

R309-230. Lead in School Sampling and Remediation Requirements

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R309-230. Lead in School Sampling and Remediation Requirements.

R309-230-1. Purpose.

The purpose of this rule is to:

- (1) Establish the procedure for schools and child care centers applying for a grant under Title 19, Environmental Quality Code, Chapter 4, Safe Drinking Water Act, Section 115, to establish the steps that must be taken and the time period that must be met to reduce the lead level to be below the action level; and
- (2) Outline the steps the Division of Drinking Water will take to make the results public.

R309-230-2. Authority.

This rule was authorized by Title 19, Environmental Quality Code, Chapter 4, Safe Drinking Water Act, Section 115.

R309-230-3. Applicability.

This rule applies to each public and private school and child care center that conducts sampling under Section 19-4-115.

R309-230-4. Definitions.

Definitions for certain terms used in this rule are given in Rule R309-110 but may be further clarified in Subsections R309-230-4(1) and (2).

- (1) "Certified laboratory," "Child care center," "Consumable tap," "School," and "Action Level" are defined in Section 19-4-115;
- (2) "Third-party Certified" means a certifying body that is accredited by the American National Standards Institute (ANSI) National Accreditation Board (ANAB).

R309-230-5. Sampling Requirements.

- (1) Each public and private school shall, and child care center may, take a sample from each consumable tap for lead

and have those samples evaluated by a certified laboratory by December 31, 2023. Sampling must comply with EPA's "3Ts for Reducing Lead in Drinking Water in Schools and Child Care Facilities" (October 2018) which is incorporated by reference; and

(2) The results of samples shall be submitted by the certified laboratory to the school or child care center and to the Division of Drinking Water.

R309-230-6. Immediate Response.

If a sample equals or exceeds a lead concentration of five parts per billion:

(1) A school or child care center shall prevent use of the consumable tap that equals or exceeds a lead concentration of fifteen parts per billion within 24 hours after receiving the sample test result;

(2) A school or child care center may develop and implement a flushing plan for a consumable tap with a lead concentration equal to or greater than five and less than fifteen parts per billion until remediation and retesting is completed in accordance with Section R309-230-7; and

(3) A school or child care center may apply for reimbursement for costs associated with the purchase of bottled water with the Division of Drinking Water until a permanent control measure is implemented.

R309-230-7. Permanent Control Measures.

Following receipt of results that show a consumable tap has five or more parts per billion of lead, a school or child care center shall:

(1) Implement one of the following permanent control measures:

(a) Replacement of the consumable tap with a replacement faucet that has been third-party certified to NSF or ANSI standard 372 for lead-free compliance and NSF or ANSI standard 61 for material safety.

(b) Installation of a water treatment device at the tap. The water treatment device must be certified to capture lead according to NSF or ANSI standard 53 or NSF or ANSI standard 58. Schools shall follow the manufacturer's instructions for installation, use, and maintenance. For each water treatment device installed, schools shall create a maintenance schedule that identifies a point of contact to oversee making sure they are properly installed and maintained.

(c) Permanently shut off and remove the consumable tap.

(2) If control measures stated in Subsection (1)(a) or (1)(b) are completed, the school or child care center shall take a follow-up sample of the consumable tap and have those samples evaluated by a certified laboratory to demonstrate that lead is less than five parts per billion before access to the tap is resumed. Each sample taken must comply with requirements in Section R309-230-5.

(3) A school or child care center may apply for reimbursement for costs associated with permanent control measures for consumable taps with the Division of Drinking Water.

R309-230-8. Report to the Division of Drinking Water.

Schools and child care centers shall report to the Division of Drinking Water each permanent control measure taken under Section R309-230-7 no later than 30 days after they are implemented.

R309-230-9. Publication of Data.

The Division shall post each sample result and remediation step on the Division of Drinking Water website 90 days after the Division receives them.

R309-230-10. Time Period to Take Steps to Reduce the Lead Level Below the Action Level and Report to the Division of Drinking Water.

For each consumable tap that equals or exceeds a lead concentration of five parts per billion:

- (1) Schools and child care centers shall complete permanent control measures within 90 days of receiving results unless an alternative schedule is approved by the Division of Drinking Water;
- (2) Schools and child care centers shall resample within 30 days of completing permanent control measures under Subsection R309-230-7(1);
- (3) If a sample taken as required in Subsection R309-230-7(2) has a lead concentration greater than or equal to five parts per billion, the school or child care center shall implement additional permanent control measures as required in Section R309-230-7 until either the consumable tap is permanently removed or post mitigation results are below a lead concentration equal to five parts per billion; and
- (4) Schools and child care centers shall report to the Division of Drinking Water resample results as well as permanent control measures taken within 30 days after taking steps under Subsection R309-230-7(1).

KEY: drinking fountain, remediation, Environmental Protection Agency

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