

SENATE BILL 481

M3, F1

9lr2781
CF 9lr1766

By: **Senator McCray**

Introduced and read first time: February 4, 2019

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

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

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

20 BY repealing and reenacting, without amendments,
21 Article – Environment
22 Section 6–1501(a)
23 Annotated Code of Maryland
24 (2013 Replacement Volume and 2018 Supplement)

25 BY repealing and reenacting, with amendments,
26 Article – Environment
27 Section 6–1501(c)
28 Annotated Code of Maryland
29 (2013 Replacement Volume and 2018 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 BY adding to
2 Article – Environment
3 Section 6–1503
4 Annotated Code of Maryland
5 (2013 Replacement Volume and 2018 Supplement)

6 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
7 That the Laws of Maryland read as follows:

8 **Article – Environment**

9 6–1501.

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

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

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

16 **Article – Environment**

17 **6–1503.**

18 **(A) THE DEPARTMENT, IN CONSULTATION WITH THE STATE DEPARTMENT**
19 **OF EDUCATION, SHALL ESTABLISH AND ADMINISTER A GRANT PROGRAM TO**
20 **PROVIDE GRANTS TO LOCAL SCHOOL SYSTEMS TO ASSIST WITH THE COSTS**
21 **ASSOCIATED WITH IMPLEMENTING REMEDIAL MEASURES TO:**

22 **(1) ADDRESS ANY FINDINGS OF ELEVATED LEVELS OF LEAD IN**
23 **DRINKING WATER OUTLETS IN SCHOOL BUILDINGS; OR**

24 **(2) UPGRADE DRINKING WATER SYSTEMS IN SCHOOL BUILDINGS**
25 **THAT DO NOT HAVE FUNCTIONING DRINKING WATER OUTLETS.**

26 **(B) THE DEPARTMENT, IN CONSULTATION WITH THE STATE DEPARTMENT**
27 **OF EDUCATION, SHALL:**

28 **(1) ESTABLISH APPLICATION PROCEDURES FOR THE GRANT**
29 **PROGRAM;**

30 **(2) REQUIRE EACH APPLICATION TO INCLUDE A PLAN FOR**

1 IMPLEMENTING REMEDIAL MEASURES, INCLUDING COSTS ASSOCIATED WITH THE
2 PLAN;

3 (3) AWARD GRANTS TO EACH LOCAL SCHOOL SYSTEM THAT:

4 (I) APPLIES FOR A GRANT IN ACCORDANCE WITH THIS
5 SECTION; AND

6 (II) DEMONSTRATES THAT THE LOCAL SCHOOL SYSTEM HAS
7 COMPLETED COMPREHENSIVE TESTING FOR THE PRESENCE OF LEAD IN DRINKING
8 WATER OUTLETS IN SCHOOL BUILDINGS IN ACCORDANCE WITH § 6-1502 OF THIS
9 SUBTITLE;

10 (4) PRIORITIZE APPLICATIONS THAT DEMONSTRATE THE HIGHEST
11 LEVEL OF NEED AND HIGHEST NUMBER OF DRINKING WATER OUTLETS THAT
12 REQUIRE REMEDIATION; AND

13 (5) AFTER PRIORITY IS GIVEN UNDER ITEM (4) OF THIS SUBSECTION,
14 PRIORITIZE APPLICATIONS THAT PROPOSE THE MOST COST-EFFECTIVE REMEDIAL
15 MEASURES, WITH PREFERENCE GIVEN TO PROPOSALS FOR REMEDIAL MEASURES
16 THAT REQUIRE MINIMAL UPKEEP, INCLUDING THE INSTALLATION OF WATER
17 FILLING STATIONS.

18 (C) (1) IF THE DEPARTMENT OR THE STATE DEPARTMENT OF
19 EDUCATION RECEIVES ANY FEDERAL FUNDING FOR ADDRESSING THE PRESENCE OF
20 LEAD IN DRINKING WATER OUTLETS IN SCHOOL BUILDINGS, THE FUNDING SHALL
21 BE MADE AVAILABLE TO AWARD GRANTS IN ACCORDANCE WITH THIS SECTION.

22 (2) IN ADDITION TO ANY FUNDING PROVIDED UNDER PARAGRAPH (1)
23 OF THIS SUBSECTION, THE GOVERNOR MAY INCLUDE IN THE ANNUAL BUDGET BILL
24 AN APPROPRIATION FOR THE GRANT PROGRAM.

25 (D) THE DEPARTMENT, IN CONSULTATION WITH THE STATE DEPARTMENT
26 OF EDUCATION, MAY ADOPT REGULATIONS TO IMPLEMENT THE REQUIREMENTS OF
27 THIS SECTION.

28 SECTION 3. AND BE IT FURTHER ENACTED, That the modified definition of
29 "elevated level of lead" under § 6-1501 of the Environment Article as enacted under Section
30 1 of this Act shall be construed to apply retroactively and shall be applied to and interpreted
31 to affect any regulation adopted under § 6-1502 of the Environment Article that requires
32 follow-up procedures for test results that indicate an elevated level of lead in any drinking
33 water outlet in an occupied public or nonpublic school building whether the test was
34 conducted before or after the effective date of this Act.

1 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect June
2 1, 2019.