**Section 611.362** **Monitoring for Lead in Schools and Child Care Facilities**

A CWS supplier must conduct directed public education and lead monitoring at those schools and child care facilities it serves that were constructed prior to January 1, 2014. A supplier must sample for lead at elementary schools and child care facilities it serves once and afterwards on request of the school or facility. The supplier must also sample for lead at secondary schools it serves on request. This Section does not apply to a school or child care facility that is a regulated PWS. This subsection (a) applies until the supplier samples all the elementary schools and child care facilities it serves once under subsection (c). After sampling all elementary schools and child care facilities, the supplier must comply with subsection (g).

a) Public Education to Schools and Child Care Facilities

1) Before the compliance date Section 611.350(a)(3) specifies, a supplier must compile a list of schools and child care facilities the supplier serves.

2) A supplier must contact elementary schools and child care facilities the supplier listed under subsection (a)(1):

A) The supplier must annually or more frequently provide information about health risks from lead in drinking water that complies with Section 611.355(a);

B) Notice that the supplier must sample for lead at elementary schools and child care facilities, including certain information:

i) A proposed schedule for sampling at the facility;

ii) Information about sampling for lead in schools and child care facilities; and

BOARD NOTE: USEPA has guidance available from USEPA, National Center for Environmental Publications: "3Ts for Reducing Lead in Drinking Water in Schools and Child Care Facilities: A Training, Testing, and Taking Action Approach, Revised Manual" (October 2018), USEPA, Office of Water, doc. no. EPA 815-B-18-007 (search: "815B18007") and "U.S. EPA 3Ts Program Training, Testing & Taking Action: Lead Sample Collection Field Guide for Schools and Child Care Facilities" (July 2022), USEPA, Office of Water, doc. no. EPA 815-F-22-009 (search: "815F22009") or subsequent EPA guidance.

iii) Instructions for identifying sampling outlets and preparing for a sampling event 30 days prior to the event.

3) The supplier must document under Section 611.360(i) if an elementary school or child care facility fails to respond or otherwise declines to participate in monitoring or education under this Section. Under this Section, a school or child care facility fails to respond after the supplier makes at least two separate good faith attempts to contact the facility to schedule sampling and receives no response.

4) The supplier must annually or more frequently contact all secondary schools it listed under subsection (a)(1) to provide information on health risks from lead in drinking water and how to request lead sampling under subsection (g)(1).

b) Lead Sampling in Schools and Child Care Facilities

1) The supplier must collect five samples per school and two samples per child care facility at outlets typically used for consumption. Except as subsections (b)(1)(A) through (b)(1)(D) provide otherwise, the outlets must not have a POU device. The supplier must sample at specific locations:

A) For schools: two drinking water fountains, one kitchen faucet persons use for preparing food or drink, one classroom faucet or other outlet persons use for drinking, and one nurse’s office faucet, as available.

B) For child care facilities: one drinking water fountain and one of either a kitchen faucet persons use for preparing food or drink or one classroom faucet or other outlet persons use for drinking.

C) If any school or facility has fewer than the required number of outlets, the supplier must sample all outlets persons use for consumption.

D) The supplier may sample at outlets having POU devices if the school or facility has POU devices installed on all outlets persons typically use for consumption.

E) If any school or facility does not contain the type of faucet listed above, the supplier must collect a sample from another outlet the school or facility identifies as one persons typically use for consumption.

F) The supplier must collect all samples from cold water taps fulfilling specific additional requirements:

i) All samples for lead must be first-draw samples;

ii) All samples must be 250 ml in volume;

iii) The water must remain stationary in the sampling site’s (building’s) plumbing system for at least eight but no more than 18 hours before sampling; and

iv) The supplier must acidify samples and analyze them using the analytical methods in Section 611.359.

2) Appropriately trained personnel of the water system, school, or child care facility or another appropriately trained person may collect samples under subsection (b)(1).

c) Sampling Frequency at Elementary Schools and Child Care Facilities

1) Annually, or on an alternative Agency-approved schedule, the supplier must collect samples from no fewer than 20 percent of elementary schools and 20 percent of child care facilities the supplier serves, until the supplier samples all schools and child care facilities it listed under subsection (a)(1) that did not decline to participate. Under this Section, a supplier may count an elementary school or child care facility failing to respond or otherwise declining to participate as part of its annual 20 percent minimum.

2) A supplier must sample all elementary schools and child care facilities it serves at least once in the five years following the compliance date under Section 611.350(a)(1)(A).

3) After a supplier completes one required cycle of sampling in all elementary schools and child care facilities it serves, the supplier must sample at the request of any elementary school or child care facility under subsection (g).

4) A supplier must sample at the request of a secondary school under subsection (g). If a supplier receives requests from more than 20 percent of secondary schools it listed under subsection (a)(1) in any of the five years following the compliance date under 40 CFR Section 141.80(a)(3), the supplier may schedule the requests exceeding 20 percent for the following year, and the supplier needs not sample an individual secondary school more than once during the five-years.

d) Alternative School and Child Care Lead Sampling Programs

1) If a CWS supplier conducts mandatory sampling for lead in drinking water for schools and child care facilities the supplier serves under another State or local law or program, the Agency may issue a SEP exempting the supplier from duplicative requirements under this Section:

A) If the sampling under that State or local law or program is consistent with subsections (b) and (c);

B) If the sampling under that State or local law or program is consistent with subsections (b)(1)(A) through (b)(1)(F) and (c) and the sampling is coupled with certain remediation actions:

i) Disconnecting affected fixtures;

ii) Replacing affected fixtures with fixtures certified lead-free as Section 611.126(j) requires; or

iii) Installing POU devices;

C) If the sampling under that State or local law or program occurs in schools and child care facilities the supplier serves less frequently than once every five years, and the sampling is coupled with any of the remediation actions in subsection (d)(1)(B); or

D) If the sampling is conducted under a voluntary school and child care program lead testing grant awarded under section 1464(d) of SDWA (42 U.S.C. 300j-24(d)), consistent with the requirements of the grant.

2) The term of the waiver may not exceed the duration of the mandatory or voluntary sampling, and the waiver must automatically expire at the end of any 12-month period during which sampling does not occur at the required number of schools or child care facilities.

3) The Agency may issue a SEP granting the supplier a partial waiver if the sampling covers only a subset of the schools or child care facilities the supplier serves as it listed under subsection (a)(1).

4) The Agency may issue a SEP granting a waiver applicable to more than one supplier (e.g., one waiver for all suppliers subject to a statewide sampling program complying with subsection (d)).

e) Confirming or Revising Schools and Child Care Facilities in Inventory. At least once every five years, a supplier must either confirm that the list it assembled under subsection (a)(1) of schools and child care facilities it serves has not changed or submit a revised list.

f) Notice of results.

1) A supplier must provide analytical results to the school or child care facility as soon as practicable but no later than 30 days after receiving them with information about remediation options.

2) A water system must annually provide analytical results:

A) To the local and State health departments; and

B) To the Agency under Section 611.360(i).

g) Lead Sampling in Schools and Child Care Facilities on Request

1) A supplier must contact schools and child care facilities the supplier identified under subsection (a)(1) at least annually to provide:

A) Information about health risks from lead in drinking water;

B) Information about how to request sampling for lead at the facility; and

C) Information about sampling for lead in schools and child care facilities.

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2) A supplier must conduct sampling under subsection (b) when the school or facility requests, and the supplier must provide information to the facility:

A) Instructions for identifying outlets for sampling and preparing for sampling at least 30 days before it occurs; and

B) Results as subsection (f) requires.

3) If a supplier receives requests from more than 20 percent of the schools and child care facilities the supplier listed under subsection (a)(1) in a given year, the supplier may schedule sampling for those exceeding 20 percent for the following year. A supplier needs not sample an individual school or child care facility more than once every five years.

4) The Agency may issue a SEP exempting a CWS supplier from this Section by issuing a written waiver under subsection (d) if the supplier conducts voluntary sampling for lead in drinking water complying with this Section at schools and child care facilities the supplier serves.

(Source: Added at 47 Ill. Reg. 16486, effective November 2, 2023)