HOUSE BILL 1253

By: Delegates Solomon, Lafferty, Boyce, Bridges, Brooks, Cain, Carr, Conaway, D.M. Davis, Fraser–Hidalgo, Gilchrist, Guyton, Harrison, Healey, Holmes, Ivey, Jalisi, Korman, Lehman, J. Lewis, R. Lewis, Lierman, Lopez, Love, Moon, Palakovich Carr, Queen, Shetty, Stein, Stewart, and Wells

Introduced and read first time: February 8, 2019
Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 Environment – Drinking Water Outlets in School Buildings – Elevated Level of
   Lead and Grant Program

3 FOR the purpose of altering the definition of “elevated level of lead” for purposes of certain
4 provisions of law relating to the testing for the presence of lead in certain drinking
5 water outlets in certain school buildings; requiring the Department of the
6 Environment, in consultation with the State Department of Education, to establish
7 and administer a certain grant program to assist local school systems with certain
8 costs associated with implementing certain remedial measures; requiring the
9 Department of the Environment, in consultation with the State Department of
10 Education, to establish certain application procedures and award certain grants in a
11 certain manner; requiring certain federal funding received by the Department of the
12 Environment or the State Department of Education to be made available to award
13 certain grants; authorizing the Governor to include in the annual budget bill an
14 appropriation for the grant program; authorizing the Department of the
15 Environment, in consultation with the State Department of Education, to adopt
16 certain regulations; providing for the retroactive application of a certain provision of
17 this Act; and generally relating to the testing for the presence of lead in drinking
18 water outlets in school buildings.

19 BY repealing and reenacting, without amendments,
20 Article – Environment
21 Section 6–1501(a)
22 Annotated Code of Maryland
23 (2013 Replacement Volume and 2018 Supplement)

24 BY repealing and reenacting, with amendments,
25 Article – Environment

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.
SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Environment

6–1501.

(a) In this subtitle the following words have the meanings indicated.

(c) “Elevated level of lead” means a lead concentration in drinking water that exceeds [the standard recommended by the U.S. Environmental Protection Agency in technical guidance] 5 PARTS PER BILLION.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Environment

6–1503.

(A) The Department, in consultation with the State Department of Education, shall establish and administer a grant program to provide grants to local school systems to assist with the costs associated with implementing remedial measures to:

(1) Address any findings of elevated levels of lead in drinking water outlets in school buildings; or

(2) Upgrade drinking water systems in school buildings that do not have functioning drinking water outlets.

(B) The Department, in consultation with the State Department of Education, shall:

(1) Establish application procedures for the grant
(2) Require each application to include a plan for implementing remedial measures, including costs associated with the plan;

(3) Award grants to each local school system that:

   (I) Applies for a grant in accordance with this section; and

   (II) Demonstrates that the local school system has completed comprehensive testing for the presence of lead in drinking water outlets in school buildings in accordance with § 6–1502 of this subtitle;

(4) Prioritize applications that demonstrate the highest level of need and highest number of drinking water outlets that require remediation; and

(5) After priority is given under item (4) of this subsection, prioritize applications that propose the most cost–effective remedial measures, with preference given to proposals for remedial measures that require minimal upkeep, including the installation of water filling stations.

(C) (1) If the Department or the State Department of Education receives any federal funding for addressing the presence of lead in drinking water outlets in school buildings, the funding shall be made available to award grants in accordance with this section.

   (2) In addition to any funding provided under paragraph (1) of this subsection, the Governor may include in the annual budget bill an appropriation for the grant program.

(D) The Department, in consultation with the State Department of Education, may adopt regulations to implement the requirements of this section.

Section 3, and be it further enacted, that the modified definition of “elevated level of lead” under § 6–1501 of the Environment Article as enacted under Section 1 of this Act shall be construed to apply retroactively and shall be applied to and interpreted to affect any regulation adopted under § 6–1502 of the Environment Article that requires follow–up procedures for test results that indicate an elevated level of lead in any drinking
water outlet in an occupied public or nonpublic school building whether the test was conducted before or after the effective date of this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2019.