEW SECTION. **Sec.**  A new section is added to chapter 43.20 RCW to read as follows:

(1)(a) Consistent with the state board rules, the department must develop a program to coordinate local health jurisdictions and public schools to ensure testing of drinking water and drinking water fixtures in public schools, as defined in RCW 28A.150.010.

(b) The local health jurisdiction must test the drinking water at public schools and provide the test results to the schools, the department, and the community.

(2)(a) The department may contract with qualified independent third parties to complete the testing when a local health jurisdiction is unable to complete the testing for lead in public schools.

(b) The department must make test results available to the schools, the local health jurisdiction, and the community.

(3) The department must consult with the office of the superintendent of public instruction to determine school testing priority and a testing schedule.

**Sec.**  RCW 43.155.050 and 2015 3rd sp.s. c 4 s 959 and 2015 3rd sp.s. c 3 s 7032 are each reenacted and amended to read as follows:

The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and to give financial guarantees to local governments for public works projects. Moneys in the account may also be appropriated to provide for state match requirements under federal law for projects and activities conducted and financed by the board under the drinking water assistance account. Not more than fifteen percent of the biennial capital budget appropriation to the public works board from this account may be expended or obligated for preconstruction loans, emergency loans, or loans for capital facility planning under this chapter; of this amount, not more than ten percent of the biennial capital budget appropriation may be expended for emergency loans and not more than one percent of the biennial capital budget appropriation may be expended for capital facility planning loans. During the 2015-2017 fiscal biennium, the legislature may transfer from the public works assistance account to the general fund, the water pollution control revolving account, and the drinking water assistance account such amounts as reflect the excess fund balance of the account. ((~~During the 2013-2015 fiscal biennium, the legislature may transfer from the public works assistance account to the education legacy trust account such amounts as specified by the legislature.~~)) During the 2015-2017 fiscal biennium, the legislature may appropriate moneys from the account for activities related to the growth management act and the voluntary stewardship program. During the 2015-2017 fiscal biennium, the legislature may transfer from the public works assistance account to the state general fund such amounts as specified by the legislature. In the 2017-2019 fiscal biennium the legislature intends to allocate seventy-three million dollars of future loan repayments paid into the public works assistance account to support basic education. Beginning August 1, 2017, money in the public works assistance account may be used to support the activities required in sections 1 and 3 of this act.

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