

Bill No. 2-19
Concerning: Health – Lead in Drinking
Water - Schools
Revised: 2/5/2019 Draft No. 4
Introduced: February 5, 2019
Enacted: May 7, 2019
Executive: May 16, 2019
Effective: August 15, 2019
Sunset Date: None
Ch. 7, Laws of Mont. Co. 2019

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

Lead Sponsor: Councilmember Hucker
Co-Sponsors: Councilmember Riemer, Council Vice President Katz, Councilmember Alborno, Council President Navarro and Councilmembers Jawando, Rice, Friedson, and Glass

AN ACT to:

- (1) establish a County lead limit for a drinking water outlet in a public school in the County;
- (2) require remediation of a drinking water outlet in an occupied public school building with a lead concentration greater than the County lead limit; and
- (3) generally amending the law governing the action level for lead in drinking water outlets.

By adding

Montgomery County Code
Chapter 24. Health and Sanitation
Section 24-8D

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Section 24-8D is added as follows:**

2 **24-8D. Lead in drinking water.**

3 **(a) Findings.**

4 **(1) The United States Environmental Protection Agency has**
5 **determined that:**

6 **(A) lead is a toxic metal that is harmful to human health;**

7 **(B) children are at a greater risk from lead exposure than adults;**
8 **and**

9 **(C) there is no safe level of lead for children.**

10 **(2) MD Code, Environment, §§ 6-1501 and 6-1502 require public and**
11 **nonpublic schools to:**

12 **(A) regularly test for lead in drinking water outlets located in**
13 **each occupied school building;**

14 **(B) within 24 hours, prevent all physical access to water from a**
15 **drinking water outlet with an elevated level of lead until the**
16 **problem is mitigated; and**

17 **(C) report the results of all lead testing to the Maryland**
18 **Department of the Environment.**

19 **(3) A lead level in a drinking water outlet greater than 5 parts per**
20 **billion is a danger to children in public schools.**

21 **(b) Definitions. In this Section, the following words have the following**
22 **meanings:**

23 **Action level means a level of lead in water, which if exceeded, requires a**
24 **school to take remedial action, notification, and follow-up-sampling.**

25 **Director means the Director of the Department of Environmental**
26 **Protection or the Director's designee.**

27 Drinking water outlet means a potable water fixture that is used for
 28 drinking or food preparation. A drinking water outlet includes:

- 29 (1) a water fountain, faucet, or tap that is used or potentially used for
 30 drinking or food preparation;
- 31 (2) an ice-making machine;
- 32 (3) a hot drink machine; and
- 33 (4) any sink that is known to be used for human consumption.

34 County lead limit means a lead concentration in drinking water of 5 parts
 35 per billion in a 250 milliliter first-draw.

36 Public school means a school operated by the Montgomery County Board
 37 of Education or a public charter school established by the Montgomery
 38 County Board of Education.

39 State regulations means the Code of Maryland Regulations, Title 26,
 40 Department of the Environment, Subtitle 16, Lead, Chapter 07, Lead in
 41 Drinking Water – Public and Nonpublic Schools, as amended.

42 (c) Action level. A public school must:

- 43 (1) complete all testing and reporting required by the State regulations;
- 44 (2) submit a copy of all test results and reports required by the State
 45 regulations to the Director; and
- 46 (3) take the remedial action, notification, and follow-up sampling
 47 required for an elevated level of lead under the State regulations
 48 for any drinking water outlet with a lead concentration that is
 49 greater than the County lead limit.

Approved:

5/9/19

Nancy Navarro, President, County CouncilDate

Approved:

5/16/19

Marc Elrich, County ExecutiveDate

This is a correct copy of Council action.

5/20/19

Megan Davey Limarzi, Esq., Clerk of the CouncilDate