



We work with others to protect the health of the people of Washington State by ensuring safe and reliable drinking water.



2021 LEGISLATIVE UPDATE

Washington State Department of Health
Office of Drinking Water

Drinking Water Advisory Group

June 2021



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Two ODW-Related Bills Became Law

- Address lead in school drinking water—
E2SHB 1139
- Risk-based standards for non-potable
water—ESHB 1184

Lead In School Drinking Water

Brief Summary

- Acknowledges there is no known safe level of lead blood levels in children—especially very young children.
- Acknowledges historically inequitable distribution of lead exposure for communities of color and low socioeconomic status.



Lead In School Drinking Water

(Continued)

Brief Summary

- Requires lead testing for drinking water outlets in elementary and secondary school buildings built, or with all plumbing replaced, before 2016 ... testing must be done by 2026, and every five years thereafter.
- Designates the ODW, rather than community water systems, as the principal agency for lead testing, remediation, and other actions at schools.
- Applies to school districts, charter schools, the state School for the Blind, and the state School for the Deaf. Requires cooperation with ODW or contract for sampling/testing.
- Directs schools to communicate certain information, take mitigation measures, and adopt an action plan if test results reveal lead concentrations that exceed stated thresholds.

Lead In School Drinking Water

(Continued)

Background—federal Safe Drinking Water Act's Lead and Copper Rule (LCR) (2020)

- Community systems to sample and test for lead in elementary schools with buildings built, or with all plumbing replaced, before 2014.
- Beginning in 2024, community systems must sample at 20 percent of elementary schools per year, and must conduct sampling at secondary schools on request.
- After five years, systems are to sample only by request.
- Sample results and other information must be provided to each sampled school and the ODW.
- Schools that operate their own water systems must continue to meet LCR requirements.

Lead In School Drinking Water

(Continued)

Background—federal Safe Drinking Water Act's Lead and Copper Rule (LCR) (2020)

- Currently, approximately 100 schools own and operate their own water system and are required to sample and test for lead contamination at least every three years.
- If the level of lead contamination exceeds specified thresholds, community and school water systems must take steps to reduce the level of lead in the water system.

Lead In School Drinking Water

(Continued)

Background—State Requirements and Actions

- State-adopted drinking water regulations may not be less stringent than federal standards.
- ODW requires systems to collect water samples from residential customers, treat the water when more than 10 percent of samples exceed 15 parts per billion (ppb), and provide annual public education to all consumers when the water system exceeds 15 ppb.
- 2019-21 biennium, appropriated \$1 million to ODW to sample/test for lead in public schools ... sampling high priority districts first.
- Tested schools to communicate to parents, staff, and the public about results.

Lead In School Drinking Water

(Continued)

Background—State Requirements and Actions

- 2019-21 Biennium, Office of the Superintendent of Public Instruction set aside \$250,000 in Healthy Kids-Healthy Schools Capital Budget appropriation to fund drinking water fixture replacements in school districts with drinking water outlets that tested positive for any detectable level of lead contamination. The funding was fully obligated within the first fiscal year.



Lead In School Drinking Water

(Continued)

Full Summary

- **Lead Sampling and Testing.** Schools must either: (1) cooperate with ODW sampling/testing; or (2) contract for sampling/testing that meets ODW requirements and submit results to ODW.
- **Mitigation and Action Plans.**
 - After receiving a lead test result that reveals a lead level that exceeds 5 ppb (an elevated lead level), a school must shut off the outlet's water until a lead contamination mitigation measure is implemented.
 - Adopt school action plans by March 31, 2022, or within six months of elevated test result. Must provide public with notice and opportunity to comment on action plan before it is adopted.
 - The school action plan must describe mitigation measures already done and include a schedule of further remediation activities, and describe post-remediation retesting.

Lead In School Drinking Water

(Continued)

Full Summary

- **Mitigation and Action Plans.** If testing reveals local public water system infrastructure is a significant contributor to school lead contamination, the school must request a plan from the water system to reduce lead contamination, and may defer its own work until the public water system does this.
- **Communications.** Schools must post recent test results and annually communicate about lead contamination. Must include:
 - Health effects of lead.
 - Where to find recent results.
 - Information about the school's plan for remedial action to reduce lead contamination in drinking water.

Lead In School Drinking Water

(Continued)

Full Summary

● ODW Role.

- **ODW is principally responsible.** ODW is the lead for sampling, testing, notification, remediation, public education, at public/private elementary/secondary schools.
- **Lead Sampling and Testing.**
 - ODW must sample/test for lead in schools.
 - Must enter a data-sharing agreement with the OSPI to identify schools to test.
 - Initial testing must be done between July 1, 2014, and June 30, 2026, and retesting must be conducted no less than every five years beginning July 1, 2026.
 - ODW must publish a two-year sampling-testing plan, and update it annually. Must contact schools to see whether they will/have contracted for sampling/testing.

Lead In School Drinking Water

(Continued)

Full Summary

● **Technical Guidance.**

- ODW must develop technical guidance for reducing lead contamination in drinking water at schools that is at least as protective as federal guidance.
- Must include the technical requirements for sampling, processing, and analysis, including that analysis must be conducted by a laboratory accredited by Department of Ecology.
- Must describe best practices for remediating elevated lead levels.
- Must be designed to maximize detection of lead in water.

Lead In School Drinking Water

(Continued)

Full Summary

- **Community System Role.**
 - If ODW determines that the mandatory requirements for sampling/testing/remediation at schools are consistent with the LCR requirements, ODW must issue a written waiver that exempts community systems that serve schools from the sampling and testing requirements of the LCR related to schools.
- **Role of State-Tribal Compact Schools.**
 - ODW must allow these schools to opt into lead sampling and testing for lead contamination in school buildings built, or with all plumbing replaced, before 2016.
- **Board of Health role.**
 - After 2030, it may do a rule defining "elevated lead level" at 5 or fewer ppb, if scientific evidence shows a lower concentration can reduce health effects of lead contamination.

Risk-Based Standards For Non-Potable Water

Background

- Greywater = wastewater generated from various sources in homes and commercial buildings—from showers, washing machines, bathroom sinks, dishwashers, or other uses.
- Greywater does not contain serious contaminants and does not include water from toilets or urinals.
- ODW must develop standards, procedures, and guidelines, with input from technical experts, for the cost-effective greywater reuse.

Risk-Based Standards For Non-Potable Water

(Continued)

Background

- **Nonpotable water**

- Cannot use for drinking, but can use for applications like laundry and toilet flushing.
- Is generally all untreated raw water—surface water, groundwater, springs, rainwater, reclaimed/recycled water, and greywater.

- **On-site non-potable water reuse systems** capture and treat water sources generated from within, such as wastewater, greywater, stormwater, or roof-collected rainwater. The treated water is then reused onsite or locally for nondrinking purposes.

Risk-Based Standards For Non-Potable Water

(Continued)

Summary

- ODW, with the Washington State Building Code Council (SBCC) and the Washington State Association of Plumbers and Pipefitters, must adopt rules by July 1, 2022, for:
 - Risk-based water quality standards for the on-site treatment and reuse of non-potable alternative water sources for non-potable end uses; and
 - Construction standards to adopt the risk-based framework water quality standards.

Risk-Based Standards For Non-Potable Water

(Continued)

Summary

- At minimum, adopted rules must address:
 - Risk-based log reduction targets for removing pathogens for water that can be used for uses like toilet and urinal supply water, clothes washing, irrigation, and dust suppression.
 - Treatment and performance requirements.
 - Water quality monitoring requirements.
 - Reporting requirements for the treatment, performance, and water quality monitoring results.
 - Notification and public information requirements.

Risk-Based Standards For Non-Potable Water

(Continued)

Summary

- At minimum, adopted rules must address:
 - Cross-connection controls.
 - Permitting.
 - Any conflicts the rules may have with the Department of Ecology's municipal stormwater general permit and guidance manuals on stormwater for Eastern and Western Washington.
 - The need for a water right impairment review through Ecology.

Risk-Based Standards For Non-Potable Water

(Continued)

Summary

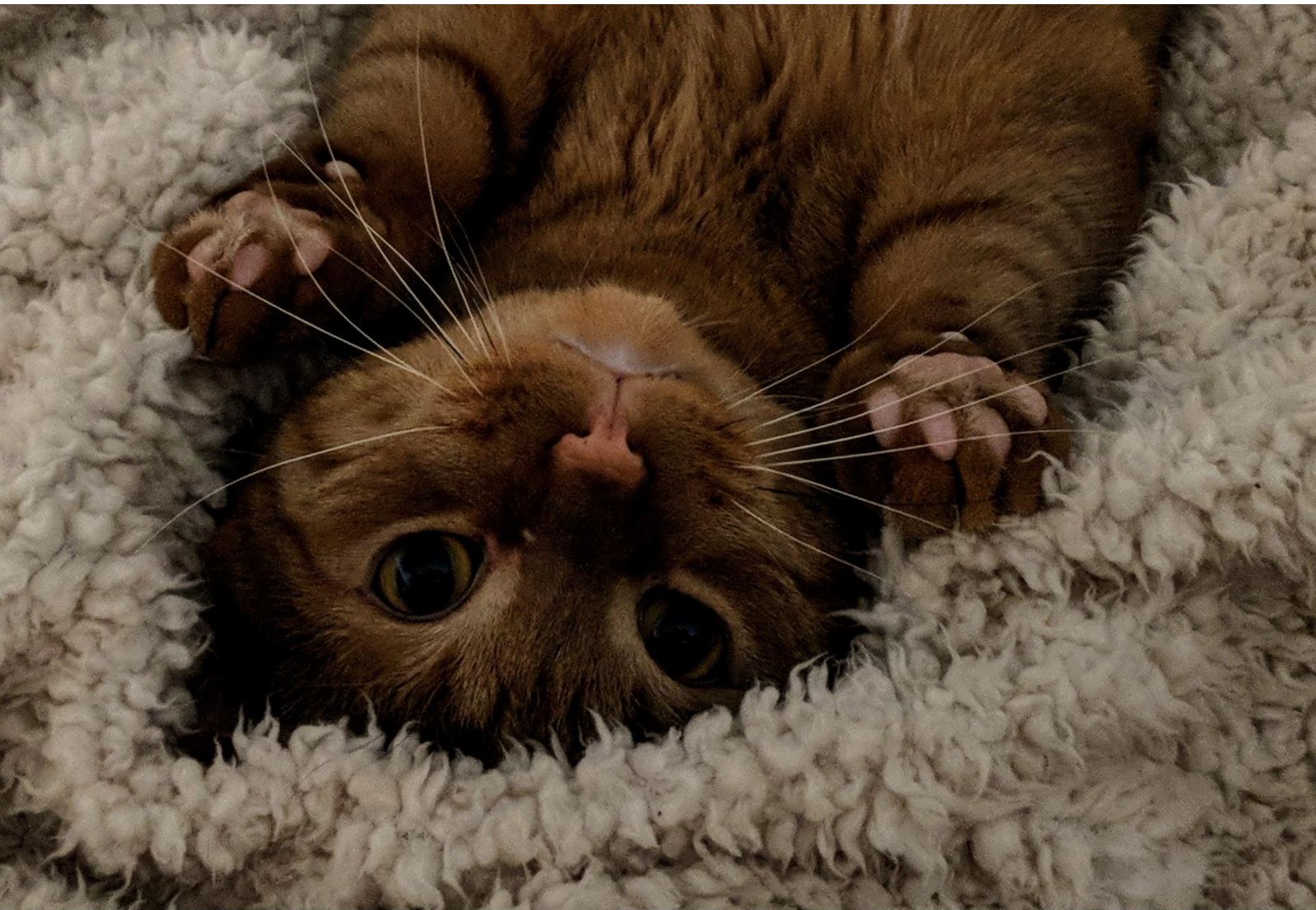
- Any calculations in the amount of water that a property owner or permit holder must make to address runoff from impervious surfaces must reduce the amount of rainwater considered to be stormwater when it is captured to be used for alternative non-potable end uses in buildings and projects.
- The rules take effect December 31, 2022. However, if any on-site treated non-potable water systems are in operation before January 1, 2022, then such systems must be in compliance with the rules by January 1, 2024.

Risk-Based Standards For Non-Potable Water

(Continued)

Summary

- The permitting local jurisdiction may grant a permittee a waiver of compliance with the rules if the local jurisdiction finds that the permittee is unable to come into compliance with the rules because the engineering, repair, or replacement of the system is cost prohibitive.
- The DOH may consult or contract with other public or private entities, including the SBCC and Ecology, for advice on state building code language, water rights, water quality, and other technical matters relating to adoption of the risk-based water quality standards.





Call for Assistance



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