

STATE OF NEBRASKA'S

# Lead Testing and Reduction Grant Program

IN SCHOOLS AND LICENSED CHILD CARE FACILITIES

## Informational Guide Document



## Overview and Eligibility

### Purpose

The principal objective of this program is to provide funding assistance to schools, local educational agencies, and licensed child care centers to assist in their efforts to test for and reduce lead in drinking water.

### Program Overview

Facilities that have completed drinking water lead testing are eligible to receive funding for remediation activities. Applicants will submit a request for all eligible facilities. Selected recipients will enter into an agreement with the NDEE which designates the amount of grant funds awarded, program requirements, and details of the project. Grant funds will be disbursed on a confirmation from the licensed plumber detailing the project costs and work completed. The recipient will have eighteen (18) months in which to procure, install and test the drinking water fixtures.

For those eligible facilities that have not tested their drinking water fixtures, those entities can do so by contacting the NDEE. More information can be found later in this document.

### Program Funding

U.S. Environmental Protection Agency (EPA) is authorized to award grant funding through Section 1464(d) of the Safe Drinking Water Act (SDWA), as amended by sections within the Water Infrastructure Improvements for the Nation Act (WIIN), America's Water Infrastructure Act (AWIA), and Infrastructure Investment and Job Act (IIJA).

### Program Administration

The Nebraska Department of Environment and Energy (NDEE) is committed to reducing childhood exposure to lead from drinking water. The NDEE will administer and guide the lead testing process for this program. In addition, the NDEE will manage and support the request for remediation, award, and reimbursement processes throughout the project.

### Eligible Recipients for Remediation

Public schools, licensed child care programs, private or parochial<sup>1</sup> schools are classified as Local Educational Agency (LEA) or a Child Care Program and that have:

- Completed drinking water testing through the Nebraska Department of Health and Human Services' (DHHS) Public Health Environmental Laboratory by contacting the NDEE.

<sup>1</sup>Currently private, or parochial schools are eligible to receive grant funding by entering into a local agreement with their respective local educational agency or other eligible entity, as the "pass through" agency. That entity would enter into an agreement with the NDEE for the remediation activities of the private or parochial school.

### Eligible Threshold

EPA encourages states to prioritize remediation efforts based on the highest lead sample results and best management practices to pinpoint potential lead sources to remediate in drinking water. In establishing the lead in drinking water programs, the NDEE is implementing a Program Remediation Trigger Level of 10 parts per billion (ppb) or above to initiate the remediation activities for this program.

### Eligible Remediation Activities

The program is designed to reduce exposure of children, who are most vulnerable, to lead in drinking water. Funding will be prioritized to facilities based on the age of the children served and communities designated as Disadvantaged Communities by Nebraska's definition. EPA has approved the NDEE's workplan, which includes the following prioritization criterion:

- Schools and licensed child care programs serving a population of children 6 years and younger with a detected lead level above 10 ppb; then
- Schools and licensed child care programs serving a population of children above the age of 6 years with a detected lead level above 10 ppb; then
- Schools and licensed child care programs with internal lead premise plumbing or external lead service lines (*pending availability of funds*).


### Eligible Costs

Lead testing and remediation activities must be related to drinking water fixtures and include:

- Faucets and similar fixtures;
- Water fountains;
- Water filler stations;
- Internal premise plumbing (*pending availability of funds*); and
- Full external service lines (*pending availability of funds*).

Non-drinking water fixtures are not eligible for funding (e.g., utility faucets, sprinkler systems, lawn and utility hoses, and other water fixtures not used for human consumption).

### Please Note

- Awarded funds may not be used to reimburse previously purchased fixtures or any remediation activity undertaken before the grant was awarded to the NDEE.
  - Award funds may not be used to pay for monitoring required under the Lead and Copper Rule.
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## Agreement and Award Process

The NDEE may enter into agreements with public schools, public school districts, educational service units, and licensed child care programs. Please refer to *Eligible Recipients for Remediation* for the criteria in which private or parochial schools participate in the program.

### Agreement Initiation

Email [ndee.srf@nebraska.gov](mailto:ndee.srf@nebraska.gov) to express interest in the program for the remediation of lead fixtures and include the following:

- Name and address of recipient that will be represented in the Agreement;
- Facility(facilities) name and address for remediation activities;
- Person of contact and contact information;
- Number of fixtures wanting to be removed; and
- Plumbers estimate of project costs.

### Agreement Review

The NDEE will review the responses and prioritize those populations based on eligibility of the facility and readiness to proceed with remediation activities. Applicants who successfully complete the initial process and are subject to funding availability will be contacted for information to proceed into the award drafting phase.

### Draft Agreement

The NDEE will draft the Agreement based on the initial request which will detail the total award amount, program requirements, state and federal requirements, deadlines, and a specific workplan for a facility(facilities) including the number, location, and type of fixtures to be remediated.


The NDEE will send the drafted Agreement to the recipient for review.

### Signed Agreement

Once that recipient has approved the draft, the Facility Representative and the NDEE Director will sign the Agreement via the DocuSign process.

### Program Support

The NDEE will provide guidance and support via phone, email, conference calls, and/or in-person visits throughout the process.



## Installation Requirements

### Licensed Plumber

The Recipient agrees to contract a licensed plumber, district maintenance staff, or equivalent in qualifications to plan, oversee the installation, replacement, and/or removal of materials, and conduct inspections of the Project.

### Procurement

The Recipient is required to procure services and/or materials necessary for the Project in the regular manner established by the board pursuant to Nebraska Revised Statute 73-106 and accept or reject bids pursuant to Nebraska Revised Statute 73-101. Procuring services and/or materials will depend on the overall cost of the project.

- For project costs less than \$10,000. The school or licensed child care program may proceed with the plumber of their choosing (i.e., no other quotes are required).
- For project costs \$10,000 to \$109,000. The school or licensed child care program must contact at least three (3) plumbing contractors for quotes. Contact can be defined as phone calls, emails, letters, etc. The NDEE will request documentation for the quotes.
- For project costs above \$109,000. The school or licensed child care program must publicize for an open and fair competitive bidding process for plumbing contractors. The NDEE will request documentation of the advertisement (i.e., an affidavit of publication).

### Federal Fund Requirements

Recipients and facilities receiving this federal funding are required to comply with program, state, and federal regulations, which include but are not limited to Suspension and Debarment and Build America Buy America (BABA) Act. These requirements will be detailed in writing to these recipients.

### Build America Buy America (BABA) Waiver

There is a nationwide waiver issued for BABA products, so long as the school and licensed child care programs project cost is less than \$250,000. However, the NDEE will ask the recipient to verify that BABA compliant products are not available before permitting use of that waiver.

### Match Requirement

- No match is required on fixtures with a detectible lead level at or above 8 ppb, and with a detectible level below 8 ppb located within a low income-based area.
- A 10% match is required on fixtures with a detectible lead level below 8 ppb located within a moderate income-based area.
- A 25% match is required on fixtures with a detectible lead level below 8 ppb located within a high income-based area.

The income-based area is determined by the latest Census tract information and Median Household Income (MHI). Those areas that are 80% of the State's MHI meet the criteria for a low-income area, for 80 to 100% is a moderate-income area, and above 100% is a high-income area.

### **Reporting Requirements**

When requested, the Recipient is required to submit a written progress report to the NDEE during the active agreement period.

## **Post Installation**

### **Post Installation Reporting**

Upon conclusion of the remediation activities, the recipient is required to complete post-installation testing on each remediated fixture. Sampling must be conducted through the DHHS Public Health Environmental Laboratory to confirm that the recipient's drinking water is below 10 ppb.

### **Maintenance Report and Close Out Provisions**

The program requires that a report be submitted establishing routine practices to reduce the exposure to elevated lead levels and other environmental hazards and/or maintenance plans or manufacture's usage instructions on the fixtures installed.

The Project Close Out is the process by which the NDEE determines the recipient has completed the project according to the Agreement. This certifies that the acquisition and construction/rehabilitation have been completed, and all required reports and documentation has been submitted. Project closeout can occur after the NDEE has completed the initial compliance review of the project and clearance is achieved with regard to project implementation and post-installation testing and reporting is achieved.

The Maintenance Report is to be submitted to the NDEE no later than ninety (90) days from the final reimbursement request.

### **Award Disbursement**

Once project remediation activities have concluded, recipients are eligible for reimbursement. The NDEE will verify compliance with all appropriate regulations through an audit of the recipient's project documentation. Reimbursement for eligible project costs may be submitted through a reimbursement form (provided by the NDEE), and an invoice(s) or receipt(s) for the total dollar amount of costs incurred related to the project.

Payment will be reimbursed to the recipient named in the Agreement via ACH (direct deposit) format.

## Testing Process

### Eligible Testing Facilities

Free testing is eligible at sites used for consumption throughout private, parochial, and public schools or licensed child care facilities. Schools may request up to 15 sample kits and licensed child care programs can request up to 3 sample kits. The kits include the cost of postage and analysis.

### Testing Requirements

Locations that wish to sample their drinking water should contact the NDEE to request test kits. Educational material can be provided to support schools and child care programs with interpreting results and guidance on the following steps of action. Sample instructions and a link to a How-To Video are included with each kit. Please note contacting the NDEE to test must be done as it is a critical aspect of the process to qualify for these grant funds.

### Testing Results

The drinking water samples are sent to and processed through the DHHS Public Health Environmental Laboratory, the results for each fixture sampled will be reported back to the Recipient.

Results will be shared through local communication strategies and posted on the DHHS's website (<https://dhhs.ne.gov/Pages/Lead-Data.aspx>).

### Retesting

A facility does not need to retest if they have tested recently (after 2020), and no major modifications have been made to the plumbing.

Note: The NDEE is on the verge of receiving updated guidance and will hold here for more information to define more clearly "a recent timeframe".

### Contact Information

**Lead Testing and Remediation Contact**

(402) 471-2186

[ndee.srf@nebraska.gov](mailto:ndee.srf@nebraska.gov)

