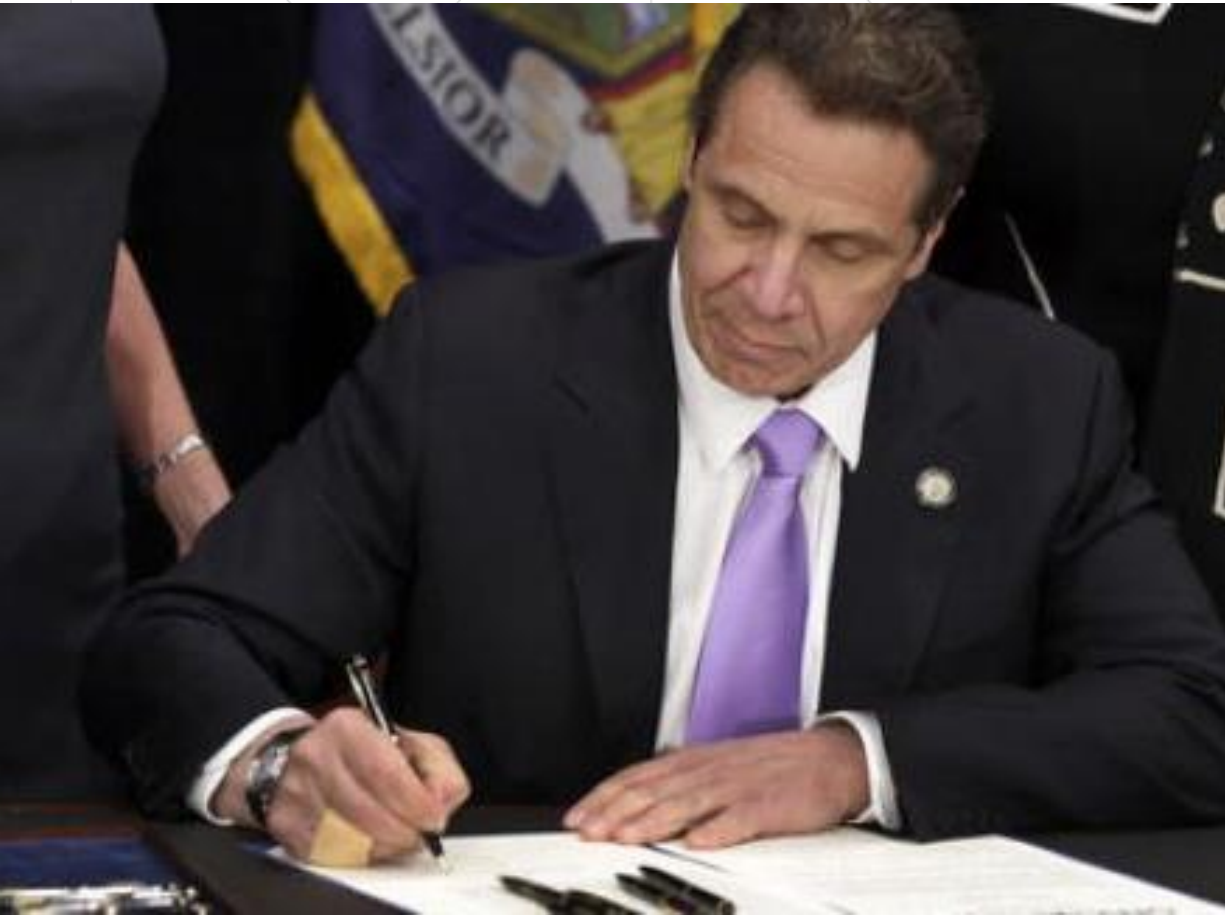




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Lead Testing in School Drinking Water





Background

- Until recently, testing water for lead in at schools was not required.
- Many districts have conducted testing as a voluntary, pro-active measure.
- On September 06, 2016, Gov. Cuomo signed legislation requiring that school districts test their water for lead.

Summary of Law



Department
of Health

- Along with the signing of the legislation on September 06, 2016 – the NY State Department of Health issued emergency regulations pursuant to new legislation, requiring that school districts test their water for lead contamination by Oct. 31, 2016.
- By September 30, 2016, all school buildings serving children in **pre-K through grade 5** must collect a sample from each outlet for testing.
- By October 31, 2016, all school buildings serving children in **grades 6 through 12** must collect a sample from each outlet for testing.

Key Definitions in the Law

- Outlet means a potable water fixture currently **or potentially used** for drinking or cooking purposes, including but not limited to a bubbler, drinking fountain, or faucets.
- Action level means 15 parts per billion (ppb). (Exceedance of the action level requires a response)

Testing Requirements



- First-draw samples shall be collected from all outlets.
 - ✓ Drinking fountains
 - ✓ Sinks: bathroom, classroom, nurse's office, main office, kitchen, etc. (not slop sinks with locked doors)
Note: In classrooms with combination drinking fountain/sink, sample the drinking fountain. If the fountain does not work, sample the sink.
 - ✓ Exterior hose bibs (not those with key valves)
- A first-draw sample volume shall be 250 milliliters (mL), collected from a cold water outlet before any water is used.

Testing Requirements

- The water shall be motionless in the pipes for a minimum of 8 hours, but not more than 18 hours.
Note: NYSDOH indicated that for inactive lines, they can exceed the 18 hour requirement; they are interested in normal use results. **NO FLUSHING** of lines prior to testing.
- Any first-draw sampling conducted consistent with the regulation that occurred after January 1, 2015 shall satisfy the initial first-draw sampling requirement.

Response Actions

If the lead concentration of water at an outlet exceeds the action level, the school shall prohibit use of the outlet until:

- A lead remediation plan is implemented and test results indicate that the lead levels are at or below the action level; and
- Provide building occupants with an adequate supply of potable water for drinking until remediation is completed; and
- Report the test results to the local health department within 1 business day of receipt of results (or by 9/20 for prior testing); and
- Notify all staff and all persons in parental relation to students of the test results, in writing within 10 business days of receipt of results (or by 9/20 for prior testing).

Public Notification Requirements

- By October 31, 2016, the school shall make available on its website a list of all buildings that are determined to be lead-free, as defined in section 1417 of the Federal Safe Drinking Water Act.
- The school shall make available, on the school's website, the results of all lead testing performed and lead remediation plans implemented pursuant to the regulation (or prior testing/remediation), as soon as practicable, but no more than 6 weeks after the school received the laboratory reports.

Reporting Requirements

As soon as practicable but no later than November 11, 2016, the school shall report to the NYSDOH, local health department, and State Education Department, through the NYSDOH designated statewide electronic reporting system:

1. Completion of all required first-draw sampling;
2. For any outlets that were tested prior to the effective date of this regulation, and for which the school wishes to assert that such testing was in substantial compliance with the regulation.
3. A list of all buildings that are determined to be lead-free, as defined in section 1417 of the Federal Safe Drinking Water Act.

Waivers

A school may apply to the local health department for a waiver from the testing requirements of this Subpart, for a specific school, building, or buildings, by demonstrating in a manner and pursuant to standards determined by the Department, that:

1. Prior to the publication date of the regulation, the School conducted testing that substantially complied with the testing requirements;
2. Any needed remediation, including re-testing, has been performed; and
3. The lead level in the potable water of the applicable building(s) is currently below the action level.