

ARCHDIOCESE OF WASHINGTON

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Dear Pastors and Principals,

As you know, in 2016 the Archdiocese took a proactive approach and requested that every school test for the presence of lead in their drinking water. In 2017, the State of Maryland enacted the Lead in Water Testing law¹ establishing new requirements for regular testing for the presence of lead in drinking water outlets in all public and nonpublic school buildings. On May, 2021, the State of Maryland enacted the Safe School Drinking Water Act (House Bill 636), which updates the statutory school lead in water testing requirements. All schools, including non-public schools, must achieve compliance in the school year 2021.

The Maryland Department of the Environment (MDE) will oversee the testing program, and all schools must (i) test for the presence of lead in drinking water every 3 years; (ii) report the results to the State; and (iii) take action if lead levels exceed 5 parts per billion (ppb). Schools that are serviced by public water systems must now test all drinking water outlets in the school building(s) from which water is consumed or used for drink and food preparation. The new law does include a procedure that allows a school to apply for a waiver from the ongoing testing requirements or a deferral (to obtain additional time for compliance) in certain circumstances.

Further requirements of the new law include the following:

- Each school must create a sampling plan;
- Testing must be performed during the regular school year while school is in session;
- Samples must be collected by qualified school personnel or a qualified vendor;
- Samples must be analyzed by an MDE approved laboratory;
- Monitoring must occur every 3 years, unless a waiver has been approved, and within 1 year following any plumbing upgrades;
- All results must be reported by the school within 30 days of sample analysis to:
 - Maryland Department of the Environment (MDE)
 - Maryland State Department of Education (MSDE)
 - Local Health Department of each school
 - Maryland Department of Health (MDH) (only for elevated results)

¹ House Bill 270, codified at Maryland Environmental Code, which created MD Env. Code § 6-1501 *et seq.*

At present, there are three options available for schools to achieve compliance with Maryland's new lead testing requirements: (1) apply for a waiver; (2) apply for a deferral; or (3) arrange for sampling and testing of all drinking outlets every three years. Each school's options are dependent upon when all drinking outlets were last tested, and the results of those tests. In cases where compliance is not met then the school will be required to follow specific steps, including closing off access to the outlet with elevated levels; retesting; notifying parents, teachers and staff and posting the test results on the school website; submitting a remedial plan to MDE and MSDE; and performing remedial action to reduce the levels of lead.

Previously, the parish and schools individually were required to contract with a qualified vendor to complete testing and provide the required documentation to MDE. In order to ensure that we maintain a safe environment for our school children and staff as well and to ensure full compliance with the new testing requirements, **the Archdiocese's Catholic Schools Office is working in collaboration with the Real Estate and Facilities Management Office (RE/FMO) to ensure that all schools are in compliance by the end of the 2021 school year, and have engaged AERO EH&S, Inc. to assist our schools in managing their Lead in Water Testing program.**

AERO EH&S has single-point responsibility to perform the "Lead in Water Testing" every three (3) years as required by MDE. AERO will submit, on each parish's behalf, the required testing results and any required forms to MDE and MSDE. AERO will maintain a database of any Lead in Water Testing-related information for each school and provide a copy of the documentation to the parish and the Archdiocese of Washington Catholic Schools Office and RE/FMO. Please note that schools will be individually responsible to take all necessary steps, including remediation, in the event of a finding of elevated levels of lead. The attached flow-chart from MDE identifies the steps a school must take in the event of elevated levels of lead. Please contact RE/FMO for any further questions regarding remediation.

Based upon the pricing structure provided by AERO, the Archdiocese is able to offer AERO's services at a three (3) year cost to each school of \$950.00. This three year recurring flat-fee represents each of the 48 schools share of the total cost of the program for inspecting, testing and lab fees; reporting to MDE and MSDE; and record keeping requirements. The Archdiocese's Finance Department will invoice each school every three years for this cost. This flat-fee structure allows schools to budget accordingly for the cost rather than experience costs that may fluctuate.


We appreciate your cooperation with this effort, and AERO will be contacting each school at the start of the school year to take all necessary steps to arrange for testing and submit the results as required to the Maryland Department of the Environment. This will ensure that the testing program can be completed and any necessary remedial action implemented before the end of the 2021 school year (December, 2021), as required by law.

If you have any questions please contact the Real Estate and Facility Management Office at facilitiescontracts@adw.org or 301-853-4474. Thank you for all you do for the formation, education, and safety of our children.

Sincerely in Christ,

Handwritten signature of Kelly Branaman in cursive script.

Kelly Branaman
Superintendent for Catholic Schools

Handwritten signature of Michelle L. Shelton in cursive script, including a circular stamp or mark to the right.

Michelle L. Shelton
Executive Director of Real Estate