

LEAD TESTING IN SCHOOL DRINKING WATER 10 NYCRR SUBPART 67-4 PROGRAM REVIEW AND REMEDIATION REIMBURSEMENT


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JANUARY 8TH, 2025 | LEAD ADVISORY COUNCIL MEETING

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AGENDA

- Public Health Law Revisions
- Sampling Requirements
- Reporting Requirements
- Remediation Reimbursement
- Summary of Testing as of 12/31/2024



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SUMMARY OF PUBLIC HEALTH LAW REVISIONS

Revisions to Public Health Law 1110 went into effect in December 2022 and include:

Monitoring



- Action Level lowered from 15 ppb to **5 ppb**
- Compliance monitoring will be every **3 years** (previously every 5 years)
- "Lead-free" buildings **no longer exempt** from testing requirements

Response

- All water provided to school staff/students in response to an outlet being taken out of service must be **free** of charge

Reporting

- Schools must now include copies of **lab reports** of the lead testing results on their websites

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SCHOOL LEAD IN DRINKING WATER SAMPLING




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Compliance Period 2023-2025

Schools must complete **initial first-draw** sampling for the
2023-2025 Compliance Period between:
January 1, 2023 – December 31, 2025






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SAMPLING LOCATIONS

"Applicable" outlets requiring sampling may be located anywhere on school property if the outlet may be used for drinking or cooking (including food preparation)

"Applicable" outlets may include:

- Bubblers/drinking fountains
- Classroom sinks
- Kitchen sinks
- Kitchen kettle filler outlets
- Ice machines
- Hose bibs/outdoor outlets
- Family and consumer science sinks
- Teacher's lounge sink
- Nurse's office sink
- Athletic field outlets
- Any other sink known to be or potentially used for consumption


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FIRST-DRAW SAMPLES

Any sample collected for compliance under Subpart 67-4 must be a "first-draw" sample


First-draw sample:

- A water sample collected from a cold water outlet before any water is used from that outlet
- Water must be motionless in pipes for a minimum of 8 - 18 hours before sample collection
 - This timeframe represents water that would be consumed during normal operating conditions on any school day



Recommended sampling times:

- While school is in session; not during or immediately after weekends, vacations, or flushing practices
- Following normal operation of school (e.g., Tuesday – Saturday mornings)



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SCHOOL LEAD IN DRINKING WATER REPORTING





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LEAD ACTION LEVEL

NEW The action level for lead in school drinking water is **5 micrograms per liter (µg/L)** or parts per billion (ppb)




- Lead test results ≤ 5 ppb do *not* exceed the lead action level, and therefore do not require further testing or remediation until the next compliance cycle
- Lead test results > 5 ppb (i.e., 5.1 ppb, or greater) *exceed* the lead action level, and will require the outlet to be taken out of service and a remedial action plan to be implemented



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LEAD IN SCHOOL DRINKING WATER REPORTING

- **Within 1 day**
 - ✓ Report all exceedances over 5 parts per billion to the local health department
 - ✓ Take any outlet above 5ppb out of service, including posting signage
- **Within 10 days**
 - ✓ Report all exceedances to all staff, parents, and guardians in writing
 - ✓ Report test results on NYS Health Electronic Response Data System (HERDS) survey on the Health Commerce System (HCS)
- **Within 6 weeks**
 - ✓ Post copies of [lab reports](#) of test results on the school's website. This should remain posted on the school's website for the duration of the compliance period
 - ✓ Post on the school website remedial action plans taken to address outlets where lead exceeded the action level



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SCHOOL LEAD IN DRINKING WATER REMEDIATION




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REMEDIAL ACTION OPTIONS


- Permanent removal of an outlet
- Outlet replacement with "lead-free" plumbing materials
- Pipe replacement with "lead-free" plumbing materials
- Replace other sources of lead (lead solder joints, brass plumbing components, etc) with 'lead-free' materials
- Point of Use (POU) Filters*
- Engineering controls
- Signage
- Supervision
- Education
- Flushing (systematic flushing program)



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POST-REMEDATION TESTING

- Follow-up samples collected after an outlet has been remediated must also be "first-draw" samples
 - Schools should follow the same sampling protocol as initial sampling
- Schools may choose to perform additional sampling (i.e., 30-second flush, etc.) to determine the contribution of lead from plumbing to guide remediation decisions
- Post-remediation test results need to be reported:
 - In the DOH's HERDS application on HCS
 - On the school's website within the same reporting timeframes/requirements as specified for the initial sampling



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SCHOOL LEAD IN DRINKING WATER REMEDIATION REIMBURSEMENT




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ELIGIBLE EXPENSES UNDER DOH REIMBURSEMENT PROCESS

1. Post remediation sampling
2. "Do Not Drink" or equivalent signage for outlets taken out of service
3. Permanent removal of an outlet
4. Installation of individual outlet water filtration systems
5. Installation of taps
6. Installation and replacement of fountains/bubblers
7. Outlets remediated using other methods
 - i. Replacing cold water piping, additional filtration systems, etc




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NYSED REQUIRED PERMITS

Some projects that can be provided reimbursement through the DOH reimbursement process **must receive a permit** from NYSED's Office of Facilities Planning prior to the work being bid, completed, and submitted to DOH for reimbursement approval.

Projects requiring a permit include but are not limited to:

- Supply piping replacement projects other than described previously
- Any remediation work which impacts suspect or known hazardous materials




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BUILDING AID AND REIMBURSEMENT

Projects that are funded under State Building Aid cannot also be reimbursed through the DOH remediation program

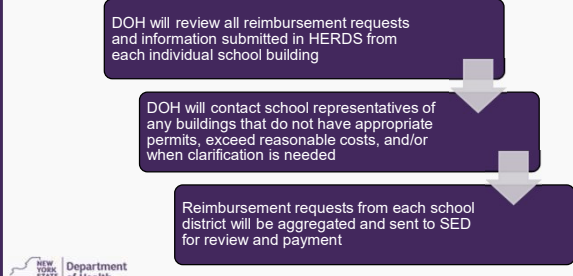
Projects that would be funded by State Building Aid include but are not limited to:

- Any building project over \$10,000
 - Large-scale remodeling, replumbing, etc
- Any other remediation work, not previously listed, which impacts suspect or known hazardous materials




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REIMBURSEMENT PROCESS: DOH REVIEW



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    A[DOH will review all reimbursement requests and information submitted in HERDS from each individual school building] --> B[DOH will contact school representatives of any buildings that do not have appropriate permits, exceed reasonable costs, and/or when clarification is needed]
    B --> C[Reimbursement requests from each school district will be aggregated and sent to SED for review and payment]
    
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REIMBURSEMENT PROCESS: SED PAYMENT

School districts and BOCES reimbursement requests will be reviewed, to confirm the completion of Form FB for each district

Reimbursement will be distributed to the school districts or BOCES on an annual basis



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SUMMARY OF TESTING



Summary of School Lead in Drinking Water results as of 12/31/2024



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COMPLETION STATUS REPORT: 12/31/24


Upstate Schools (outside NYC)	NYC Schools
<ul style="list-style-type: none"> 3,115 total schools in HERDS 7 schools 'Incomplete' 765 schools 'Submitted' 2,337 schools 'Not Started' 	<ul style="list-style-type: none"> 1,596 total schools in NYCDOE 1,113 schools 'Submitted'

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LEAD RESULTS: 12/31/24

Upstate (Outside NYC)	NYC
<ul style="list-style-type: none"> Number of outlets sampled: 31,748 Number of outlets above 5ppb: 3,189 Percentage of outlets above 5ppb: 10.04% 	<ul style="list-style-type: none"> Number of outlets sampled: 76,073 Number of outlets above 5ppb: 1,798 Percentage of outlets above 5ppb: 2.36%



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QUESTIONS?



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THANK YOU

ADDITIONAL QUESTIONS?
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