



## SB 270 Lead Testing

A priority for the Delaware Division of Public Health (DPH) and Department of Education (DOE) is to ensure that Delaware's school system is safe from lead in drinking water.

Delaware completed its first round of sampling as of June 1, 2023. This comprehensive testing included 17,650 samples. Of the 17,650 samples, 816 had lead levels above the 7.5 parts per billion (ppb) (0.0075 mg/L) threshold used for this round of testing. This represents 4.6% of the samples drawn.

**Testing:** 30% of consumption points in schools will be tested every three years for the presence of lead in drinking water. This includes outlets used for drinking water and food/drink preparation such as kitchen sinks, drinking water fountains (bubbler or cooler styles) classroom combination sinks, teachers' lounge sinks, nurses' room sinks, ice machines, hot drink machines, and any other outlet used for consumption. Outlets not used for these purposes do not need to be tested for lead.

Consumption points must be tested during the school year and not during the first day of student or staff occupancy immediately following from a break, including extended breaks and weekends. Testing will utilize the EPA's Three T's for testing drinking water. Samples must be analyzed via EPA-approved methods 200.8 or 200.9 at a lab that has been certified by the DPH Office of Drinking Water (ODW).

After the initial round of sampling utilizing the 7.5ppb threshold, future testing will use a Maximum Contaminant Level (MCL) of 5ppb the same standard as bottled water, while working towards a Maximum Contaminant Level Goal (MCLG) of non-detection. Elementary schools and childcare facilities with children under 6 should prioritize reaching 1ppb to non-detection across all consumption points.

Consumption points that test above the 5ppb MCL

- Need to be shut-off within 24 hours and have the appropriate DPH/DOE signage posted (This does not apply to the samples collected during the comprehensive 2023 program).
- Students and parents must be notified within 5 school days of a result over the MCL utilizing the LEA's communication plan.
- DPH and DOE officials will need to be notified of the result within two weeks of the sample result.
- The LEA must submit a remediation plan to DOE and DPH within 30 days of the result.
- After the remediation has been performed, the water fixture must have a follow-up sampling to verify lead levels have been decreased below the MCL. This must be done after remediation and before return to service.
- LEA's will notify DPH and DOE officials of completed remediation and follow-up sampling results before fixtures are returned to service.

New buildings, additions, or areas that have their plumbing disturbed will be tested prior to occupancy or within 6 months if conditions do not allow testing before occupancy. Evaluations shall be completed before the start of any construction or remodel. Construction practices that



disturb localized plumbing should be identified and the proper steps should be taken to ensure fixtures online are not impacted.

**Sampling Plan:** The establishment of a sampling plan will allow maximum coverage of the drinking water system within the 20% of total fixtures being tested on the three-year basis. Considerations of the school's plumbing system will allow targeting of fixtures and reduce the need for mass testing. Each LEA should establish a written sampling plan and always keep it on file times. Plans will need to be updated to address changes when plumbing, construction, and testing requires.

The plan must utilize the 3Ts sampling nomenclature used in the prior round of sampling so all testing of the same fixture is consistently named for each round of testing. Organized by building-floor-room-outlet type-sample number-Year of Sample.

**Training:** During the 2023 testing program Batta Environmental was used to conduct the sampling, moving forward school staff will be afforded the opportunity to be trained to properly conduct sampling abiding to the EPA's three T's. Lead samples do not need to be collected by State-certified samplers and LEA's can choose to utilize their own properly trained staff or obtain services of a third party for sample collection. Training for school staff will be offered through the DPH with training dates, times, and registration links posted to the Healthy Schools Portal.

LEA's reserve the right to contract the sampling out to experienced environmental firms.

**Maintenance Plan:** The establishment of a comprehensive maintenance plan will help keep fixtures and filters operating properly. Installed filters must have all required maintenance performed on time and filters replaced at required intervals per manufacturer directions. It is recommended to either order filters in advance or keep a stock of filters to ensure timely replacement. Faucet screens should be cleaned out at regular intervals to prevent the buildup of debris that can lead to elevated levels. If levels drop to an acceptable level during the flush sample flushing plans may be initiated as a temporary measure to remediate lead levels until a permanent solution can be implemented. Maintenance records must be kept for one year and be available upon demand.

**Water Management Plan:** Establishing an effective team to develop and implement a water management plan is a key step in successfully maintaining safe drinking water. The team should be selected for their knowledge and interest in providing safe drinking water and the plumbing operation of the building.

Properly managing water in the school will help maintain lower lead levels. The chance of contamination increases as water sits in the plumbing. To prevent this stagnation, the water system should be flushed after periods of non-occupancy including weekends and breaks.

The water management plan must be kept on file and reviewed yearly for updates, it must also be available upon demand,



**Resources:**

Environmental Protection Agency (EPA). 2023. 3Ts for Reducing Lead in Drinking Water. <https://www.epa.gov/ground-water-and-drinking-water/3ts-reducing-lead-drinking-water>

Environmental Protection Agency (EPA). 2023. Module 4: Developing a Sampling Plan – Develop a Code System for Samples. [https://www.epa.gov/system/files/documents/2021-08/module\\_4\\_develop\\_a\\_code\\_system\\_for\\_samples\\_5081.pdf](https://www.epa.gov/system/files/documents/2021-08/module_4_develop_a_code_system_for_samples_5081.pdf)

Environmental Protection Agency (EPA). 2023. Basic Information about Lead in Drinking Water. <https://www.epa.gov/ground-water-and-drinking-water/basic-information-about-lead-drinking-water>

U.S. Food and Drug Administration (FDA). 2023. Bottled Water Everywhere: Keeping it Safe. <https://www.fda.gov/consumers/consumer-updates/bottled-water-everywhere-keeping-it-safe>