

SENATE BILL NO. 1035

October 16, 2024, Introduced by Senator HOITENGA and referred to the Committee on Energy and Environment.

A bill to amend 2023 PA 154, entitled
"Clean drinking water access act,"
by amending sections 5 and 7 (MCL 380.1905 and 380.1907).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 5. (1) ~~Within 15 months after the effective date of this~~
2 ~~act,~~ **By January 24, 2025, and subject to section 7(4),** each school
3 shall develop a drinking water management plan, and make the plan
4 available to the department, school staff, parents and guardians of
5 children enrolled in the school, and the general public on request.

1 The plan must do all of the following:

2 (a) Specify the location of each water outlet using 1 of the
3 following categories:

4 (i) The location where a water outlet will be maintained to
5 deliver water for human consumption, whether as drinking water or
6 as a component of a food or beverage, using 1 of the following
7 categories:

8 (A) The location where a filtered bottle-filling station will
9 be maintained. The plan must provide for the maintenance of at
10 least 1 filtered bottle-filling station for every 100 occupants of
11 the school, not including visitors or individuals attending special
12 events.

13 (B) The location where a filtered faucet will be maintained.
14 Filtered faucets may be maintained only when the installation of a
15 filtered bottle-filling station is not feasible but a water outlet
16 for human consumption is necessary, including, but not limited to,
17 kitchens, nurses' stations, preschool classrooms, and teachers'
18 lounges.

19 (ii) The location where a water outlet will be maintained for
20 purposes other than as described in subparagraph (i).

21 (iii) The location where a water outlet will be shut off or
22 rendered permanently inoperable.

23 (b) Establish a schedule for when each of the following will
24 occur:

25 (i) Annual water sampling and testing of the filtered water at
26 each filtered bottle-filling station and filtered faucet in the
27 school to ensure that the filters are properly installed and
28 provide water with a lead concentration of not more than 5 parts
29 per billion.

1 (ii) Regular replacement of the filter cartridge for each
2 filtered bottle-filling station and filtered faucet in compliance
3 with the manufacturer instructions or recommendations of the
4 department.

5 (2) Each school shall review and update the plan at least once
6 every 5 years and make changes as directed by the department or as
7 needed to comply with this section.

8 (3) ~~A-Subject to section 7(4),~~ a school shall comply with the
9 schedules under subsection (1)(b).

10 (4) If the water sampling and testing under subsection
11 (1)(b)(i) indicates the presence of lead at a concentration of 1
12 part per billion or more but not more than 5 parts per billion, the
13 school shall do all of the following:

14 (a) Immediately check the status of the filter or filters at
15 the filtered bottle-filling station or filtered faucet and replace
16 the filter cartridge if the status light indicates that replacement
17 is or will soon be required.

18 (b) Ensure the filtered bottle-filling station or filtered
19 faucet is properly installed.

20 (c) Resample and retest the filtered water.

21 (d) If water sampling and testing under subdivision (c)
22 indicates the presence of lead at a concentration of 1 part per
23 billion or more but not more than 5 parts per billion, do both of
24 the following:

25 (i) Send a copy of the test results and a document that lists
26 the make and model of the filtered bottle-filling station or
27 filtered faucet and filter cartridge to the department.

28 (ii) Consult with the department and filtered bottle-filling
29 station or filtered faucet manufacturer.

(5) If water sampling and testing under subsection (1)(b)(i) or (4)(c) indicates the presence of lead at a concentration of more than 5 parts per billion, the school shall do all of the following:

(a) Immediately shut off or otherwise render inoperable the water outlet.

(b) Post a conspicuous sign near the water outlet stating that the water outlet is inoperable because of high lead concentration and maintain the sign until the water outlet is returned to service under subdivision (e).

(c) Replace the filter cartridge in the filtered bottle-filling station or filtered faucet.

(d) Resample and retest the water.

(e) If water sampling and testing under subdivision (d) indicates the presence of lead at a concentration of 1 part per billion or more but not more than 5 parts per billion, return the water outlet to service and comply with the ~~requirement~~ **requirements** under subsection (4)(b), (c), and (d).

(f) If water sampling and testing under subdivision (d) indicates the presence of lead at concentration of more than 5 parts per billion, do both of the following:

(i) ~~Within~~ **Not later than** 30 days after receiving the test results, send a copy of the test results to the department and send a notice to school staff and each parent or guardian of a student enrolled in the school, in a manner determined by the school district. The notice must state the amount of lead found in the water and information provided by the department on the health effects of lead exposure and ways to reduce childhood lead exposure.

(ii) Develop a remediation plan in consultation with the

1 department and incorporate the remediation plan into the plan under
2 subsection (1).

3 (6) ~~The~~ **Subject to section 7(4),** the school shall collect the
4 water for the water sampling and testing conducted under this
5 section. The water must be drawn from all of the bubbler fixtures
6 of the filtered bottle-filling stations and filtered faucets and
7 must be collected in 250-milliliter bottles after at least an 8-
8 hour stagnation period and before any water use occurs at the
9 school. Water testing described under this section must be
10 conducted at a laboratory certified for lead and copper testing for
11 the approved EPA method. As used in this subsection, "EPA" means
12 the United States Environmental Protection Agency.

13 Sec. 7. (1) ~~By~~ **Except as otherwise provided in subsection (4),**
14 **by** the end of the 2025-2026 school year, ~~each a~~ school shall do all
15 of the following:

16 (a) Install all filtered bottle-filling stations and filtered
17 faucets as indicated in the plan and not already in existence.

18 (b) Shut off or render permanently inoperable any water outlet
19 providing water for human consumption that is not a filtered
20 bottle-filling station or filtered faucet.

21 (c) Post a conspicuous sign near each water outlet indicating
22 whether or not the outlet is intended to provide water for human
23 consumption.

24 (2) At the end of the 2025-2026 school year and annually
25 thereafter, **as applicable,** each school shall submit to the
26 department documentation, on a form and in a manner prescribed by
27 the department, that certifies that the school has complied with
28 the requirements of this act.

29 (3) ~~Beginning 15 months after the effective date of this act,~~

1 By January 24, 2025, and except as otherwise provided in subsection
2 (4), a school shall not install a drinking fountain, unless the
3 drinking fountain is a filtered bottle-filling station.

4 (4) If a school has conducted sampling and testing to test for
5 the presence of lead between January 24, 2022 and January 24, 2025,
6 and that sampling and testing does not indicate the presence of
7 lead, the school is not required to develop a plan or install any
8 filtered bottle-filling stations, filtered faucets, filtered
9 pitchers, or other filtered sources by the timeline specified in
10 subsection (1), and may proceed with the sampling and testing
11 requirements specified under this subsection. If a school has not
12 conducted sampling and testing to test for the presence of lead
13 between January 24, 2022 and January 24, 2025, but before
14 developing a plan, a school may conduct water sampling and testing
15 to test for the presence of lead. The school shall collect the
16 water for water sampling and testing. The water must be drawn from
17 all of the water outlets and must be collected in 250-milliliter
18 bottles after at least an 8-hour stagnation period and before any
19 water use occurs at the school. After the school collects the
20 water, the school shall deliver, through the mail or in person, all
21 of the 250-milliliter bottles for water testing. Water testing
22 described under this subsection must be conducted at a laboratory
23 certified for lead and copper testing for the approved EPA method.
24 If the water sampling and testing under this subsection does not
25 indicate the presence of lead, the school is exempt from installing
26 and providing water for human consumption from filtered bottle-
27 filling stations, filtered faucets, or other filtered sources as
28 described under this act. Water sampling and testing conducted
29 under this subsection must be conducted at least once every 3

1 years. If the water sampling and testing under this subsection
2 indicates the presence of lead, not later than 15 months after the
3 presence of lead is indicated, the school must comply with the
4 requirements under this act. As used in this subsection, "EPA"
5 means the United States Environmental Protection Agency.

6 (5) ~~(4)~~—The legislature shall annually appropriate to the
7 department an amount sufficient to administer and comply with this
8 act. Schools are not required to comply with this act unless the
9 legislature has appropriated sufficient funds under this
10 subsection.