
SUBSTITUTE SENATE BILL 5029

State of Washington

59th Legislature

2005 Regular Session

By Senate Committee on Water, Energy & Environment (originally sponsored by Senators Jacobsen, Rockefeller, Kohl-Welles, Kline, Franklin and Eide)

READ FIRST TIME 02/10/05.

1 AN ACT Relating to safe drinking water in schools; adding a new
2 chapter to Title 70 RCW; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature declares that a safe and
5 healthy environment for Washington's school children is of great
6 importance. Children are especially vulnerable to contaminants, which
7 can cause learning disabilities, decreased growth, hyperactivity,
8 impaired hearing, and abnormal brain development. It is important that
9 the indoor air quality, drinking water, and instructional areas and
10 play areas in all schools are safe. Recognizing that safe water
11 delivered to a school can be adversely impacted by the plumbing in the
12 facility, the legislature finds that the best way to ensure that
13 drinking water is safe in a particular school building is through
14 testing water from individual taps and bubblers, setting action levels
15 for drinking water quality, and developing and implementing corrective
16 action plans when problems are found.

17 NEW SECTION. **Sec. 2.** (1) It is the intent of this chapter that
18 the exclusive responsibility remains with the local school governing

1 authority of the school institutions for: (a) Providing information to
2 the public about water quality and other environmental health risks in
3 their school facilities; (b) undertaking corrective actions to respond
4 to exceedances of drinking water action levels in schools; (c) ensuring
5 sufficient monitoring of drinking water in school facilities is
6 conducted to identify where such exceedances are occurring; (d)
7 ensuring test results are widely accessible to parents, students,
8 staff, and local and state health departments; and (e) ensuring broad
9 community participation with prioritizing and resolving water quality
10 and other environmental health risks.

11 (2) It is further the intent of this chapter that the governing
12 entities of the school institutions enforce compliance with this
13 chapter.

14 NEW SECTION. **Sec. 3.** The definitions in this section apply
15 throughout this chapter unless the context clearly requires otherwise.

16 (1) "Board" means the state board of health.

17 (2) "Council" means the state building code council.

18 (3) "Department" means the department of health.

19 (4) "Local school governing authority" means a local board of
20 education under chapter 28A.330 RCW or school decision-making authority
21 for private schools under chapter 28A.195 RCW.

22 (5) "School" means common schools under RCW 28A.150.020 and
23 approved private schools under chapter 28A.195 RCW, but does not
24 include a residential building that is a part of a home school
25 extension program of an approved private school.

26 (6) "Secretary" means the secretary of the department of health.

27 (7) "Uniform plumbing code" means rules adopted by the council
28 under chapters 19.27 and 70.92 RCW.

29 NEW SECTION. **Sec. 4.** (1) The board shall adopt rules for drinking
30 water in school facilities by August 1, 2006. The rules shall include:

31 (a) Drinking water quality monitoring requirements and action levels
32 for lead and aesthetics concerns, such as taste, odor, and color; (b)
33 drinking water testing protocols that are consistent with analytical
34 techniques and testing protocols specified in federal drinking water
35 program guidance; (c) deadlines for schools to complete water quality
36 testing; (d) requirements and deadlines for posting test results, and

1 for providing notice to students, parents, and school staff when test
2 results exceed established water quality action levels; and (e)
3 requirements for the local school governing authority to report to the
4 community on implementation of corrective actions.

5 (2) The board may adopt, by rule, school drinking water quality
6 requirements for other contaminants if the board determines that: (a)
7 The presence of such contaminants is not due to insufficient
8 implementation of public water system standards or corrosion treatment
9 techniques by the public water system; and (b) setting school drinking
10 water action levels for such contaminants is necessary to protect
11 public health and safety.

12 (3) In adopting school drinking water requirements, the board shall
13 be guided by the rules for controlling these contaminants in public
14 water supplies as contained in drinking water rules and guidance by the
15 United States environmental protection agency.

16 (4) Analysis of drinking water samples must be performed by a state
17 accredited drinking water laboratory.

18 (5) No local government may establish drinking water standards for
19 schools that are less protective than the standards or methods
20 established under this section.

21 NEW SECTION. **Sec. 5.** The board shall include copper and cadmium
22 in the rules adopted under section 4 of this act if the board
23 determines that there are sufficient public health risks from such
24 contaminants in school drinking water to warrant adoption of rules and
25 that the public health risks cannot be addressed through regulation of
26 public water systems under chapter 70.119A RCW. The board shall
27 include its determinations under this section in the report required by
28 section 6 of this act.

29 NEW SECTION. **Sec. 6.** The board shall report to the appropriate
30 legislative committees on the rules developed under this chapter by
31 December 1, 2006.

32 NEW SECTION. **Sec. 7.** Within available funds, the department shall
33 provide:

34 (1) Technical assistance to school administrators in conducting
35 water quality testing;

1 (2) Guidance to local school governing authorities in planning and
2 implementing actions to respond to the exceedances; and
3 (3) Assistance as schools develop corrective action plans under
4 this chapter.

5 NEW SECTION. **Sec. 8.** This chapter is supplemental to and does not
6 replace or diminish the authority of the board or department granted by
7 other laws to ensure the provision of safe drinking water within
8 schools.

9 NEW SECTION. **Sec. 9.** This chapter does not apply to schools that
10 are regulated as nontransient noncommunity systems under chapter 246-
11 290 WAC.

12 NEW SECTION. **Sec. 10.** The state building code council shall
13 examine the uniform plumbing code for consistency with applicable state
14 and federal standards for lead plumbing and solders, fixtures,
15 bubblers, fountains, or other potential sources of lead contamination
16 of drinking water, particularly regarding the application of the code
17 to construction of school buildings. The council shall also examine
18 the effectiveness of those standards in new plumbing construction
19 projects to minimize the leaching of lead into the drinking water
20 consumed at the tap. By December 1, 2006, the council must submit a
21 report on its review to the appropriate legislative committees on their
22 findings, with recommendations for actions to ensure the code is
23 effective in its content, implementation, and enforcement to minimize
24 in new plumbing construction projects the leaching of lead into the
25 drinking water consumed at the tap.

26 NEW SECTION. **Sec. 11.** Sections 1 through 9 of this act constitute
27 a new chapter in Title 70 RCW.

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