

Adopted 12/7/18

333-061-0400

(1) For the purposes of this rule, the following definitions apply:

(a) "School" means a school district, education service district, or public charter school.

(b) "Tap":

(A) Means any plumbing fixture in a building or on property owned or leased by a school where students or staff are present on a regular basis and where water is used for drinking or food preparation.

(B) Does not include any of the following classes of plumbing fixtures:

(i) Shower heads;

(ii) Pipes used to convey water to systems for building heat;

(iii) Dedicated eye wash stations and emergency showers;

(iv) Fixtures in areas with no student access used exclusively for building sanitation purposes by staff;

(v) Fixtures used exclusively for irrigation, unless it is reasonable to believe that students or staff will use water from that fixture for drinking; and

(vi) Fixtures in science and technical education classrooms that provide education to grades 6 through 12 exclusively where the fixtures:

(I) Have signs indicating they are not sources of drinking water; and

(II) Are not intended to be used for drinking or food preparation as part of the curriculum.

(2) Initial testing.

(a) Schools must test for lead in the water from each tap at least once between January 1, 2016 and June 30, 2020, or prior to occupancy for taps added after these dates. Initial testing does not need to be repeated if:

(A) Testing was conducted and mitigation completed before November 1, 2018 according to EPA's 3Ts for Reducing Lead in Drinking Water in Schools, Revised Technical Guidance from October 2006, adopted by reference; or

(B) Testing was conducted and mitigation completed on or after November 1, 2018 according to EPA's 3Ts for Reducing Lead in Drinking Water in Schools and Childcare Facilities, October 2018, adopted by reference.

(b) Samples must be collected “first draw,” before any water is used from that tap on the day it is tested.

(3) On-going testing. Schools must collect a first draw sample as described in subsection (2)(b) of this rule and EPA’s 3Ts for Reducing Lead in Drinking Water in Schools and Childcare Facilities, October 2018, from each tap at least once every six years starting on July 1, 2020 according to OAR 581-022-2223, unless the following exemption applies:

(a) The tap was installed after January 4, 2014 and meets the lead-free standard of no more than 0.25 percent lead by weight and the piping feeding the tap is a material other than copper or was installed after January 4, 2014 and the solder and flux meets the lead-free standard of no more than 0.2 percent lead; and

(b) The tap was tested as required in section (2) and no more than 1 part per billion (ppb) of lead was detected.

(4) All samples must be collected using cold water and must meet the following criteria:

(a) Sample bottles must be 250 milliliters (mL) in volume.

(b) Sample bottles must be assigned a unique identification number and the following information about the sample must be recorded:

(A) The date and time of sample collection;

(B) The name of the person that collected the sample; and

(C) The location or a description of the tap from which the sample is collected.

(c) Samples must be collected on a day when school was in session the previous day.

(d) Samples must be analyzed by a laboratory accredited for lead analysis in drinking water by the Oregon Laboratory Accreditation Program according to OAR chapter 333, division 64.

(5) If a test result from a sample shows 15 or more parts per billion (ppb) of lead:

(a) A school must prevent access to the tap as soon as possible after receiving the sample test result and in no case more than 48 hours after receiving the test results; and

(b) A school must prevent access to the tap until testing and mitigation is completed according to section (6) of this rule;

or

(c) If the tap is primarily used for sanitation purposes, such as restroom sinks, access may continue as long as clear signage is posted to notify people that the tap is not to be used for drinking or food preparation until mitigation is complete. Mitigation must be

completed within 30 days unless an alternate schedule is approved by the Department of Education.

(6) Following receipt of results that show a tap has 15 or more ppb of lead, a school must:

(a) Collect a flushed sample from that tap. This sample must meet all the criteria specified in section (4) of this rule and be collected after water has flowed from the tap for 30 seconds as described in Step 2 of Module 5 of EPA's 3Ts for Reducing Lead in Drinking Water in Schools and Childcare Facilities, October 2018; and

(b) Complete an appropriate permanent mitigation in accordance with Module 6 of EPA's 3Ts for Reducing Lead in Drinking Water in Schools and Childcare Facilities, October 2018; and

(c) Test the tap after mitigation is complete, demonstrating lead is less than 15 ppb before access to the tap is resumed.

A first-draw sample as described in subsection (2)(b) must be collected and analyzed.

(7) All test results must be made available as specified in ORS 332.334.

STATUTORY/OTHER AUTHORITY: OL 2017, ch. 700

STATUTES/OTHER IMPLEMENTED: OL 2017, ch. 700, ORS 332.331