

This Document can be made available in alternative formats upon request

State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 4429

03/21/2022 Authored by Jordan, Lee and Reyer
The bill was read for the first time and referred to the Committee on Health Finance and Policy

1.1 A bill for an act
1.2 relating to health; requiring community water systems to inventory service lines
1.3 and establish plans to replace lead service lines by 2032; requiring notices to
1.4 customers, consumers, and owners; requiring reports; authorizing rulemaking;
1.5 appropriating money; proposing coding for new law in Minnesota Statutes, chapter
1.6 144.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. FINDINGS; PRESENCE OF LEAD IN DRINKING WATER.

1.9 (a) The legislature of the state of Minnesota finds that the presence of lead in drinking
1.10 water represents a threat to the public health, especially to the health and development of
1.11 children in Minnesota; that pipes containing lead that connect water mains to homes and
1.12 other buildings, often called lead service lines, are a primary source of lead in drinking
1.13 water; and that a full and complete inventory of all lead service lines in the state does not
1.14 exist.

1.15 (b) The legislature therefore declares that community water systems in the state should
1.16 fully inventory all lead service lines and gradually replace all lead service lines, portions
1.17 of which may exist on private property and that, given the risk to public health and the
1.18 resulting social costs that lead exposure imposes on society as a whole, it is in the public
1.19 interest that each community water system is obligated to replace lead service lines, including
1.20 those that exist on private property, and is authorized to recoup the cost of lead service line
1.21 replacements from all users of the community water system if the community water system
1.22 cannot fund the replacement with state and federal funds otherwise available for this purpose.

2.1 Sec. 2. **[144.3802] DEFINITIONS.**

2.2 **Subdivision 1. Scope.** The terms defined in this section apply to sections 144.3802 to
2.3 144.3807.

2.4 **Subd. 2. Commissioner.** "Commissioner" means the commissioner of health.

2.5 **Subd. 3. Community water system.** "Community water system" has the meaning given
2.6 in United States Code, title 42, section 300f(15).

2.7 **Subd. 4. Customer.** "Customer" means a property owner or lessee who receives and is
2.8 required to pay a bill for water supplied to the property.

2.9 **Subd. 5. Lead service line.** "Lead service line" means a water supply connection that
2.10 is made of or lined with a material consisting of lead and that connects a water main to a
2.11 building. A lead pigtail, lead gooseneck, or other lead fitting shall be considered a lead
2.12 service line, regardless of the composition of the service line or other portions of piping to
2.13 which the piece is attached. A galvanized service line shall be considered a lead service
2.14 line.

2.15 **Subd. 6. Nonpaying consumer.** "Nonpaying consumer" means a lessee or primary
2.16 occupant of institutional, commercial, or residential space in a community water system's
2.17 service area who does not receive and is not required to pay a bill for water supplied to the
2.18 property.

2.19 **Subd. 7. Off-site owner.** "Off-site owner" means an owner of residential, commercial,
2.20 or institutional property in a community water system's service area who resides at another
2.21 property outside the service area and who does not receive and is not required to pay a bill
2.22 for water supplied to the owner's property in the service area.

2.23 **Subd. 8. Partial replacement.** "Partial replacement" means replacing any portion of a
2.24 service line without replacing the entire service line.

2.25 **Subd. 9. Property owner.** "Property owner" means the owner of a residential,
2.26 commercial, or other property served by a community water system.

2.27 **Subd. 10. Property owner side.** "Property owner side" means the portion of a service
2.28 line that is owned by a property owner.

2.29 **Subd. 11. Service line.** "Service line" means any piping, tubing, or fitting connecting a
2.30 water main to a building. Service line includes the property owner side and the system side
2.31 of a service line.

3.1 Subd. 12. **System side.** "System side" means the portion of a service line that is owned
 3.2 by a community water system.

3.3 Sec. 3. **[144.3803] SERVICE LINE INVENTORY.**

3.4 Subdivision 1. **Development of inventory.** Each community water system in the state
 3.5 shall develop a service line inventory to determine whether service lines at each service
 3.6 connection in the community water system's service area are lead service lines. The service
 3.7 line inventory must include information about service line locations and the composition
 3.8 of service lines at each location. The commissioner may prescribe methods by which
 3.9 community water systems must store service line inventory data and submit that data to the
 3.10 commissioner under this section.

3.11 Subd. 2. **Initial count.** By September 1, 2022, a community water system must compile
 3.12 and submit to the commissioner:

3.13 (1) an initial count of the number of lead service lines in the community water system's
 3.14 service area and the number of service lines in the service area that are of unknown
 3.15 composition; and

3.16 (2) the number of lead service lines planned to be replaced each year.

3.17 Subd. 3. **Initial inventory.** (a) By January 1, 2023, a community water system must
 3.18 submit to the commissioner an initial service line inventory. The inventory must include:

3.19 (1) the locations of all identified lead service lines;

3.20 (2) an indication as to whether each identified lead service line is completely composed
 3.21 of lead or otherwise meets the definition of lead service line;

3.22 (3) the locations of service lines suspected to be lead service lines;

3.23 (4) for each identified or suspected lead service line, an indication as to whether the
 3.24 service line is owned by the community water system or the property owner, or both;

3.25 (5) the locations and compositions of all nonlead service lines; and

3.26 (6) a separate list of all service lines of unknown composition.

3.27 (b) The community water system must use historical building records and other available
 3.28 information, including information from industry research groups, to determine the likelihood
 3.29 of the presence of lead service lines in all portions of its service area.

3.30 (c) Following submission of the initial inventory under paragraph (a), a community
 3.31 water system must continue the inventory process and use every reasonable method available

4.1 to locate all lead service lines in the community water system's service area. This process
4.2 must include:

4.3 (1) visual inspection during planned maintenance, meter replacement, and water main
4.4 replacement projects; and

4.5 (2) soliciting and receiving comments from persons in the service area.

4.6 Subd. 4. **Updated inventory.** (a) By July 1, 2023, a community water system must
4.7 update its inventory of service lines in its service area and must submit the updated service
4.8 line inventory to the commissioner. The updated inventory must contain the information
4.9 specified in subdivision 3, paragraph (a), and must also include:

4.10 (1) for each service line suspected to be a lead service line, supporting information
4.11 detailing the reasons why the service line is believed to contain lead; and

4.12 (2) for each service line identified as being of unknown composition, a description of
4.13 the steps taken to determine whether the service line is a lead service line.

4.14 (b) If a community water system exhausts all other methods of identifying the composition
4.15 of a service line, including the use of new technologies that may become available, the
4.16 commissioner may require excavation to identify the composition of a service line.

4.17 (c) After submission of the updated inventory under paragraph (a), a community water
4.18 system must update its service line inventory annually until all lead service lines in its
4.19 service area have been replaced.

4.20 Subd. 5. **Annual report.** Beginning July 1, 2024, and annually thereafter until all lead
4.21 service lines in the service area have been replaced, a community water system must submit
4.22 to the commissioner:

4.23 (1) its current service line inventory that contains the information specified in subdivision
4.24 4, paragraph (a);

4.25 (2) its progress in replacing lead service lines according to its replacement plan; and

4.26 (3) a statement certifying that the community water system is in compliance with sections
4.27 144.3802 to 144.3807.

4.28 Subd. 6. **Public availability.** A community water system must make its current service
4.29 line inventory available:

4.30 (1) upon request and at no cost to appropriate state officials and to local government
4.31 officials of a local unit of government served by the community water system; and

5.1 (2) on the website of the community water system, except that a community water system
5.2 that serves fewer than 3,300 customers and that does not have a website must make its
5.3 current service line inventory available at another publicly accessible location.

5.4 **Sec. 4. [144.3804] WRITTEN NOTICE OF SERVICE LINE COMPOSITION.**

5.5 Subdivision 1. **Notice required.** (a) By February 1, 2023, and periodically thereafter as
5.6 required by the commissioner, a community water system must provide to each customer
5.7 and nonpaying consumer served by a lead service line in the service area and to each off-site
5.8 owner affected by a lead service line in the service area written notice of the composition
5.9 of the service line.

5.10 (b) A notice provided under this subdivision must:

5.11 (1) be sent by certified mail to each residential, commercial, or institutional address
5.12 affected by a known lead service line and addressed to the primary resident or commercial
5.13 or institutional occupant, as appropriate. Notice shall be sent to all affected addresses,
5.14 regardless of whether the resident or occupant is a customer or nonpaying consumer;

5.15 (2) be sent by certified mail to each off-site owner affected by a known lead service line
5.16 and addressed to the property owner's last known address as determined through a review
5.17 of local property tax and other available records;

5.18 (3) be included in a mailing that is separate and distinct from a water bill that is issued
5.19 for the property. The notice shall contain large, easily readable text and be presented on
5.20 distinctly colored paper or other paper that is easily distinguishable from a water bill
5.21 statement; and

5.22 (4) include, at a minimum, a list of the lead service lines that serve the customer or
5.23 nonpaying consumer or affect the off-site owner; information describing the sources of lead
5.24 in drinking water, including lead service lines and household plumbing; a description of
5.25 the health effects of lead exposure; and the steps that customers and nonpaying consumers
5.26 with lead service lines can take to reduce their exposure to lead from drinking water.

5.27 Subd. 2. **Notice for multiunit dwellings.** If the recipient of a notice under this section
5.28 is the owner or operator of a multiunit dwelling, the owner or operator must:

5.29 (1) provide a paper copy of the notice to each resident of the multiunit dwelling;

5.30 (2) post a copy of the notice in a conspicuous location in a common area of the dwelling
5.31 and maintain that notice until all lead service lines identified in the notice have been replaced
5.32 or determined to not be composed of lead; and

6.1 (3) inform each new resident, prior to their residence, about the existence of lead service
6.2 lines and provide each new resident with a paper copy of the notice upon commencement
6.3 of their residence.

6.4 Subd. 3. **Other languages.** If a community water system serves a service area in which
6.5 the primary language of ten percent or more of the residents is a language other than English,
6.6 the community water system shall provide the notice required by this section in English
6.7 and in the other languages used by ten percent or more of the residents.

6.8 **Sec. 5. [144.3805] PLAN TO REPLACE LEAD SERVICE LINES.**

6.9 Subdivision 1. **Initial plan; updated plan.** By July 1, 2023, a community water system
6.10 must submit to the commissioner an initial plan for replacing all lead service lines in its
6.11 service area. The community water system must annually update the plan to be consistent
6.12 with the system's updated service line inventory until all lead service lines in the system's
6.13 service area have been identified and replaced.

6.14 Subd. 2. **Plan requirements.** (a) A plan to replace lead service lines must:

6.15 (1) provide for average annual replacement of at least ten percent of all lead service lines
6.16 that were identified by the community water system when it submitted its initial lead service
6.17 line replacement plan to the commissioner under subdivision 1;

6.18 (2) provide for the replacement of all lead service lines in the community water system's
6.19 service area no later than July 1, 2032, regardless of whether the lines were known or not
6.20 known to the community water system when it submitted its initial plan to the commissioner
6.21 under subdivision 1;

6.22 (3) include a plan to notify consumers of health effects and steps they may take to reduce
6.23 exposure to lead before and after lead service line replacement; and

6.24 (4) include any other information or certifications required by the commissioner.

6.25 (b) A community water system is encouraged to complete the replacement of lead service
6.26 lines in its service area by July 1, 2032, as provided in the community water system's plan.
6.27 Notwithstanding any provision in this section to the contrary, a community water system
6.28 is authorized to continue lead service line replacement activities until July 1, 2037, if
6.29 necessary to fully comply with sections 144.3802 to 144.3807.

6.30 Subd. 3. **Partial replacement of lead service lines.** Except during an emergency, such
6.31 as a water main or service line break or during a water main replacement, a community
6.32 water system must not conduct a partial replacement of a lead service line but must make

7.1 a good-faith effort to replace the entire lead service line and conduct a partial replacement
 7.2 only as a last resort. A partial replacement of a lead service line shall not count toward the
 7.3 community water system's replacement requirements in its plan submitted under this section.

7.4 Subd. 4. **Suspension of water service not permitted.** A community water system must
 7.5 not suspend the water service of a customer solely because the community water system
 7.6 was denied access to the property owner side of the lead service line to replace the lead
 7.7 service line.

7.8 Subd. 5. **Extension.** (a) A community water system may apply for, and the commissioner
 7.9 may approve, a reasonable extension of any target or deadline established in sections
 7.10 144.3802 to 144.3807 if the community water system demonstrates that the extension is
 7.11 necessary to meet a service reliability demand or public health need, not related to lead
 7.12 abatement, within the system.

7.13 (b) A local unit of government that operates a community water system may apply for,
 7.14 and the commissioner may approve, a reasonable extension of any target or deadline
 7.15 established in sections 144.3802 to 144.3807 if the local unit of government demonstrates
 7.16 that the extension is necessary due to financial distress.

7.17 Sec. 6. **[144.3806] PROJECT COSTS.**

7.18 Subdivision 1. **State and federal funds.** A local unit of government operating a
 7.19 community water system must make every effort to fund the replacement of lead service
 7.20 lines under sections 144.3802 to 144.3807 with state and federal funds available for this
 7.21 purpose.

7.22 Subd. 2. **Other financing.** A local unit of government operating a community water
 7.23 system may, according to section 444.075, finance the cost of replacing lead service lines
 7.24 not otherwise funded with state and federal funds, provided any rates or assessments levied
 7.25 apply to all customers of the community water system.

7.26 Sec. 7. **[144.3807] RULES.**

7.27 The commissioner may adopt rules to implement sections 144.3802 to 144.3807.

7.28 Sec. 8. **APPROPRIATION; LEAD SERVICE LINE REPLACEMENT.**

7.29 \$..... in fiscal year 2023 is appropriated from the general fund to the Public Facilities
 7.30 Authority for grants to local units of government operating community water systems with
 7.31 lead service lines to fund the replacement of lead service lines.