
SENATE BILL 5745

State of Washington

65th Legislature

2017 Regular Session

By Senator Kuderer

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

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 70.119A
8 RCW to read as follows:

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

19 (b) No later than sixty days after completing the replacement of
20 all lead service lines consistent with (a) of this subsection, a
21 public water system must submit a report to the department certifying

1 the public water system's compliance with (a) of this subsection and
2 identifying the service lines and connections that were replaced.

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

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

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

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

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

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

29 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.20
30 RCW to read as follows:

31 (1) The state board shall consider the most current guidance from
32 the United States environmental protection agency guidance manual
33 "3Ts for reducing lead in drinking water in schools: revised
34 technical guidance" for the purpose of adopting rules requiring
35 statewide testing for lead in drinking water and drinking water
36 fixtures used for drinking or cooking at public schools, as defined
37 in RCW 28A.150.010.

38 (2) The rules must:

- 1 (a) Require testing over six years for lead in drinking water and
2 drinking fixtures;
- 3 (b) Require that testing drinking water and drinking water
4 fixtures is conducted in the following order of priority:
- 5 (i) Public elementary schools where the drinking water:
- 6 (A) Has not been tested for lead;
- 7 (B) Has not been tested for lead in the past three years;
- 8 (ii) Other public schools where the drinking water has not been
9 tested for lead; and
- 10 (iii) All other public schools;
- 11 (c) Establish a schedule for ongoing testing of drinking water
12 and drinking water fixtures for lead at schools to ensure drinking
13 water quality.

14 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.20
15 RCW to read as follows:

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

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

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

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

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

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

34 The public works assistance account is hereby established in the
35 state treasury. Money may be placed in the public works assistance
36 account from the proceeds of bonds when authorized by the legislature
37 or from any other lawful source. Money in the public works assistance
38 account shall be used to make loans and to give financial guarantees

1 to local governments for public works projects. Moneys in the account
2 may also be appropriated to provide for state match requirements
3 under federal law for projects and activities conducted and financed
4 by the board under the drinking water assistance account. Not more
5 than fifteen percent of the biennial capital budget appropriation to
6 the public works board from this account may be expended or obligated
7 for preconstruction loans, emergency loans, or loans for capital
8 facility planning under this chapter; of this amount, not more than
9 ten percent of the biennial capital budget appropriation may be
10 expended for emergency loans and not more than one percent of the
11 biennial capital budget appropriation may be expended for capital
12 facility planning loans. During the 2015-2017 fiscal biennium, the
13 legislature may transfer from the public works assistance account to
14 the general fund, the water pollution control revolving account, and
15 the drinking water assistance account such amounts as reflect the
16 excess fund balance of the account. (~~During the 2013-2015 fiscal~~
17 ~~biennium, the legislature may transfer from the public works~~
18 ~~assistance account to the education legacy trust account such amounts~~
19 ~~as specified by the legislature.)) During the 2015-2017 fiscal
20 biennium, the legislature may appropriate moneys from the account for
21 activities related to the growth management act and the voluntary
22 stewardship program. During the 2015-2017 fiscal biennium, the
23 legislature may transfer from the public works assistance account to
24 the state general fund such amounts as specified by the legislature.
25 In the 2017-2019 fiscal biennium the legislature intends to allocate
26 seventy-three million dollars of future loan repayments paid into the
27 public works assistance account to support basic education. Beginning
28 August 1, 2017, money in the public works assistance account may be
29 used to support the activities required in sections 1 and 3 of this
30 act.~~

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