

HOUSE BILL 2017

By Lamar

AN ACT to amend Tennessee Code Annotated, Title 49, Chapter 1 and Title 49, Chapter 2, relative to water quality.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 49-2-133, is amended by deleting the section and substituting the following:

(a) The department of education, with the assistance of the department of health, shall develop and implement a program for the testing of water for lead contamination in public schools, public charter schools, and child care programs that are certified by the department of education under title 49, chapter 1, part 11.

(b)

(1) The program implemented pursuant to subsection (a) must incorporate, at a minimum, periodic, not to exceed biennial, testing of lead levels in drinking water sources at public schools, public charter schools, and child care programs operating in facilities constructed prior to January 1, 1998, utilizing samples consisting of the first two hundred fifty milliliters (250 mL) drawn of water that has been standing in plumbing overnight to identify lead levels. Samples must be taken in accordance with the tap sampling procedures in the EPA Lead and Copper Rule (40 CFR Part 141).

(2) Public schools, public charter schools, or child care programs operating in facilities constructed on or after January 1, 1998, may conduct periodic testing under this section.

(c) If the result of a lead level test conducted under subsection (b) exceeds fifteen parts per billion (15 ppb) the public school, public charter school, or child care program shall conduct lead level tests on an annual basis until retesting confirms that the level is less than fifteen parts per billion (15 ppb).

(d) If the result of a lead level test conducted under subsection (b) is equal to or exceeds fifteen parts per billion (15 ppb), the public school, public charter school, or child care program shall:

(1) Immediately remove the drinking water source from service. The drinking water source must remain unavailable for use until subsequent retesting under subdivision (d)(5) confirms the lead level of water from the source does not exceed fifteen parts per billion (15 ppb);

(2) Notify:

(A) The commissioner of environment and conservation, the commissioner of health, the local department of health, the local governing body, if any, and the commissioner of education within twenty-four (24) hours of the test result; and

(B) The parents and guardians of students enrolled at the public school, public charter school, or child care program, in accordance with a notification policy developed by the local board of education or child care program, within twenty-four (24) hours of the test result. A notification from a public school or public charter school must include all languages indicated in an LEA's home language survey conducted in accordance with Title VI of the Civil Rights Act of 1964;

(3) Allow local department of health to inspect the site of the drinking source to confirm that the drinking source has been removed from service;

(4) Develop a mandatory action plan within five (5) days of notification of lead level test results, and post the corrective action plan to the public school's, public charter school's, or child care program's website; and

(5) Retest the lead level of the drinking water source within thirty (30) days of any corrective action.

(e) Each public school, public charter school, and child care program shall comply with the requirements of a water testing program created pursuant to this section.

(f) As used in this section:

(1) "Child care program" has the same meaning as defined in § 49-1-1102; and

(2) "Drinking source" means a source of water from which an individual can reasonably be expected to consume, bathe, or cook with the water originating from the source, including water fountains, coolers, icemakers, showers, and water near or used for the preparation of food and beverages.

SECTION 2. This act shall take effect July 1, 2020, the public welfare requiring it.