

Lead Remediation Reimbursement

Requirements for reimbursement requests in the Health Electronic Response Data System (HERDS) reporting application on Health Commerce System (HCS)

To provide an easy tool that schools can use to request reimbursement for remediation of school drinking water outlets above the action level of 5ppb, the New York State Department of Health (NYSDOH) has updated the HERDS form in HCS. Schools interested in being reimbursed for remediation projects that will reduce lead in school drinking water must complete all remediation projects prior to submitting any reimbursement requests.

How to get started

- Ensure your school superintendent or BOCES program manager has completed New York State Education Department (NYSED) Form FB that is used for NYSED Building Aid. This form was updated in 2024 to include additional attestation language specific to the review of lead remediation reimbursement.
- Submit all HERDS reporting for school and BOCES buildings for this compliance period.
 - Information about how to access the HCS and reporting data in the HERDS reporting application can be found on the NYS DOH Lead Testing in School Drinking Water website and in earlier sections of the guidance manual.
- Review Lead in School Drinking Water results, then school staff, administrators, and superintendents should work closely to evaluate building needs and identify a remedial action plan that works best for each school building.
 - This remedial action plan shall be posted on the schools' website along with testing results.
- Remedial action plans shall ensure that construction for remediation projects have appropriate permits from NYSED.

Reimbursable remediation projects include:

- Post remediation sampling
- “Do Not Drink” or equivalent signage for outlets taken out of service
- Permanent removal of outlets
- Installation of engineering controls
- Initial installation of individual outlet (point of use) water filtration system
- Installation and replacement of taps
- Installation and replacement of drinking water fountains/bubblers
- Outlets remediated using other methods
 - Replacement of cold-water supply piping
 - Replacement of components that contain lead solder

When is a NYSED permit required for remediation?

The following are remediation projects that DO NOT require a permit from NYSED:

- Installation of individual outlet (point of use) water filtration system(s).
- Replacement of outlets that have the same design specification as the original outlet. For example, replacing a water fountain with another water fountain.
 - Please note that replacement of a drinking fountain with a bottle filler only is not considered in-kind. The plumbing code does not consider a bottle filler by itself to count as a drinking fountain. The addition of a bottle filler option at a drinking fountain is acceptable.
 - A double level drinking fountain must be replaced with a double level drinking fountain to maintain accessibility.
- Replacement of outlets that have the same design specification as the original outlet for readily accessible cold water supply piping which does not impact other building components (walls, cabinets, flooring, hazardous materials, etc.).

All other projects will likely require a NYSED permit. Contact NYSED's Office of Facilities Planning for more information on permitting. EMSCFP@nysed.gov; website: <https://www.p12.nysed.gov/facplan/>

Contact NYSED's Office of State Aid with questions regarding Form FB. Email: OMSSAMS@nysed.gov; website: <https://stateaid.nysed.gov/build/>

Submitting information for lead remediation reimbursement

In school buildings where reported exceedances have been fully remediated, and post-remediation testing indicates that no outlets exceed 5ppb, schools can complete the remediation reimbursement questions in HERDS.

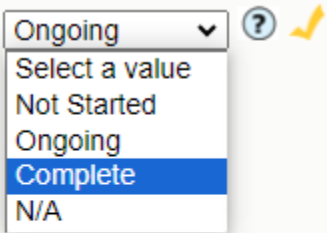
Steps to submit for lead remediation reimbursement:

1) Schools should be done with all remediation and should mark question 13 in the existing HERDS survey as "Complete."

- Question 13 asks "**Identify the status of remediation**" with response options of Not started, Ongoing, Complete, N/A (not applicable).
 - Only select N/A if there are no taps that exceed 5ppb upon initial sample testing.
- Once you select complete for question 13, if applicable, you will be required to complete all questions in the Remediation Reimbursement section in order to submit your responses. If you do not have the remediation reimbursement data ready to enter, please do not select 'Complete'. Questions 14-33, which are specific to remediation reimbursement, will no longer be greyed out and will become accessible.

13. Identify the status of remediation. (Examples of remediation include but are not limited to: permanent removal of outlets; replacing outlets and/or plumbing; or employing other engineering controls).

Once you select complete, if applicable, you will be required to complete all questions in the Remediation Reimbursement section in order to submit your responses. If you do not have the remediation reimbursement data ready to enter, please do not select 'Complete'.



2) Questions 14 and 14a require schools to review remediation plans and ensure projects that require permits are properly permitted.

3) Questions 15-33 ask about specific remediation methods that are eligible for reimbursement.

- These questions ask about the number of outlets remediated using specific methods and the cost to purchase and install these remediation mechanisms.
 - Costs include the item being installed as well as labor costs, including but not limited to hourly rate of school staff, hired contractors, or other technicians needed to remediate outlets above the action level.
- All questions must be answered to submit reimbursement requests, even if these methods are not used.

4) Contact information will be needed and helpful to follow-up on reimbursement requests that exceed cost estimates or projects that require permits.

- Contact name and title
- Contact email address
- Contact phone number

5) Attestation requires that lead remediation reimbursement requests be reviewed and approved by school superintendents or BOCES building managers.

Prior to submitting remediation reimbursement, schools should ensure that lead in drinking water sampling data is updated in HERDS. Schools should resubmit questions 1 through 13 as additional results, including post-remediation sampling results, are available. Each school building should only submit the portion of the form with remediation reimbursement information (questions 14-33) once during the compliance period, after all data in the form is finalized. Once a request has been submitted, we ask that no further requests be submitted for a school building during the same compliance period. Responses to questions about reimbursement should only include costs incurred due to outlets with drinking water containing lead levels higher than 5ppb sampled during this compliance period.

When does remediation reimbursement qualify for lead remediation reimbursement versus NYSED building aid?

- Construction projects that are conducted solely to remediate outlets used for cooking or drinking that have been tested in the 2023-2025 compliance period and exceed the action level of 5ppb are eligible for Lead Remediation Reimbursement.
- Any work that requires walls, floors, or ceilings to be removed and replaced in order to remediate lead in drinking or cooking water can be reimbursed under the lead remediation reimbursement program.
 - Projects that require this level of remediation will likely require a construction permit from NYSED.
- Projects where only one component of the project is to remediate lead in drinking or cooking water can request reimbursement for the portion of the project associated with lead remediation. A separate allocation for the remainder of the project should be submitted to NYSED for building aid funds. Remediation costs submitted for lead in drinking water shall be indicated on the form FP-F submitted to the Office of Facilities Planning. In the 'source of funds' section, indicate "DOH Lead" on the "Other" line.

- Any reimbursement requests for projects completed outside the 2023-2025 compliance period cannot be reimbursed.

What is the process to review lead remediation reimbursement requests and the timeline for reimbursement?

- NYSDOH will review the number of outlets tested, the number of outlets remediated, the method of remediation, and the costs associated with remediation as part of the reimbursement request and may follow-up with schools as necessary.
- NYSED will review Form FB or equivalent, including an attestation related to School Lead in Drinking Water sampling and remedial actions. NYSDOH will work in conjunction with NYSED to ensure that the superintendent attests to having seen the lead in school drinking water results and the associated request for remediation reimbursement.
- Lead remediation reimbursement requests will be reimbursed annually. All reimbursement requests submitted prior to December 31st will be reviewed and paid in the next calendar year.
 - **Submissions in 2024 will be reviewed after December 31, 2024, and reimbursed in 2025.

Health Commerce System resources:

https://www.health.ny.gov/environmental/water/drinking/lead/lead_testing_of_school_drinking_water.htm

https://www.health.ny.gov/environmental/water/drinking/lead/docs/health_commerce_account_access_management.pdf

https://www.health.ny.gov/environmental/water/drinking/lead/docs/how_to_access_herds_on_hcs.pdf