

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING SESSION - DIVISION OF DRINKING WATER AND
DIVISION OF FINANCIAL ASSISTANCE
OCTOBER 16, 2019**

ITEM 6

SUBJECT

INFORMATIONAL ITEM REGARDING TESTING AND REMEDIATION OF LEAD IN DRINKING WATER AT LICENSED CHILD CARE CENTERS

DISCUSSION

Assembly Bill (AB) 2370 (Stats. 2018, Ch. 676) requires all Licensed Child Day Care Centers (Licensed CCCs) located in buildings constructed before January 1, 2010 to test their drinking water for lead. Licensed CCCs will be required to conduct initial testing between January 1, 2020 and January 1, 2023, and subsequent testing every five years after the initial test.

AB 2370 requires the California Department of Social Services (CDSS) to adopt regulations by January 1, 2021, and it authorizes CDSS to issue written directives prior to regulation adoption. CDSS plans to issue initial directives to Licensed CCCs by the end of 2019, so that testing can begin in 2020. CDSS has created a task force to receive input from stakeholders prior to issuing these written directives.

AB 2370 also requires the State Water Resources Control Board's (State Water Board) Division of Drinking Water (DDW) to: consult with CDSS regarding the directives and regulations, including the recommended action level for lead; facilitate electronic data submittal from certified laboratories; notify CDSS of results showing elevated lead levels; and post test results online.

DDW, in consultation with a Technical Advisory Committee, has prepared draft guidance for testing and remediation, based largely upon the United States Environmental Protection Agency's [3Ts \(Training, Testing, Taking Action\) for Reducing Lead in Drinking Water at Schools and Child Care Facilities](#). DDW put the draft out to stakeholders for comment the last two weeks of July, expects to issue guidance to CDSS around the end of September. In addition, DDW plans to revisit the guidance during 2020, after considering lessons learned during early sampling efforts. At that time, DDW may provide additional technical guidance to inform CDSS development of the proposed regulations by fall of 2020.

Also related to AB 2370, Senate Bill (SB) 862 (Stats. 2018, ch. 449) appropriated \$5 million from the General Fund to the State Water Board for testing and remediation of lead at Licensed CCCs, and for technical assistance to these centers. On July 16, 2019, the State Water Board delegated authorities for funding administration to the Deputy Director of the Division of Financial Assistance (DFA). Working with stakeholders, DFA staff are developing a grant agreement with University Enterprises,

Inc. (UEI), to provide statewide assistance to priority Licensed CCCs. DFA plans to execute the grant agreement by the end of 2019, to begin sampling early 2020.

POLICY ISSUE

This is an informational item.

FISCAL IMPACT

None.

REGIONAL BOARD IMPACT

None.

HUMAN RIGHT TO WATER ANALYSIS

The actions discussed under this item are consistent with the established policy of the State recognizing the human right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes (human right to water; Water Code section 106.3). The proposed actions are also consistent with [Resolution No. 2016-0010](#), in which the State Water Board adopted the human right to water as a core value and top priority. As directed by the State Water Board in Resolution No. 2016-0010, staff have determined that work performed to implement SB 862 and AB 2370 support the human right to water by enhancing access to safe drinking water for the children and staff in Licensed CCCs.

STAFF RECOMMENDATION

None. This is an informational item.