Flowchart for Testing for Lead in Drinking Water - Public and Nonpublic Schools

Does your facility receive its drinking water from a public utility?

Yes ➔ Your facility is considered a school. Go to next page.

No ➔ Does your facility receive its drinking water from a public utility?

Yes ➔ For schools and daycare centers/preschools not operating under normal operations, flushing of outlets in your building(s) that are currently occupied (i.e., by any faculty/staff, student, etc.) is recommended. For more resources on flushing, please refer to School Building Flushing - Links to Guidance. Additionally, the EPA’s school flushing instructions can be found under “Exhibit 1: 3Ts Flushing Instructions” on page 3 of “3Ts Flushing Best Practices.”

No ➔ Your facility is not required to test for lead under under Maryland’s law and regulations, “Testing for Lead in Drinking Water - Public and Nonpublic Schools,” because your facility has its own well and is required to conduct testing under the federal Lead and Copper Rule (LCR).

Does any of the following criteria applies to your facility?

• Your facility is licensed by the Maryland State Department of Education (MSDE) as serving children in Pre-Kindergarten through grade 12.

or

• Your facility is registered with MSDE as “church-exempt” and serves children in Pre-Kindergarten through grade 12.

or

• Your facility is a daycare center/preschool licensed by the Office of Child Care (OCC) as a childcare center and/or preschool and also licensed by MSDE as a Pre-Kindergarten or Kindergarten school (or school serving higher grades).

or

• Your facility is a daycare center/preschool licensed by the Office of Child Care (OCC) as a childcare center and/or preschool and also registered with MSDE as “church-exempt” and serves children in Pre-Kindergarten through grade 12.

Yes ➔ Your facility is not required to test for lead under under Maryland’s law and regulations, “Testing for Lead in Drinking Water - Public and Nonpublic Schools.”

No ➔ For Schools Providing Bottled Water

If your school is providing purchased bottled water either in single-serving bottles for individuals or large bottles for dispensers, the school should ensure that the water meets the National Primary Drinking Water Regulations (NPDWR) for all regulated contaminants. A certificate of analysis may be obtained from the bottled water supplier or manufacturer to verify that the water meets the primary standards.
Has your school applied for any of the waivers listed below?

- **Waiver Type 1** – Prior Testing
- **Waiver Type 2** – Bottle Water
- **Waiver Type 3** – Lead-Free Building

Has your school previously tested for lead in all drinking water outlets after April 8, 2013 and were all lead results less than 5.5 ppb?

- Yes
- No

Does your school only use bottled water for drinking and food/drink preparation?

- Yes
- No

Are the service line and all plumbing within your school building made of lead-free materials?

- Yes
- No

Has your school received a final decision in writing from MDE in regard to your waiver application(s)?

- Yes
- No

Did MDE, in consultation with MSDE, grant waiver(s) for all of your school buildings within your school?

- Yes
- No

Your school might be eligible to waive testing. Please contact MDE’s Water Supply Program by email at reporting.leadschoolwater@maryland.gov and include the word ‘Waiver’ in the subject line of your email.

Your school is still required to test for lead under Maryland’s law and regulations on the school buildings that have been not granted waivers. If desired, your school may complete and submit another waiver application. If not desired, go to next page.

Your school is not required to test for lead under Maryland’s law and regulations on the school buildings that have been granted waivers as long as the school buildings still meet the conditions of the waivers.

Your school may be eligible for a waiver from testing. If desired, complete and submit **Waiver Application Type 1 – Previous Testing** to MDE. If not desired, go to next page.

Your facility may be eligible for a waiver from testing. If desired, complete and submit **Waiver Application Type 2 – Bottled Water** to MDE. If not desired, go to next page.

Your facility may be eligible for a waiver from testing. If desired, complete and submit **Waiver Application Type 3 – Lead-Free Building** to MDE. If not desired, go to next page.

Go to next page.
Collect first draw samples from all outlets used for drinking and/or food/drink preparation (i.e., consumption outlets), including ice machines and hot drink machines, and outlets not used for drinking and/or food/drink preparation (i.e., non-consumption outlets) that are not signed as not a drinking water outlet. Submit samples within 14 days of sample collection to a State-certified laboratory for analysis.

Report all sample results as shown on official laboratory report to MDE, MSDE, and your local health department within 30 days of samples being analyzed by the laboratory, using the following forms:
- Sample Collection Form
- Laboratory Results Reporting Form
- Official laboratory report signed by the Laboratory Director

Certify to MDE, MSDE, and the appropriate local health department that all drinking water outlets were tested in accordance with the regulation and provide other required information using the Lead Sample Summary Certification Form within 30 days after the samples were analyzed or 30 days after the end of the school calendar year in which the samples were collected.

Repeat testing of all the outlets in a 3-year cycle.

The lead Action Level under Maryland law (Chapter 386 (House Bill 270), Acts of 2017) of 20 parts per billion (ppb) (i.e., greater than or equal to 20.5 ppb) is effective through May 31, 2021. Effective June 1, 2021, the lead Action Level is 5 ppb (i.e., greater than or equal to 5.5 ppb) under Maryland law (Chapter 237 (House Bill 636), Acts of 2021).

The sample results exceeding the lead Action Level of 5 ppb is interpreted as results of 5.5 ppb or greater.

Collect first draw samples from all outlets used for drinking and/or food/drink preparation (i.e., consumption outlets), including ice machines and hot drink machines, and outlets not used for drinking and/or food/drink preparation (i.e., non-consumption outlets) that are not signed as not a drinking water outlet. Submit samples within 14 days of sample collection to a State-certified laboratory for analysis.

Do any sample results exceed the lead Action Level?

Yes

Go to next page.

No

Report all sample results as shown on official laboratory report to MDE, MSDE, and your local health department within 30 days of samples being analyzed by the laboratory, using the following forms:
- Sample Collection Form
- Laboratory Results Reporting Form
- Official laboratory report signed by the Laboratory Director

Certify to MDE, MSDE, and the appropriate local health department that all drinking water outlets were tested in accordance with the regulation and provide other required information using the Lead Sample Summary Certification Form within 30 days after the samples were analyzed or 30 days after the end of the school calendar year in which the samples were collected.

Repeat testing of all the outlets in a 3-year cycle.

Your facility may be eligible for a waiver from future testing if the most recent first-draw samples from all drinking water outlets have lead levels less than 5.5 ppb.

If desired, complete and submit Waiver Application Type 1 – Prior Testing to MDE and MSDE.

The lead Action Level under Maryland law (Chapter 386 (House Bill 270), Acts of 2017) of 20 parts per billion (ppb) (i.e., greater than or equal to 20.5 ppb) is effective through May 31, 2021. Effective June 1, 2021, the lead Action Level is 5 ppb (i.e., greater than or equal to 5.5 ppb) under Maryland law (Chapter 237 (House Bill 636), Acts of 2021).

The sample results exceeding the lead Action Level of 5 ppb is interpreted as results of 5.5 ppb or greater.
If an outlet has an elevated level of lead (All of the following must be performed)

**Close off access** to water from the outlets that are used for consumption within 24 hours of receiving laboratory report with elevated levels of lead.

For non-consumption outlets, within 24 hours of receiving laboratory report with elevated levels of lead, either **signage** must be posted or access to the outlets must be closed.

**Collect a flush sample** from each outlet with an elevated level of lead within 5 school days of receiving laboratory report with elevated levels of lead, and submit samples within 14 days of sample collection to a State-certified laboratory for analysis.

**Send notification** of elevated lead results to parents, teachers, and staff within 10 school days of receiving laboratory report with elevated levels of lead.

**Submit** [Certification of Elevated Lead Sample Result Notice](#) to MDE and MSDE within 30 days of sending notification of elevated levels of lead.

**Report all sample results** to MDE, MSDE, MDH, and your local health department within 30 days of samples being analyzed by the laboratory, using the following forms:
- [Sample Collection Form](#)
- [Laboratory Results Reporting Form](#)
- Official laboratory report signed by the Laboratory Director

**Certify** to MDE, MSDE, and the appropriate local health department that all drinking water outlets were tested in accordance with the regulation and provide other required information using the [Lead Sample Summary Certification Form](#) within 30 days after the samples were analyzed or 30 days after the end of the school calendar year in which the samples were collected.

**Post sample results on school website** within 30 school days of receiving laboratory report with elevated levels of lead.

**Drinking water outlets with lead results of greater than 5 ppb (i.e., greater than or equal to 5.5 ppb), but less than 20 ppb, are subject to required remediation by August 1, 2022, under legislation ([House Bill 636](#)) passed in 2021, if laboratory analysis of these samples was performed on or before June 1, 2021, including samples analyzed prior to the passage of the Bill.**

**Perform remediation** on outlets with elevated levels of lead.

**Submit** [Remedial Plan of Action Form](#) to MDE and MSDE within 30 school days of receiving laboratory report with elevated levels of lead.

**Perform remediation** on outlets with elevated levels of lead.
After performing remediation, **collect follow-up first-draw samples** to assess if the remedial actions performed reduced lead in the outlet.

Submit results to MDE and MSDE within 10 school days of receiving laboratory report, using the following forms:
- Sample Collection Form
- Laboratory Results Reporting Form
- Official laboratory report signed by the Laboratory Director

Do any follow-up sample results **exceed** the lead Action level?

- Yes
  - Perform remediation again.
- No
  - Submit Completion of Remedial Action Form to MDE and MSDE and post remedial actions taken on school’s website within 30 school days of performing remediation.

Return outlet to service.

Repeat testing of all the outlets in a 3-year cycle.

Your facility may be eligible for a waiver from future testing if **both** of the following are true:
- The most recent first-draw samples from **all** drinking water outlets, including those outlets that have been remediated, have lead sample results **less than** 5.5 ppb; and
- **All** non-consumption outlets with lead sample results **greater than or equal** to 5.5 ppb have **signage** clearly posted.

If desired, **complete and submit** Waiver Application Type 1 – Prior Testing to MDE and MSDE.