

CLEAN DRINKING WATER ACCESS ACT (EXCERPT)
Act 154 of 2023

380.1905 Drinking water management plan; requirements; mandatory review and update; presence of lead; duties.

Sec. 5. (1) Within 15 months after the effective date of this act, each school shall develop a drinking water management plan, and make the plan available to the department, school staff, parents and guardians of children enrolled in the school, and the general public on request. The plan must do all of the following:

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

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

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

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

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

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

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

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

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

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

(3) A school shall comply with the schedules under subsection (1)(b).

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

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

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

(c) Resample and retest the filtered water.

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

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

(ii) Consult with the department and filtered bottle-filling 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 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 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 department and incorporate the remediation plan into the plan under subsection (1).

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

History: 2023, Act 154, Eff. Oct. 24, 2023.