

By: Garcia

S.B. No. 1580

A BILL TO BE ENTITLED

AN ACT

relating to the testing of drinking water from and the replacement and repair of drinking water outlets and water lines on publicly owned and operated property.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter C, Chapter 341, Health and Safety Code, is amended by adding Section 341.0317 to read as follows:

Sec. 341.0317. DRINKING WATER ON PUBLICLY OWNED AND OPERATED PROPERTY. (a) In this section:

(1) "Child care facility" has the meaning assigned by Section 88.001.

(2) "Drinking water outlet" means any point-of-use device, including a water fountain, faucet, or tap regularly used for drinking water or food preparation.

(3) "Federal rule" means the United States Environmental Protection Agency's Lead and Copper Rule (40 C.F.R. Part 141, Subpart I).

(4) "Institution of higher education" has the meaning assigned by Section 61.003, Education Code.

(5) "Public junior college" has the meaning assigned by Section 61.003, Education Code.

(6) "Public water system" has the meaning assigned by the federal Safe Drinking Water Act (42 U.S.C. Section 300f et seq.).

1 (7) "State hospital" has the meaning assigned by
2 Section 552.0011.

3 (8) "State supported living center" has the meaning
4 assigned by Section 531.002.

5 (9) "Water line" means the pipe and its fittings that
6 connect a drinking water main to a drinking water outlet.

7 (b) The commission shall create a program under which the
8 commission routinely tests the levels of lead and copper in the
9 water emitted from all drinking water outlets and water lines that
10 serve property owned and operated by the state or a political
11 subdivision of this state, including:

12 (1) public schools;

13 (2) publicly owned child care facilities;

14 (3) institutions of higher education and public junior
15 colleges;

16 (4) state supported living centers;

17 (5) public hospitals;

18 (6) state agencies; and

19 (7) public parks.

20 (c) The commission shall create a plan that includes:

21 (1) a process for the commission to cooperate with
22 state agencies, political subdivisions, and public water systems to
23 create a schedule to repair or replace all drinking water outlets
24 and water lines that contain water with levels of lead and copper
25 that exceed the standards set by the federal rule; and

26 (2) a standardized routine maintenance plan to ensure
27 that all drinking water outlets and water lines are safe for public

1 use.

2 (d) An entity responsible for the maintenance of a drinking
3 water outlet or water line that the commission determines contains
4 water with levels of lead and copper that exceed the standards set
5 by the federal rule shall:

6 (1) repair or replace the drinking water outlet or
7 water line according to the plan and schedule created under
8 Subsection (c); and

9 (2) bear the cost of the repair or replacement of the
10 drinking water outlet or water line.

11 (e) The commission shall post on the publicly accessible
12 portion of the commission's Internet website, and each affected
13 state agency or political subdivision shall post on its Internet
14 website:

15 (1) results of testing under Subsection (b); and

16 (2) repair and replacement schedules described in the
17 plan created under Subsection (c).

18 SECTION 2. (a) Not later than August 1, 2018, the Texas
19 Commission on Environmental Quality shall create the program and
20 the plan as required by Section 341.0317, Health and Safety Code, as
21 added by this Act.

22 (b) Not later than September 1, 2018, the Texas Commission
23 on Environmental Quality shall begin testing as required by Section
24 341.0317, Health and Safety Code, as added by this Act.

25 SECTION 3. This Act takes effect September 1, 2017.