



Department
of Health

Lead Testing in School Drinking Water

10 NYCRR Subpart 67-4

Program Review and Remediation Reimbursement
2024

Tia Marks PhD, MPH, Research Scientist II
Amanda St. Louis, Research Scientist III
Bureau of Community Environmental Health and Food Protection
NYS Department of Health

Agenda

- 2023-2025 Compliance
- Sampling
- Reporting
- Demonstration: Health Commerce System/HERDS Data Entry
- Remediation Reimbursement
 1. Eligible Expenses
 2. Required Permits
 3. Building Aid Only Expenses
 4. Reimbursement Process
 - Building Requests
 - NYS Department of Health (DOH) Review
 - NYS Education Department (SED) Payment

Compliance Period 2023 - 2025

Schools must complete *initial first-draw* sampling
for the 2023-2025 Compliance Period between:

January 1, 2023 – December 31, 2025





Summary of PHL Revisions

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

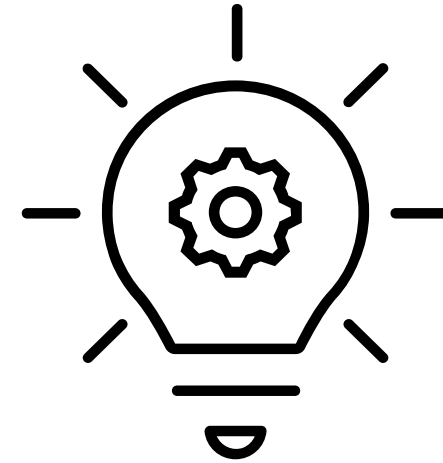
Response

- 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

School Lead in Drinking Water Sampling



Sampling Locations



"Applicable" sampling locations requiring sampling may be located anywhere on school property including external outlets (hose bibs) if the outlet may be used for drinking or cooking (including food preparation). Samples must be collected at all outlets used or potentially used for drinking or cooking.

Examples "Applicable" Outlets

- bubblers/drinking fountains
- classroom sinks
- classroom combination sinks and drinking fountains
- kitchen sinks
- kitchen kettle filler outlets
- ice machines
- family and consumer sciences room sinks
- teachers' lounge sinks
- nurse's office sinks
- athletic field outlets
- any other sink known to be or potentially used for consumption (e.g., used to make coffee in the office, etc.)

“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 routine flushing programs;
 - following normal operation of school (e.g. Tuesday – Saturday mornings)



School Lead in Drinking Water Reporting





Lead Action Level



The action level for lead in school drinking water is **5 micrograms per liter** ($\mu\text{g/L}$) 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) *exceeds* the lead action level, and will require the outlet to be taken out of service and a remediation action plan to be implemented.

Lead in School Drinking Water Reporting

- **Within 1 day**
 - ✓ Report all exceedances over 5 parts per billion to the local health department
 - ✓ All outlets that exceed the action level should be taken out of service that day
- **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.
 - ✓ Remedial action plans taken to address outlets where lead exceeded the action level should be posted on the school website.

Recordkeeping Requirements

- Per Subpart 67-4, schools must retain records for **10 years** following document creation.
Note: other agencies may have additional records retention requirements (i.e., SED, NYS Department of Labor)
- Copies of documents must be provided to the DOH, the SED, or the local health department upon request



1. I understand that the information I am reporting is for the lead testing in school drinking water program for the 2023-2025 compliance period. ? ✓

2. Enter the website address where the laboratory reports are posted for the results of your school's lead testing of drinking water program. ?

Sampling Information

3. I acknowledge that all samples must be analyzed by an environmental laboratory certified by the NYS DOH's Environmental Laboratory Approval Program (ELAP) to conduct lead in drinking water analysis. ? ✓

4. How many total outlets have been identified by the school that require sampling for lead? ? ✓

5. How many outlets were sampled for initial first-draw compliance testing in 2023? ? ✓

6. How many outlets were sampled for initial first-draw compliance testing in 2024? ? ✓

7. How many outlets were sampled for initial first-draw compliance testing in 2025? ? ✓

8. Is all sampling complete for the 2023-2025 compliance period? ? ✓

Lead Results

9. Enter the total number of outlets with a lead result less than or equal to the action level (5 ppb): (This number should be updated throughout the compliance period to reflect the current number of outlets with a lead test result less than or equal to 5 ppb). ? ✓

10. Enter the total number of outlets with a lead result greater than the action level (5 ppb): (This number should be updated throughout the compliance period to reflect the current number of outlets with a lead test result greater than 5 ppb). ? ✓

11. Has your school received laboratory reports for all initial first-draw samples collected for this compliance period? ? ✓

Response and Remediation

12. Have the outlets with lead results greater than the action level (5 ppb) been taken out of service, remediated, or are appropriate controls in place to ensure water is not used for drinking or cooking? ? ✓

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). ? ✓

Demonstration

Accessing Health Commerce System/HERDS and Data Entry

School Lead in Drinking Water Remediation



Corrective Actions / Remediation Options

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

Corrective Actions / Remediation Options

Signage



Post-Remediation Testing

- Follow-up samples collected after an outlet has been remediated must also be “first-draw” samples. 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 tests 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

Lead in School Drinking Water Remediation Reimbursement

Eligible Expenses under the DOH Reimbursement Process

Under the Lead in School Drinking Water Program the following will be considered eligible expenses under the DOH Reimbursement Process:

1. Post remediation sampling
2. “Do Not Drink” or equivalent signage for outlets taken out of service
3. Installation of individual outlet water filtration system
4. Installation of taps
5. Installation and replacement of fountains/bubblers
6. Outlets remediated using other methods

Outlets Remediated Using Other Methods

- Replacing cold water piping
 - Replacement of readily accessible cold water supply piping which does not impact other building components (walls, cabinets, flooring, hazardous materials, etc.)
- Permanent removal of outlets
- Any remediation that has not been included in prior questions

Required Permits

- Some projects that can be provided reimbursement through 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:
 - Supply piping replacement projects other than described above
 - Any remediation work which impacts suspect or known hazardous materials

Building Aid Only Expenses

- **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
 - Any other remediation work, not previously listed, which impacts suspect or known hazardous materials

Reimbursement Requests

Each building will be eligible to submit a reimbursement request in HERDS:

- HCS reporters will add information into the existing Health Electronic Response Data System (HERDS) survey
- After remediation is complete, reimbursement requests should be entered into HERDS
 - Schools will respond in HERDS “Identify the status of remediation” to let DOH know that remediation is complete
- All reimbursement request information will be reported at the school level in HERDS
- Reimbursement should only be requested for the building reported in questions 1-13
- We ask that only one request per building is submitted and do not overwrite reimbursement requests, unless specifically requested by DOH to do so to fix an error

Reimbursement Process

1. Schools will submit Form FB to NYSED and Building Request for reimbursement into HERDS
 - **Districts and BOCES must submit form FB to NYSED for building aid AND lead remediation reimbursement**
1. DOH will review reimbursement requests
2. SED will provide reimbursement checks to the district

DOH Review


DOH will review all reimbursement requests and information submitted in HERDS will be aggregated by school district

Representative of any building will be contacted if they do not have appropriate permits, exceed reasonable costs, or when clarification is needed

Reimbursement requests from each school will be aggregated to the school district level for SED payment

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

Questions?

ADDITIONAL QUESTIONS?

CONTACT:

lead.in.school.drinking.water@health.ny.gov

THANK YOU!

Best Management Practices to Reduce Lead in Drinking Water

- Aerator cleaning
- Routine flushing practices (after vacations and long weekends)
- Use only certified lead-free materials when performing plumbing work
- Follow the manufacturer's recommendations for water softener settings to ensure an appropriate level of hardness
- Educating staff and students of the benefits of running water at a tap briefly prior to using it for drinking or food preparation. Letting the water run for 30-60 seconds or until the water feels cold can reduce the potential levels of lead in the drinking water

- BOCES reimbursement
- Water source exceedances
- Schedule W