

FACT SHEET

Alternative School and Child Care Facility Sampling Programs

Summary

Beginning **November 1, 2027**, community water systems (communities) must comply with the Lead and Copper Rule Improvements (LCRI). The LCRI establishes additional lead sampling requirements for schools and licensed child care facilities (CCF). Starting November 1, 2027, communities are required to sample for lead in drinking water at all elementary schools and CCF served by the water system.

All elementary schools and CCF served by the water system **must** be sampled **at least once** no later than December 31, 2032. All secondary schools served by the water system must be notified of their eligibility for sampling and must be sampled **upon request**.

Schools and CCF served by the water system that have been previously sampled for lead may have the lead sampling requirement waived, provided that prior sampling meets the requirements for alternative sampling programs established under LCRI.

Definitions

Child Care Facility: A location housing a licensed provider of child care, day care, or early learning services to children.

Elementary School: A *school* composed of any span of grades from pre-school to grade 8.

Secondary School: A *school* composed of any span of grades beginning with the next grade after elementary school and ending with grade 12. This includes both junior and senior high schools.

Alternative School and Childcare Lead Sampling Programs

The State **may** issue written waivers exempting communities from meeting the lead sampling requirements for schools and CCF they serve.

Annual public education requirements **must** be conducted for schools and CCF; waivers apply **only** to the lead sampling requirements. **Communities must conduct annual public education for schools and CCF regardless of any facilities that are waived for sampling.**

The State **may** issue a waiver for communities to forego the lead sampling requirements for five (5) years after November 1, 2027 at schools and CCF that were sampled between January 1, 2021 and November 1, 2027 **if** the sampling meets the requirements of §141.92(h)(1).

If the State issues a written waiver, it **must** apply only to the subset of schools and CCF served by a community that are sampled for lead by an alternative program. Schools and CCF served by a community that are not sampled for lead by an alternative program meeting the requirements of §141.92(h) are **not** eligible for a waiver.

Requirements for Alternative Sampling Programs

For an alternative sampling program to meet the requirements of §141.92(h), thereby allowing for the issuance of a written waiver exempting eligible schools and CCF and the community water systems that serve them from the lead sampling requirements, the program must satisfy the following:

1. The sampling frequency of the alternative program must satisfy the frequency requirements for elementary schools and CCF **and** secondary schools per §141.92(d) and (e), respectively. In addition, the alternative program must satisfy the sampling protocol requirements of §141.92(f); **OR**
2. The sampling frequency of the alternative program must satisfy the frequency requirements for elementary schools and CCF **and** secondary schools per §141.92(d) and (e), respectively. In addition, the alternative program must satisfy the sampling protocol requirements of §141.92(f) **except** samples do not need to be 250 milliliters in volume or have remained stationary in the pipes for 8 to 18 hours **if** the alternative program also performs at least one (1) of the following lead remediation actions:
 - a. Disconnection of affected fixtures;
 - b. Replacement of affected fixtures with certified lead free fixtures; **or**
 - c. Installation and maintenance of ANSI certified point-of-use (POU) devices.
3. If the sampling conducted by the alternate program occurs less frequently than once every five years, a waiver may still be issued **if** any of the previously listed lead remediation actions are also performed.
4. If a school or CCF maintains POU devices at **all** fixtures providing water for human consumption.
5. A waiver may be issued if the alternative sampling program conducts sampling under a grant awarded through section 1464(d) of the Safe Drinking Water Act **and** at least the minimum number of samples required per §141.92(f).

DWEE's Alternative Sampling in Nebraska

A portion of schools in the state of Nebraska have been sampled for lead as part of the Water Infrastructure Improvements for the Nation (WIIN) Act grant programs. This program is known as the Voluntary School and Child Care Lead Testing & Reduction Grant Program. Additional information on this program is available on the following webpage: [Lead in Drinking Water: Testing in School and Childcare Facilities | DWEE NE](#)

This grant program for lead sampling in schools in Nebraska satisfies the requirement described in 40 CFR §141.92(h)(1)(v). Therefore, schools and CCF that have sampled as part of the WIIN grant on or after January 1, 2021, **and** that took at least the minimum number of samples required per §141.92(f) are eligible to have the lead sampling requirements of §141.92 waived for five (5) years beginning on November 1, 2027

Funding Options for Facilities

Grant funding is available for facilities through the DWEE Voluntary School and Child Care Lead Testing & Reduction Grant Program. These funds are available for sampling water fixtures primarily used as a drinking water source at schools and licensed child care facilities. Funding is also available for lead fixture replacement and remediation. **Please consider taking advantage of funds while available.**

Testing Options

- DWEE offers 100% grant assistance for schools and licensed child care facilities to conduct lead testing of drinking water fixtures.
- Samples are taken from the fixture locations and sent to the Nebraska Public Health Environmental Lab (NPHEL) for processing.
- Remediation activities are based on sampling results.

Fixture Replacement

- DWEE offers 100% grant assistance to replace fixtures with a lead detection.
- The sampling must be processed through and obtain a result from the NPHEL.
- To ensure the lead is no longer detected in the location, post-replacement testing is offered at no cost to the facility.

Facilities interested in funds to address lead remediation or that have not yet tested their drinking water fixtures can do so by contacting the Department's Voluntary School and Child Care Lead Testing and Reduction Grant Program contact at dwee.srf@nebraska.gov.