

Article - Environment

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§6–1502.

(a) This section does not apply to a public or nonpublic school that is classified as a public water system.

(b) (1) Subject to paragraph (2) of this subsection, the Department, in consultation with the State Department of Education, the Department of General Services, and Maryland Occupational Safety and Health, shall adopt regulations to require periodic testing for the presence of lead in each drinking water outlet located in an occupied public or nonpublic school building.

(2) Before adopting the regulations required under this section, the Department shall gather information about the testing processes, protocols, and efforts being undertaken by each county school system and private school to establish a safe and lead-free environment, including whether the school system or school has a plan for testing and, if appropriate, remedial measures.

(c) Regulations adopted under this section shall:

(1) Require initial testing to be conducted on or before July 1, 2018;

(2) Phase in the implementation of the required testing beginning with:

(i) School buildings constructed before 1988; and

(ii) School buildings serving students in a prekindergarten program or any grade from kindergarten through grade 5;

(3) Establish a sampling method for the required testing that is consistent with technical guidance;

(4) Establish the frequency for the required testing;

(5) Address best practices and cost-effective testing;

(6) Require test samples from drinking water outlets to be analyzed by an entity approved by the Department;

(7) If an analysis of a test sample indicates an elevated level of lead in a drinking water outlet, require that:

(i) The results of the analysis be reported to the Department, the State Department of Education, the Maryland Department of Health, and the appropriate local health department;

(ii) Access to the drinking water outlet be closed;

(iii) An adequate supply of safe drinking water be provided to school occupants;

(iv) The school take appropriate remedial measures, including:

1. Permanently shutting or closing off access to the drinking water outlet;

2. Manual or automatic flushing of the drinking water outlet;

3. Installing and maintaining a filter at the drinking water outlet; or

4. Repairing or replacing the drinking water outlet, plumbing, or service line contributing to the elevated level of lead;

(v) The school conduct follow-up testing; and

(vi) Notice of the elevated level of lead be:

1. Provided to the parent or legal guardian of each student attending the school; and

2. Posted on the website of the school; and

(8) If an analysis of a test sample indicates a concentration of lead that is more than 5 parts per billion but less than the standard for an elevated level of lead, require that the results of the analysis be reported to the Department, the State Department of Education, the Maryland Department of Health, and the appropriate local health department.

(d) The Department, in consultation with the State Department of Education, may grant a waiver from the testing required under this section if:

(1) (i) The drinking water outlets in the school building have been tested for the presence of lead in a manner that substantially complies with regulations issued under this section; and

(ii) The test results indicate no elevated levels of lead in any of the drinking water outlets in the school building;

(2) (i) Students in the school building do not have access to any drinking water outlet; and

(ii) Bottled water is the only source of water for drinking or food preparation in the school building;

(3) A plan is in place for testing the drinking water outlets and addressing any elevated level of lead in a drinking water outlet in the school building in a manner that substantially complies with the regulations required under this section; or

(4) The local school system has:

(i) Completed comprehensive lead testing of the drinking water from plumbing fixtures; and

(ii) A comprehensive monitoring program to ensure safe drinking water in its schools.

(e) (1) On or before December 1, 2018, and on or before December 1 each year thereafter, the Department and the State Department of Education jointly shall report to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly on the findings of the testing required under this section, including:

(i) The name and address of each school found to have elevated levels of lead in its drinking water; and

(ii) The type, location in the building, and use of each drinking water outlet with an elevated level of lead.

(2) Beginning with the report due December 1, 2019, the report required under this subsection shall include, in addition to the information required under paragraph (1) of this subsection:

(i) The name and address of each school found to have a lead concentration that is more than 5 parts per billion but less than the standard for an elevated level of lead; and

(ii) The type, location in the building, and use of each drinking water outlet with a lead concentration that is more than 5 parts per billion but less than the standard for an elevated level of lead.

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