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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO WATERS AND NAVIGATION - LEAD AND COPPER DRINKING WATER  
PROTECTION ACT

Introduced By: Representatives Naughton, Shekarchi, Handy, Carson, and Kennedy

Date Introduced: April 29, 2016

Referred To: House Environment and Natural Resources

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 46 of the General Laws entitled "WATERS AND NAVIGATION" is  
2 hereby amended by adding thereto the following chapter:

3 CHAPTER 13.3

4 LEAD AND COPPER DRINKING WATER PROTECTION ACT

5 **46-13.3-1. Short title.** -- This chapter shall be known and may be cited as the "Lead and  
6 Copper Drinking Water Protection Act".

7 **46-13.3-2. Legislative findings.** -- The general assembly hereby recognizes and declares  
8 that:

9 (1) Water is vital to life and comprises an invaluable natural resource which is not to be  
10 abused by any segment of the state's population or its economy. It is the policy of this state to  
11 restore, enhance, and maintain the chemical, physical, and biological integrity of its waters, to  
12 protect public health, to safeguard fish and aquatic life and scenic and ecological values, and to  
13 enhance the domestic, municipal, recreational, industrial, and other uses of water;

14 (2) The groundwaters of this state are a critical renewable resource which must be  
15 protected to insure the availability of safe and potable drinking water for present and future  
16 needs;

17 (3) It is a paramount policy of the state to protect the purity of present and future drinking  
18 water supplies by protecting aquifers, recharge areas, and watersheds;

1           (4) It is the policy of the state to restore and maintain the quality of groundwater to a  
2 quality consistent with its use for drinking supplies and other designated beneficial uses, without  
3 treatment, as feasible. All groundwaters of the state shall be restored to the extent practicable to a  
4 quality consistent with this policy including strengthening our safe drinking water regulations  
5 beyond what is required by the Safe Drinking Water Act (SDWA) 42 U.S.C. § 300f and/or by the  
6 Environmental Protection Agency (EPA);

7           (5) It is the policy of the state to assure the public that the state is taking all actions to  
8 ensure that the risks from lead in the drinking water are addressed, and furthermore, that  
9 compliance with the standards set for safe drinking water in the Lead and Copper Rule (LCR), 40  
10 CFR Part 141 Subpart I, are met and/or exceeded.

11           (6) It is the policy of the state to cooperate with the Environmental Protection Agency  
12 (EPA) in its oversight responsibilities of state programs and address any deficiencies Rhode  
13 Island may have in our current implementation of the Lead and Copper Rule (LCR) 40 CFR Part  
14 141 Subpart I.

15           (7) It is the policy of the state to provide public health communication and outreach to  
16 residents on the steps taken to reduce exposures to lead and if levels in excess of those accepted  
17 are detected, information relating to what corrective actions are undertaken to correct the water  
18 quality.

19           **46-13.3-3. Definitions. --** The following words and phrases shall have the meanings  
20 ascribed to them in this section, unless the context shall indicate another or different meaning or  
21 intent:

22           (1) "Aquifer" means a geologic formation, group of formations, or part of a formation  
23 capable of yielding a significant amount of groundwater to wells, springs, or surface water.

24           (2) "Bedrock" means the solid rock, commonly called "ledge," that forms the earth's  
25 crust.

26           (3) "Contaminant" means any physical, chemical, biological, or radiological substance or  
27 matter in water which impairs its intended or feasible use.

28           (4) "Degradation" means a deterioration or a decline in ambient water quality.

29           (5) "Director" means the director of the department of health.

30           (6) "Groundwater" means water found underground which completely fills the open  
31 spaces between particles of sand, gravel, clay, silt, and consolidated rock fractures. The zone of  
32 materials filled with groundwater is called the "zone of saturation".

33           (7) "Groundwater recharge" means the processes of addition of water to the zone of  
34 saturation, that zone beneath the water table.

1           (8) "Maximum contaminant level" means the maximum permissible level of a  
2 contaminant present in the water determined at a point of entry into the distribution system and at  
3 any point in the distribution system.

4           (9) "Nondegradation" means maintenance of ambient water quality.

5           (10) "Preventive action limit" means a specified percentage of a maximum contaminant  
6 level.

7           (11) "Public water supply system" means a system for the provision to the public of water  
8 for human consumption through pipes or other constructed conveyances, if the system has at least  
9 fifteen (15) service connections or regularly serves at least twenty-five (25) individuals daily at  
10 least sixty (60) days out of the year;

11           (12) "Recharge area" means an area in which water is absorbed that eventually reaches  
12 the zone of saturation.

13           (13) "Residence time" means the length of time a given unit volume of water (including  
14 any contaminant in that water) is present in a hydrologic system.

15           (14) "Special protection area" means a designation which would delineate a recharge area  
16 within a groundwater reservoir which is particularly critical for the maintenance of large volumes  
17 of high quality groundwater for long periods of time.

18           (15) "Toxic pollutant" means a water contaminant or combination of water contaminants  
19 in concentration(s) which, upon exposure, ingestion, or assimilation, either directly from the  
20 environment or indirectly through food chains, will unreasonably threaten to injure human health,  
21 or the health of animals or plants which are commonly hatched, bred, cultivated, or protected for  
22 use by persons for food or economic benefit.

23           (16) "Water quality criteria" means a designated concentration of a constituent that, when  
24 not exceeded, will protect an organism, an organism community, or a prescribed water use or  
25 quality.

26           (17) "Water table" means the upper surface of groundwater in the saturated zone of an  
27 aquifer system. The level of the water table fluctuates with varying rates of recharge and  
28 pumpage.

29           (18) "Wellhead protection area" means the surface and subsurface area surrounding a  
30 public well or wellfield through which water will move toward and reach that well or wellfield.

31           **46-13.3-4. Safe drinking water required.** -- Notwithstanding and in addition to the  
32 provisions of chapter 24.6 of title 23, title 46, or the Lead and Copper Rule (LCR) 40 CFR Part  
33 141 Subpart I, the director is hereby authorized to determine whether the state's water supplies are  
34 safe and potable for human consumption and to what degree the state is in compliance with all

1 federal and state regulations.

2 **46-13.3-5. Annual testing.** -- (a) The director shall promulgate regulations requiring, as a  
3 condition of licensure, that all preschools, day care facilities, nursery schools, public and private  
4 elementary schools and schoolyards, public playgrounds, shelters and foster homes serving  
5 children under the age of six (6) years, public hearing facilities, substance abuse clinics in Rhode  
6 Island and all facilities required pursuant to the Safe Drinking Water Act (SDWA) 42 U.S.C.  
7 §300f and the Environmental Protection Agency (EPA) shall demonstrate:

8 (1) If the facility is a new facility, that the facility and grounds are lead free or lead safe;  
9 and

10 (2) If the new facility is an existing facility, that an annual lead and copper test  
11 demonstrates that the facility is lead free or lead safe.

12 (b) The director shall, using state inspectors, conduct comprehensive environmental lead  
13 inspections for all these facilities at the specified intervals.

14 **46-13.3-6. Public water supply system requirements.** -- Any public water supply  
15 system shall:

16 (1) Provide notice to all customers including public notices to any school, community  
17 center, child care center or any location likely to service children or large numbers of people that  
18 a public water system servicing their water exceeds the acceptable lead action level.

19 (2) Protect water systems by following defined corrosion control treatment standards.

20 (3) Define proper testing protocols regarding the frequency, size, site selection and draw  
21 of any and all water samples.

22 (4) Require lead and copper analysis prior to any significant change in water source or  
23 water treatment by any public water system.

24 (5) Require that all corrosion control be performed under the guidance of a licensed  
25 engineer.

26 (6) Adopt a full lead service line replacement program within ten (10) years of the  
27 enactment of this chapter, and prohibit any partial lead service line replacement.

28 **46-13.3-7. Customer and homeowner water system protections.** -- (a) Prior to the sale  
29 or rental of any dwelling, the water shall be tested for lead and copper and said results, as well as  
30 a disclosure of the status and condition of the lead service line shall be included in any rental  
31 agreement or purchase and sale agreement. Water test results shall also be reported to the  
32 department of health within a reasonable time.

33 (b) Water system providers shall conduct as part of their routine maintenance a complete  
34 inventory of all service line materials up to the interior meters of each customer serviced, which

1 shall be reported to the department of health within a reasonable time.

2 **46-13.3-8. Rhode Island lead action level reduction.** -- The director is hereby directed  
3 to develop a plan and strategy to reduce the current lead action level of fifteen parts per billion  
4 (15 ppb) to a level of ten parts per billion (10 ppb) or less.

5 **46-13.3-9. Violations.** -- Enforcement and penalties for violations of this chapter shall be  
6 determined in accordance with the provisions of §39-4-3.

7 **46-13.3-10. Advisory commission on drinking water quality.** -- The director is hereby  
8 authorized to assemble an "advisory commission on drinking water quality" whose duties shall be  
9 to impose protections for our water supply systems by continuously assessing and providing  
10 recommendations regarding science, testing monitoring protocols, water treatments, and  
11 corrosion control. The composition of the commission shall include members of the public and  
12 experts in the field of drinking water quality and control. The commission shall provide an annual  
13 report to the speaker of the house of representatives and president of the senate on January 1,  
14 2017 and annually thereafter.

15 **46-13.3-11. Water system advisory council.** -- Every public water system that services  
16 five hundred (500) customers or more shall establish a "water system advisory council". Each  
17 water system advisory council shall include water system customers, water systems personnel,  
18 authorities whose duties and responsibilities shall be to provide oversight and input on water  
19 quality and compliance with federal and state laws and/or regulations.

20 **46-13.3-12. Severability.** -- If any provisions of this chapter or the application thereof to  
21 any person or circumstances is held invalid, such invalidity shall not affect other provisions or  
22 applications of this chapter, that can be given effect without the invalid provision or application,  
23 and to this end the provisions of this chapter are declared to be severable.

24 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 WATERS AND NAVIGATION - LEAD AND COPPER DRINKING WATER  
PROTECTION ACT

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1           This act would enact a new chapter "The Lead and Copper Drinking Water Protection  
2 Act" which would provide water protection and ensure compliance with federal and state water  
3 supply protections.

4           This act would take effect upon passage.

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