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**SUBSTITUTE SENATE BILL 5745**

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

**By** Senate Ways & Means (originally sponsored 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; adding a new section to chapter 70.119A RCW; adding a new section chapter 28A.310 RCW; and adding a new section 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 utility-owned 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 utility-owned 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 utility-owned 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 utility-owned 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 utility-owned service lines and connections that were replaced.

(2)(a) By July 1, 2030, each public water system must fully replace all utility-owned 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 utility-owned 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 utility-owned 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 utility-owned 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 utility-owned 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) "School" means a public school as defined in RCW 28A.150.010 and private schools as identified in chapter 28A.195 RCW.

(c) "Utility-owned lead service line" means utility-owned distribution system components made of lead, including a pigtail, gooseneck, or other fitting made primarily of lead, which extends from the water main through the water meter ending at the service connection to the property served.

NEW SECTION. **Sec.**  A new section is added to chapter 28A.310 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, to ensure the health and safety of educational staff and students, educational service districts must, consistent with the United States environmental protection agency guidance manual "3Ts for reducing lead in drinking water in schools: revised technical guidance" lead action level for drinking water, ensure testing of drinking water and drinking water fixtures at public schools, as defined in RCW 28A.150.010.

(2) Each educational service district must prioritize schools for testing drinking water and drinking water fixtures for lead in the following order:

(a) Elementary schools:

(i) Where the drinking water and drinking water fixtures have not been tested;

(ii) Where the drinking water and drinking water fixtures have not been tested for lead in the past three years; and

(b) All other schools.

(3) Educational service districts must make testing results available to the community and schools where testing has taken place.

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

(1) Subject to the availability of amounts appropriated for this specific purpose, the department must develop guidance and testing protocols, consistent with the United States environmental protection agency guidance manual "3Ts for reducing lead in drinking water in schools: revised technical guidance" lead action level for drinking water, for educational service districts testing drinking water and drinking water fixtures in public schools, as defined in RCW 28A.150.010, as required under section 2 of this act.

(2)(a) The department may contract with qualified independent third parties to complete the testing when an educational service district is unable to complete the testing for lead in public schools, as required under section 2 of this act.

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

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