



Readoption with Amendments, N.J.A.C. 6A:26, Educational Facilities



- ❑ FY17 DOE budget included \$10 million for testing all drinking water and food preparation outlets
- ❑ Public Schools / Approved Private Schools / Early Childcare Centers
- ❑ Work in consultation with NJDEP to develop guidance documents
 - Quality Assurance Project Plan - Plumbing Profile – testing protocols – list of certified labs
- ❑ Joint DEP and DOE statewide training sessions completed last September.
- ❑ Districts required to communicate all results to the public
- ❑ Reimbursement limited to sample collection and lab testing



- ❑ Survey of districts & charter schools – As of April 3
 - ❑ 62% of districts and 52% of charters have completed testing
- ❑ 47 eligible Reimbursement Requests received
 - ❑ 41 from school districts or charter schools
 - ❑ 6 from APSSDs
- ❑ 78 notifications of results above Action Level
- ❑ 7 requests for the “No Water Used” exemption (all from early childcare facilities that use bottled water)

Multiple communications going out to all organizations to encourage testing is completed on time.



Proposed Amendments to N.J.A.C. 6A:26, Educational Facilities



Proposed Amendments

Additions to Definitions

“Twenty-four-hour school facilities” mean facilities that host residents on-site year round, require the availability of water at all hours, employ staff on site 24 hours a day, and/or are care facilities such as hospitals with educational programs provided at the facilities.

Additions to N.J.A.C. 6A:26-12.4(d)1.iii.(1).(A)

The following sampling procedures:

(1) Samples shall be taken after water has sat, undisturbed in the school pipes for at least eight hours but no more than 48 hours before the sample is taken.

(A) Twenty-four-hour school facilities shall collect first-draw samples at drinking water outlets following a stagnation time that would likely result in the longest standing time;



Deletions

All district boards of education shall conduct lead sampling and analysis, as described in (d)1 and 2 below, in all drinking water outlets to which a student or staff member has or may have access, in each school facility, other facility, or temporary facility, as those terms are defined in this chapter.

~~[, as soon as practicable, but no later than July 13, 2017. District boards of education may apply to the Department for an extension of this deadline of up to one year, upon written demonstration that there is no certified laboratory available to conduct testing by July 13, 2017. The extension request shall include evidence that the district board of education requested testing from at least three certified laboratories and the responses from the laboratories showing that the testing could not be completed within the designated time period.]~~

Additions

All district boards of education shall conduct lead sampling and analysis, as described in (d)1 and 2 below, in all drinking water outlets to which a student or staff member has or may have access, in each school facility, other facility, or temporary facility, as those terms are defined in this chapter. **Any district board of education granted an extension of time to conduct initial testing beyond the July 13, 2017, deadline shall complete the initial testing no later than July 13, 2018. District boards of education that completed initial testing prior to July 13, 2017, shall perform follow-up testing in accordance with the schedule in (f) below.**



Deletions

Within 24 hours after the district board of education has reviewed ~~and verified~~ the final laboratory results, the district board of education shall:

Additions

Within 24 hours after the district board of education, **or its designee**, has reviewed the final laboratory results, the district board of education shall:



Deletions

If any results exceed the permissible lead action level, provide written notification to the parents/guardians of all students attending the facility, ~~[as well as to]~~ the Department. This notification shall include a description of the measures taken by the district board of education to immediately end use of each drinking water outlet where water quality exceeds the permissible lead action level, the measures taken to ensure that alternate drinking water has been made available to all students and staff members, and information regarding the health effects of lead.

Additions

If any results exceed the permissible lead action level, provide written notification to the parents/guardians of all students attending the facility, **facility staff, and** the Department. This notification shall include a description of the measures taken by the district board of education, **or its designee**, to immediately end use of each drinking water outlet where water quality exceeds the permissible lead action level, the measures taken to ensure that alternate drinking water has been made available to all students and staff members, and information regarding the health effects of lead.



Deletions

All district boards of education shall submit to the Department ~~[on an annual basis]~~ a statement of assurance that lead testing was completed in accordance with this ~~[subchapter]~~, that notifications were provided consistent with this ~~[subchapter]~~, and that alternate drinking water continues to be made available to all students and staff.

Additions

All district boards of education shall submit to the Department **by June 30 each year** a statement of assurance that lead testing was completed in accordance with this **section**, that notifications were provided consistent with this **section**, and that alternate drinking water continues to be made available to all students and staff.



Deletions

~~[A district board of education may apply to the Department for an exemption from the initial testing if the district board of education can demonstrate that it complied with or exceeded the testing requirements set forth in (d) above, including any required public notifications, by July 13, 2011. The district board of education shall provide to the Department information regarding the testing activities conducted, including the lead sampling plan and an analysis of the samples taken.]~~ A district board of education that ~~[receives]~~ receives an exemption from the Department from initial testing ~~[pursuant to this subsection]~~ shall make available for public inspection at the school facility and on the district board of education's website, if applicable, the results of any prior testing and shall conduct testing within six years of the prior testing in accordance with (f) above.

Additions

A district board of education that **received** an exemption from the Department from initial testing **because the district board of education had tested in the previous five years** shall make available for public inspection at the school facility and on the district board of education's website, if applicable, the results of any prior testing and shall conduct testing within six years of the prior testing in accordance with (f) above.



Deletions

All district boards of education are eligible to be reimbursed for the water supply testing and analysis conducted pursuant to (d) above after July 13, 2016. To receive reimbursement, the district board of education shall complete and submit to the Department a reimbursement application on a form or in a format supplied by the Department. The Department will make the reimbursement application available on its website. Nonpublic schools [~~choosing to conduct~~] testing in accordance with (d) above, may submit a reimbursement application to the Department, approval of which is subject to available funds.

Additions

All district boards of education are eligible to be reimbursed for the water supply testing and analysis conducted pursuant to (d) above after July 13, 2016. To receive reimbursement, the district board of education shall complete and submit to the Department a reimbursement application on a form or in a format supplied by the Department. The Department will make the reimbursement application available on its website. Nonpublic schools **that conducted** testing in accordance with (d) above **between July 13, 2016, and July 13, 2017**, may submit a reimbursement application to the Department, approval of which is subject to available funds.



- recodify current N.J.A.C. 6A:26-12.4(i) and (j) as new N.J.A.C. 6A:26-12.4(h) and (i), respectively

All testing or approvals for extensions must be completed by July 13, 2017.

