



Crosswalk for Lead Sampling in Schools and Child Care Centers

NOTE:
If your school is served by a Community Water System, please refer to New Jersey Department of Environmental Protection's (NJDEP) Lead Sampling in School Facilities Information page for additional regulatory guidance.
If your child care center is located within a public school, the school's results for the Board of Education (BOE) Regulations may be sufficient to comply with the Division of Children and Families (DCF)-Office of Licensing (OOL) Regulations (please check with DCF-OOL).

Schools that are publicly funded and served by a Community Water System must comply with the State BOE Regulations [N.J.A.C. 6A:26-1.2 and 12.4]. **Schools** that are classified as a Non-Transient Non-Community (NTNC) public water system must comply with the Federal Lead and Copper Rule under the Safe Drinking Water Act [40 CFR 141.80 et. seq.] and the State BOE Regulations [N.J.A.C. 6A:26-1.2 and 12.4].

Child Care Centers must comply with the New Jersey DCF-OOL regulations at N.J.A.C. 3A:52. More specifically, **Child Care Centers served by a Community Water System** must comply with the lead and copper testing requirement in accordance with N.J.A.C. 3A:52(i)5i. **Child Care Centers** that are not served by a Community Water System must demonstrate compliance with required testing pursuant to N.J.A.C. 7:10-5 for public Non-Transient, Non-Community (NTNC) water systems, including the Lead and Copper Rule, regardless of meeting the definition of a NTNC system.

The New Jersey Division of Water Supply & Geoscience has developed this crosswalk to assist laboratories and environmental consultants with lead and copper sampling compliance for Schools and Child Care Centers as outlined above.

Crosswalk for Schools and Child Care Centers

	<u>BOE Regulations</u>	<u>Lead and Copper Rule</u>	<u>DCF Regulations</u>
Regulatory Applicability	All publicly funded Schools (regardless of water supply source)	Schools and Child Care Centers <u>not</u> served by a Community Water System	Child Care Centers served by a Community Water System
Sampling Procedures			
Contaminant(s) to be analyzed	Lead	Lead and Copper	Lead and Copper
Is an evaluation of the plumbing required?	Yes, the school shall complete a Plumbing Profile (Attachment B) .	Yes, the school or child care center shall complete a Material Evaluation Survey for NTNC Water Systems (BWSE-17) .	Yes, an onsite water outlet assessment should be completed for all sampled outlets as part of the QAPP.
Where to send completed lead sampling plan?	The school shall maintain the Lead Sampling Plan.	NJDEP, upon request.	The child care center shall maintain all sampling preparation documents.

	<u>BOE Regulations</u>	<u>Lead and Copper Rule</u>	<u>DCF Regulations</u>
Sample Frequency	No later than June 30 of the designated Statewide required testing year, which shall be every third school year beginning with the 2021 – 2022 school year. Following the replacement of a drinking water outlet or any other alteration to plumbing or service line that may impact lead levels at the outlet.	Standard (Bi-annual), Annual, or Triennial.	Every 3 years, upon DCF license renewal application.
Reduced monitoring allowed	School districts may request an exemption from the testing requirements under the BOE regulations if they can demonstrate that they do not use any drinking water outlets for consumption or food preparation in any of their facilities. School districts seeking an exemption pursuant to this provision shall submit an application to the NJDOE documenting that no drinking water outlets are used in their facilities and the provisions for an alternative source of drinking water.	A sampling frequency reduction may be allowed based on compliance history (to a minimum frequency of once every 3 years).	None
Stagnation time required	8-48 hours	6 hours minimum (no maximum time; however, taps should have been used recently).	8-48 hours
Should pre-stagnation flushing be performed.	Only for facilities or outlets that are not currently accessible to students/staff.	No	Only for facilities or outlets that are not currently accessible to students/staff.

	<u>BOE Regulations</u>	<u>Lead and Copper Rule</u>	<u>DCF Regulations</u>
Sample Collection			
Who can sample?	Personnel from the School District, lab, or environmental consulting firm (if contracted).	Personnel from the School District or child care center, lab, or environmental consulting firm (if contracted).	Personnel from the child care center, laboratory, or environmental consulting firm (if contracted).
Locations required to be sampled	ALL drinking water and food preparation outlets.	Outlets typically used for human consumption. Number of outlets required is based on population served.	ALL outlets used for drinking or food preparation, and at least 50% of all indoor faucets used by the child care center.
Sample bottle size	250 mL	1 L	250 mL
Gloves required	Yes, powder free latex (preferably non-colored) or nitrile disposable gloves required.	No	Yes, powder free latex (preferably non-colored) or nitrile disposable gloves required.
Sample Type Required	Initial First Draw Sample. If the initial first draw sample exceeds the lead action level, a follow-up flush sample is required.	First Draw Sample. If an individual tap result exceeds an action level, the school or child care center may elect to collect an additional sample(s). All first draw samples collected within the monitoring period must be submitted for compliance. Any flushed samples must be submitted on the Noncompliance Lead and Copper Tap Monitoring Form (BWSE 16).	First Draw Sample. If a first draw sample exceeds an action level, the child care center may elect to collect follow-up flush sample(s) to investigate the source.
Should aerators or screens be cleaned or removed prior to sampling?	No	No	No
Is a field reagent blank required?	Yes	No, depends on approved USEPA analytical method used by the NJ Certified Laboratory.	No, however it is strongly recommended and may be required depending on the approved USEPA analytical method used by the NJ Certified Laboratory.

	<u>BOE Regulations</u>	<u>Lead and Copper Rule</u>	<u>DCF Regulations</u>
Temperature of water to be sampled	Cold	Cold	Cold
Sample Analysis and Results			
Sample invalidation procedures	The school's Quality Assurance Project Plan with the lab should include data validation procedures.	Contact NJDEP Bureau of Safe Drinking Water ² . If the invalidation request is approved, a replacement sample must be obtained.	The child care center's Quality Assurance Project Plan with the laboratory should include data validation procedures.
Where to send samples for analysis?	NJ Certified Laboratory for lead in drinking water analysis.	NJ Certified Laboratory for lead and copper in drinking water analysis.	NJ Certified Laboratory for lead and copper in drinking water analysis.
Approved lead in drinking water lab analysis methods	Approved USEPA methods for lead analysis listed at 40 CFR 141.23(k)(1) and Subpart C Appendix. Reporting limit must be ≤ 2µg/L.	Approved USEPA methods for lead analysis listed at 40 CFR 141.23(k)(1) and Subpart C Appendix.	Approved USEPA methods for lead analysis listed at 40 CFR 141.23(k)(1) and Subpart C Appendix.
Where should the laboratory submit sample results?	The laboratory shall provide results to the School District.	The laboratory shall submit results to New Jersey Department of Environmental Protection (NJDEP) using the E2 system.	The laboratory shall provide results to the child care center.
Additional reporting requirements	Submit a statement of assurance to the NJDOE by June 30 each year to certify that the school district continues to comply with BOE regulations for lead testing, notifications, and, if applicable, alternate drinking water continues to be made available to all students and staff. No later than June 30 of each Statewide required testing school year, a school district that previously received exemption from testing under the BOE regulations must either begin testing procedures in accordance with the BOE regulations or reapply for an exemption.	For childcare licensing reviews, a copy of the fully executed chain of custody must be provided to NJDEP. If samples are collected from locations that deviate from the approved sampling plan, the following forms must be submitted, as applicable: <ul style="list-style-type: none"> • Lead and Copper Sample Site Change Form (Form # BSDW-56) • Non-compliance Lead and Copper Tap Monitoring Form (Form # BSDW-16) 	The child care center shall provide documentation of testing to DCF-OOL. (This may include the use of DCF-approved templates to provide documentation.)

	<u>BOE Regulations</u>	<u>Lead and Copper Rule</u>	<u>DCF Regulations</u>
Public Notification			
Public notification requirements	<p>Within 24 hours after the school has reviewed and verified the final laboratory results (required to be completed within 72 hours), the school must complete the following actions:</p> <ul style="list-style-type: none"> • Make all water sample results publicly available at the school facility and on the school district’s website. • If any of the results exceed the lead action level, provide written notification to the parents/guardians of all students attending the facility, facility staff. It shall also be provided to the NJDOE and posted on the school district’s website. The notice shall include the following information: <ul style="list-style-type: none"> ▪ Measures taken to immediately end use of each drinking water outlet that exceeded the lead action level; ▪ Any additional remedial actions taken or planned by the district’s BOE; ▪ Measures taken to ensure alternate drinking water has been made available to all students and staff members; and 	<p>The school or child care center must complete a Lead Customer Notice within 30 days of receiving the results.</p> <p>The school or child care center must complete Public Education within 60 days following the end of the monitoring period in which the lead action level was exceeded.</p>	<p>If results exceed the lead and/or copper action level, the child care center shall notify parents of children in attendance at the facility, staff, local health office, and DCF-OOL.</p> <p>It is recommended that the child care center also make sample results publicly available.</p>

	<ul style="list-style-type: none"> ▪ Information regarding the health effects of lead. <p>The test results of all water samples shall remain publicly available in accordance with the timeline established at the Department of Treasury in the Records Retention Schedule under record series number 0021 - 0000.</p> <p>If schools choose to test drinking water outlets for lead more frequently than the three-year cycle set forth above, the notification requirements of the BOE regulations shall apply.</p> <p>A school district that receives an exemption from the testing under the BOE regulations shall make available for public inspection at the school facility and on the district's website confirmation that the school is exempt from testing.</p>		
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	<u>BOE Regulations</u>	<u>Lead and Copper Rule</u>	<u>DCF Regulations</u>
Remediation			
Remedial action(s) required in response to results greater than or equal to the action level.	<p>The school shall immediately end use of each drinking water outlet where water quality exceeds the lead action level and ensure that alternate drinking water has been made available, if necessary.</p> <p>After the replacement of any drinking water outlet or any other alteration to plumbing or service lines that may impact lead levels at the outlet, the school shall conduct lead sampling at the impacted drinking water outlet(s).</p> <p>For further remedial actions guidance, refer to the <u>Data Review/Remediation Flow Chart</u> and/or the <u>Guidance for Schools Selecting a Remedial Measure</u>.</p>	<p>If the 90th percentile result exceeds the action level, the school or child care center is required to conduct additional monitoring, evaluate and propose corrosion control treatment, and, if necessary, replace lead service lines.</p> <p>(refer to Federal Lead and Copper Rule [40 CFR 141.80 et. seq.] for detailed requirements).</p>	<p>The child care center shall immediately discontinue use of ALL drinking water outlets if any of the results exceed the lead and/or copper action level and provide bottle water for drinking and food preparation.</p> <p>The child care center may elect to remediate the lead and/or copper exceedance in order to use the water supply for drinking and food preparation in the future. Refer to the <u>Data Review/Remediation Flow Chart</u> and/or the <u>Guidance for Schools Selecting a Remedial Measure</u>.</p>

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Violations			
Monitoring/ Reporting Violation (Failure to conduct required testing and/or failure to provide documentation of results to the appropriate state agency)	Failure to comply with any of the requirements outlined in the BOE regulations may result in any of the following: <ol style="list-style-type: none"> 1. A school district's disqualification for reimbursement pursuant to the BOE regulations. 2. The NJDOE's initiation of an investigation by the Office of Fiscal Accountability and Compliance; and 3. The Commissioner's withholding of State aid pursuant to N.J.A.C.6A:2-1.2. 	A Monitoring & Reporting Violation will be issued by NJDEP. Penalties may be assessed by the administrative authority. Upon becoming aware of this violation, the facility is required to: <ol style="list-style-type: none"> 1. Notify the Bureau of Safe Drinking Water 2. Implement Tier 3 public notification 3. Ensure sample collection and reporting from the minimum number of required sites in subsequent monitoring periods 	A violation will be cited by DCF-OOL upon licensing inspection and is subject to DCF enforcement policy.
Treatment Technique Violation	None	A Treatment Technique Violation will be issued by NJDEP. Penalties may be assessed by the administrative authority. Upon becoming aware of this violation, the facility is required to: <ol style="list-style-type: none"> 1. Notify the Bureau of Safe Drinking Water 2. Implement Tier 2 public notification 3. Implement the required actions immediately 	None

¹The BOE Regulations, N.J.A.C. 6A:26-1.2 and 12.4, became effective on July 13, 2016 and later revised on August 3, 2020.

²Under the Lead and Copper Rule, a sample may be invalidated by NJDEP if it meets any of the following conditions:

- The laboratory establishes that improper sample analysis caused erroneous results;
- The State determines that the samples were taken from a site that did not meet the site selection criteria;
- The sample container was damaged in transit; and
- There is substantial reason to believe that the sample was subject to tampering.