

New Lead in Drinking Water Requirements for NJ Schools

On July 13, 2016, the New Jersey State Board of Education adopted regulations regarding the testing for lead in drinking water in public schools, due to the public release of results of annual water quality testing in specific New Jersey public schools. With these regulations, all facilities were to complete additional testing within six years following the initial testing and every six years thereafter.

Recently, the New Jersey State Board of Education has issued new requirements for drinking water sampling. Per the new amendment, regardless of prior testing, schools must test drinking water outlets in the designated Statewide required testing year, beginning with the 2021-2022 school year, with retesting every three years thereafter.

This includes public school districts, privately run schools, charter schools, renaissance schools, jointure commissions, educational services commissions, approved private schools for students with disabilities acting under contract to provide educational services on behalf of New Jersey public school districts, State-funded early childcare facilities and receiving schools.

What are the Requirements for Initial Testing?

In order to be complaint with the new requirements, Districts should be aware that they must conduct lead sampling and analysis at all drinking water outlets within the 2021-2022 school year, by June 30 of the designated year. Drinking water outlets are defined as any location at a school facility, other facility, or temporary facility where water is expected to be used for consumption or food preparation. A few things to keep in mind for this process are that:

- sampling shall be conducted in accordance with a Lead Sampling Plan and with a Quality Assurance Project Plan (QAPP);
- analysis shall be conducted by a certified laboratory; and
- within 24 hours after reviewing and verifying the final results the board of education shall make the test results of all water samples publicly available at the facility and on their website.

If any results exceed the permissible lead action level then written notification to the parents/guardians of all students attending the facility as well as the Department of Education must be made.

Exemption from Initial Testing

Some school districts may apply for an exemption from the initial testing if they can demonstrate that it complied with or exceeded the testing requirements within five years prior to the effective date of the regulation.

If a district receives an exemption, they are still required to make the results from prior testing available for public inspection at the school facility and on the district board of education's website. Additionally, they will need to conduct testing within six years of the prior testing.

Requirements for Additional Testing

For all facilities, additional testing will be necessary within three years following the initial testing, in the 2024-2025 school year. All district boards of education will have to test all drinking water outlets on this schedule. In addition, all district boards of education will sample for lead 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. After the required testing has occurred, each district will submit an annual statement of assurance to the Department stating that lead testing was performed in accordance with the new standards. The district must also provide notifications consistent with this subchapter and that alternate drinking water continues to be available to all students and staff.

Reimbursement of Costs

The necessary testing for lead in water may not mean an additional cost for the district. Under this regulation, all boards of education are eligible to be reimbursed for the water supply testing and analysis conducted, after July 1, 2021. To receive reimbursement, the board of education shall complete and submit to the Department of Education a reimbursement application (The Department will make the reimbursement application available on its website). Nonpublic schools choosing to conduct testing may submit a reimbursement application to the Department, approval of which is subject to available funds.

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