

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 546
By: Kolkhorst
Agriculture, Water & Rural Affairs
3/17/2017
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Department of Aging and Disability Services (DADS) operates 13 State Supported Living Centers (SSLCs) in 13 locations across the state. Three thousand and one hundred Texans with intellectual and developmental disabilities reside in these facilities. Recently, several SSLC's have experienced issues with contaminated water. In May 2016, three SSLCs in Brenham, El Paso, and San Angelo were found to have elevated levels of lead, some of which were higher than those found in water systems in Flint, Michigan. One sample in Brenham had levels 18 times higher than Environmental Protection Agency (EPA) standards. The EPA considers levels of 15 parts per billion (ppb) to be hazardous. Samples from the SSLC each contained over 104 ppb, with the highest at 266. These facilities were forced to provide bottled water to their residents.

The EPA says lead pipes and fixtures are more likely to be found in homes built before 1986. Brenham and El Paso opened in 1974 and San Angelo in 1969.

The water at the Brenham facility had not been tested for lead since 2008, and none was detected at that time. The SSLC was required to test the water again between 2013 and 2015, but was issued a violation by the commission when it failed to do so.

In response to the recent issues, the Texas Commission on Environmental Quality (TCEQ) has begun coordinating with DADS to assist them with their water quality testing.

S.B. 546 enshrines the recent efforts by TCEQ in statute, requiring it to cooperate with DADS to protect the water quality in SSLCs. The bill requires TCEQ to develop a testing plan and monitoring strategy, educational materials for residents and staff, and guidance for complying with federal regulations. Additionally, TCEQ must review the protocols and inspections put in place at the facility to sample water and remediate any issues. TCEQ must also compile a list of qualified inspectors and perform onsite inspections. (Original Author's / Sponsor's Statement of Intent)

C.S.S.B. 546 amends current law relating to the quality of water provided by public drinking water supply systems to state supported living centers.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 555, Health and Safety Code, by adding Section 555.026, as follows:

Sec. 555.026. DRINKING WATER QUALITY: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY GUIDANCE ON LEAD AND COPPER TESTING. Requires the Department of Aging and Disability Services (DADS) or its successor agency, with guidance from the Texas Commission on Environmental Quality (TCEQ) to

ensure the quality of water provided by public drinking water supply systems to state supported living centers, to:

- (1) develop a testing plan and monitoring strategy; outreach and educational materials for distribution to residents and DADS staff; requirements for using an accredited laboratory and sample chain of custody procedures; and guidance for compliance with the federal lead and copper rules (40 C.F.R. Part 141, Subpart I);
- (2) review public notification procedures to staff, residents, and visitors regarding water quality; sampling protocols and procedures; locations of taps used for monitoring; analytical data on lead or copper levels exceeding the applicable action level; remediation activities; and customer service inspection reports;
- (3) compile a list of qualified customer service inspectors; and
- (4) perform on-site training and evaluation of sampling and on-site evaluation of customer service inspections through licensed customer service inspectors.

SECTION 2. Effective date: upon passage or September 1, 2017.