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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

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A N A C T

RELATING TO HEALTH AND SAFETY -- LEAD POISONING PREVENTION ACT

Introduced By: Representatives Morales, Handy, Cruz, Furtado, Slater, Kislak, Giraldo,
Carson, Ajello, and Bennett

Date Introduced: February 07, 2025

Referred To: House Municipal Government & Housing

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-24.6-28 of the General Laws in Chapter 23-24.6 entitled "Lead
2 Poisoning Prevention Act" is hereby amended to read as follows:

3 **23-24.6-28. Lead water supply replacement.**

4 (a) Water suppliers shall develop a service line inventory no later than October 16, 2024,
5 to determine the existence or absence of lead within each water connection in its service area. This
6 inventory shall be completed in accordance with all applicable state and federal requirements
7 including, but not limited to, the IJJA. Water suppliers shall include in their inventories a list of all
8 private side lead service replacements performed in their service areas since January 1, 2018.
9 Transient non-community water systems are exempt from this section.

10 (b) The service line inventory shall include all service lines and shall classify which are:

11 (1) Lead service lines;

12 (2) Non-lead; and

13 (3) Lead status unknown.

14 (c)(1) Once completed, each water supplier shall provide a copy of its inventory to the
15 department and to the Rhode Island infrastructure bank. This inventory shall be posted on the
16 department's website and on the water supplier's website. Water suppliers without a website shall
17 make the most recent service line inventory available in a publicly accessible location in each
18 community they serve.

19 (2) The department shall:

1 (i) Establish a webpage that serves as a public dashboard to track progress towards the
2 deadline in subsection (a) of this section for each public water supply system;

3 (ii) Publish and maintain online a map of the location of each service line and identify
4 whether it is a lead service line or may be of unknown material and allow this map to serve as
5 compliance for participating public water supply systems with requirements at 40 C.F.R. §
6 141.84(a)(8) that direct the systems to make the service line materials inventory publicly accessible;
7 and

8 (iii) Define disadvantaged communities consistent with federal guidance.

9 (d) When conducting the inventory of service lines in its distribution system for the initial
10 inventory pursuant to this section, a water supplier shall use any information on lead and galvanized
11 iron or steel that it has identified pursuant to applicable state and federal requirements.

12 (e) Water suppliers may utilize the following to develop a service line inventory:

13 (1) Visual inspection during planned maintenance, meter replacement, and main
14 replacement projects;

15 (2) Solicitation and receipt of comments, complaints, and other input from customers in
16 the service area;

17 (3) Historical building records and other available data from the American Water Works
18 Association or other industry research groups; and/or

19 (4) Any other procedures and resources, including from 40 C.F.R. § 141.84(a)(3), the water
20 supplier deems appropriate for identifying lead service lines.

21 (f)(1) Within thirty (30) days of identifying a lead service line, the water supplier shall
22 provide written notice to the property owner, the tenants of the building, and the director of the
23 presence of lead service lines or lead status unknown service lines. The notice shall be multilingual
24 and include information describing the sources of lead in drinking water, description of the health
25 effects of lead exposure, and steps customers can take to mitigate exposure to lead in drinking
26 water. This notice shall include lead service line replacement instructions and contact information
27 to schedule a service line inspection and replacement.

28 (2) Mitigation measures shall include, but not be limited to:

29 (i) A water supplier providing a filter pitcher or point-of-use device certified by an
30 American Standards Institute accredited certifier to reduce lead;

31 (ii) Instructions to use the filter; and

32 (iii) Six (6) months of filter replacement cartridges.

33 (g) A water supplier without an established lead service line replacement program shall
34 coordinate with the department and the Rhode Island infrastructure bank to develop a replacement

1 program.

2 (h) A water supplier shall develop and submit to the department a lead service replacement
3 plan in accordance with the rules and regulations of the Environmental Protection Agency Lead
4 and Copper Rule Improvements.

5 (i) The department and the Rhode Island infrastructure bank shall coordinate with water
6 suppliers to implement lead replacement programs, including assisting with providing financial
7 assistance to the extent the funds are available.

8 (j) The department and the Rhode Island infrastructure bank shall assist water suppliers
9 with grants, loans, or other financial assistance to ensure that public service lines containing lead
10 are replaced in accordance with this chapter.

11 (k) Based on the inventories provided pursuant to subsection (a) of this section, the
12 department, the water suppliers, and the Rhode Island infrastructure bank shall determine the
13 estimated total cost associated with all private side replacements. Consistent with any applicable
14 federal law and regulation and to the extent funds are available, the Rhode Island infrastructure
15 bank shall utilize federal funds allocated under section 50105 of the IIJA for the specific purpose
16 of reducing lead in drinking water, to enable water suppliers to meet all eligible private side lead
17 service replacement cost.

18 (l) In the event total costs exceed available federal funding allocated under section 50105
19 of the IIJA, the Rhode Island infrastructure bank may request appropriations in one or more fiscal
20 years from the general assembly sufficient to meet the outstanding total cost of all identified
21 outstanding private side lead service line replacements.

22 (m) For properties with a lead service line or a lead status unknown service line, water
23 suppliers shall inspect, at no cost to the property owner, the private side service lines to determine
24 whether lead or galvanized iron or steel is present. If lead is detected in the private service line, the
25 private service line shall be replaced in accordance with all applicable federal and state
26 requirements.

27 (n) The water supplier shall replace the entire lead service line, if lead is present in the
28 public side. The water supplier shall replace the entire lead service line with minor disruption to
29 water service unless there is either an emergency or all persons served by the service line object to
30 the replacement in writing. Transient non-community water systems shall be exempt from lead
31 service line replacements.

32 (o) In the event a property owner refuses to allow the inspection or replacement of private
33 side service lines, the water supplier shall file notice of all attempts to inspect or replace the private
34 side service lines and the property owner's refusal to allow inspection or replacement services with

1 the department. The notice shall state at a minimum: the date and time of each attempt; the name
2 of the person who refused each attempt; and the name and signature of the person who made each
3 attempt. The address where each refusal took place shall be published on the appropriate
4 department website to ensure occupants of the building have notice of the potential lead in the
5 service line. The notice shall be filed within thirty (30) days following the second refusal by the
6 property owner. The notice shall be written as a multilingual document. In the event that a water
7 service line in a rental property is found to contain lead and the property owner declines or is
8 unresponsive, the tenant shall be entitled to make a second (2nd) request to the property owner for
9 service line replacement. If the property owner refuses or fails to respond within sixty (60) days,
10 the tenant shall have the option to terminate the lease. Upon termination, the property owner may
11 not withhold the tenant's security deposit based upon the tenant's exercise of their termination
12 rights under this section.

13 (p) If the property is a rental property, the owner shall inform the tenants of the presence
14 of lead in accordance with § 23-24.6-15(b). If the owner fails to provide tenants with timely
15 notification of the existence of lead in service lines to the building the owner shall be subject to
16 civil penalty in accordance with § 23-24.6-27.

17 (q) When a property owner transfers the ownership of property, they shall disclose the
18 presence of lead service lines. Pursuant to § 5-20.8-11, every contract for the transfer or purchase
19 and sale of real estate that is or may be served by a service line containing lead shall provide that
20 potential purchasers be permitted a ten-day (10) period, unless the parties mutually agree upon a
21 different period of time, to conduct a risk assessment or an inspection of the property's water
22 service lines for the presence of lead hazards before becoming obligated under the contract to
23 transfer or purchase. Parties may mutually agree to waive a risk assessment or an inspection.

24 (r) The department and the Rhode Island infrastructure bank shall prioritize the allocation
25 of funds for private lead service line replacements in accordance with all federal requirements and
26 based on the percentage of private lead service lines present within a water supplier service area,
27 which shall be based on factors including, but not limited to:

- 28 (1) Targeting known lead service lines;
29 (2) Targeting available funds to lead service line replacements for disadvantaged water
30 suppliers; and
31 (3) Targeting populations most sensitive to the effects of lead.

32 (s) Upon award of funds for lead service replacements, water suppliers shall prioritize
33 projects within their service area to disadvantaged customers and those who are most sensitive to
34 the effects of lead.

1 (t) For any award of one million dollars (\$1,000,000) or greater to a water supplier for a
2 lead service line replacement project, the Rhode Island infrastructure bank shall require water
3 suppliers and their contractors to participate in an approved apprenticeship program for all
4 apprenticeable crafts or trades that will be employed on the project at the time of bid.

5 (u) Contingent upon available funding, each water supplier shall complete the replacement
6 of all public and private lead service lines in its service area within ten (10) years of the effective
7 date of this section [June 24, 2023] unless otherwise provided in this section. All lead service line
8 replacement projects funded under this section shall be completed in accordance with all applicable
9 state and federal requirements including, but not limited to, the IJA and related federal regulations
10 and guidance.

11 (v) Upon completion of the lead service line inventory or no earlier than January 1, 2025,
12 any water supplier that provided financing to its customers for private side lead service replacement
13 after January 1, 2018, may be eligible for reimbursement from the state for costs associated with
14 private side lead service replacements financed by its customers. State reimbursement shall be
15 subject to appropriation by the general assembly. The water supplier shall submit request for
16 reimbursements to the department. Within ninety (90) days of receipt of funds from the state, the
17 water supplier shall reimburse each customer for costs incurred in connection with their private
18 side lead service replacement project.

19 (w) Each water supplier shall provide an annual report to the governor, president of the
20 senate, speaker of the house, director of the department of health, and executive director of the
21 Rhode Island infrastructure bank within ninety (90) days of the end of each fiscal year. The report
22 shall contain information, including, but not limited to: the number of public service lines per
23 community served and the number replaced; the number of private service lines per community
24 served and the number replaced; an estimated number of service lines to be replaced; property type;
25 number of private service line inspections conducted; and annual expense to replace service lines.
26 Water suppliers whose initial inventories contain only non-lead service lines are not required to
27 provide subsequent annual reports required in this section.

28 (x) Water suppliers may coordinate with the department and nonprofit lead advocacy
29 organizations to reach residents in communities with lead infrastructure. This coordination may
30 include, but is not limited to, developing education materials, awareness communications, and
31 outreach campaigns.

32 (y) The department shall enforce the provisions of this section.

33 [\(z\) To protect the health, safety, and welfare of its residents, a municipality may adopt an](#)
34 [ordinance that allows the municipality, the water supplier, or any agent of either, to enter a property](#)

1 within the municipality to perform a lead service line replacement if the property owner is eligible
2 for a free service line replacement, subject to the notice requirement in this subsection. The
3 municipality shall provide the owner and any residents of the property with written notice at least
4 seventy-two (72) hours before entering the property, unless, in the case of an emergency, as
5 determined by the department of health. Nothing in this subsection, or any municipal ordinance
6 adopted pursuant to the provisions of this subsection, shall be construed to authorize or permit any
7 municipality, water supplier or any agent to enter any part of the property that is not directly related
8 to performing a lead service line replacement.

9 (aa) To protect the health, safety, and welfare of its residents, a municipality may adopt an
10 ordinance that allows a tenant to request and schedule a private side lead service line replacement
11 with their local water supplier in the event that a water service line in a rental property is found to
12 contain lead, the property owner is eligible for a free service line replacement, and the property
13 owner is unresponsive to a request for a service line replacement.

14 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
A N A C T
RELATING TO HEALTH AND SAFETY -- LEAD POISONING PREVENTION ACT

1 This act would allow municipalities to enact ordinances that would permit municipalities
2 and water suppliers to enter properties to perform lead service line replacements and permit tenants
3 to request and schedule private side lead service line replacements with the local water supplier
4 when the property owner is unresponsive to a request for service line replacement; provided that,
5 the property owner is eligible for a free service line replacement.

6 This act would take effect upon passage.

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