

AB 746: REQUIRED LEAD TESTING FOR CERTAIN SCHOOLSITES BEFORE JULY 1, 2019

On October 13, 2017, Governor Jerry Brown signed into law AB 746 (Chapter 746, Statutes of 2017), which added Section 116227 to the California Health and Safety Code to require community water systems (CWSs) that serve certain schoolsites to test for lead in the potable water system of those schoolsites before July 1, 2019.

This *Briefing* will summarize the requirements of AB 746 as they pertain to CWSs and local education agencies (LEAs). This *Briefing* also discusses additional FAQ guidance on AB 746 released by the California Water Boards.

As signed into law, Section 116227 of the Health and Safety Code requires testing at schoolsites built before January 1, 2010. Exempt from the testing requirements set forth below are:

- Schoolsites built or modernized on or after January 1, 2010.
- LEAs that are permitted as a public water system and are currently testing water for lead.
- LEAs that completed lead testing after January 1, 2009, and posted information about the lead testing on-line.
- LEAs that have requested testing from their CWS consistent with the testing prescribed by this bill.

The law has the following requirements:

For Community Water Systems (CWSs):

1. A CWS that serves a schoolsite built before January 1, 2010, must test for lead in the potable water system of the schoolsite on or before July 1, 2019.
2. Within 90 days of receiving a request from a LEA requesting lead sampling, the CWS must meet with school officials to finalize a sampling plan and collect the water samples.
3. The CWS must report its findings to the schoolsite within 10 business days after the CWS receives the test results, or within two business days if the test results indicate the schoolsite's lead levels are in exceedance of 15 parts per billion (ppb).
4. When the lead level exceeds 15ppb, the CWS must test a water sample from the point in which the schoolsite connects to the CWS's supply network to determine the lead level of the water entering the schoolsite from the CWS's water supply.
5. The CWS that serves the school is responsible for funding the cost to collect, analyze, and report drinking water samples for lead at up to five (5) locations at each school. Should elevated lead levels be found in

the drinking supply, the CWS is not responsible for costs associated with any maintenance or corrections needed to fix the program.

For Local Education Agencies (LEAs):

1. In order for a LEA to get their drinking water tested, the superintendent or designee of a school, governing board, or designee of a private school must submit a written request to the CWS that provides water to that LEA.

When the lead level exceeds 15ppb, the LEA must take immediate steps to make inoperable and shut down from use all fountains and faucets where the excess lead levels may exist. Additional testing may be required to determine if all or just some of the school's fountains and faucets are required to be shut down.

2. A LEA must notify parents and guardians of the pupils who attend the schoolsite where the elevated lead levels are found.
3. Each LEA must work with the schoolsites within its service area to ensure that a potable source of drinking water is provided for students where faucets or fountains have been shut down.

RESOURCES

The California Water Boards have published a wealth of information on their website regarding AB 746 and the testing of drinking water in California schools. Included on their website is a FAQ about Lead Testing of Drinking Water in California Schools. The FAQ answers many practical questions LEAs will have, including:

- How can I have the drinking water at my school tested for lead?
- When can lead testing be requested?
- Which schools can request lead testing of their drinking water?
- How will the lead testing be performed?
- When will the sampling be conducted?
- Who pays for lead testing of drinking water in California schools?
- Who will get results of lead testing of drinking water performed at California schools?
- What happens if lead is detected in the drinking water at a school?
- Information on the Drinking Water For Schools Grant Program

The entire document can be found at:

https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/documents/leadsamplinginschools/facts_lead_in_schools_final.pdf

Please contact your Keenan Account Manager for questions regarding this *Briefing*.

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