

CITY OF PHILADELPHIA
DEPARTMENT OF PUBLIC HEALTH
Board of Health

Regulation Relating to Water Quality Requirements for Structures in Group E Occupancy and
Certain Day Care Facilities

Approved January 11, 2018

WHEREAS, Section A-703.2 of Title 4 of The Philadelphia Code requires substantial compliance with applicable water quality requirements of the Board of Health for structures in Group E occupancy, the Educational occupancy, as defined in Title 4, and day care facilities that are not part of a school, but at which thirteen or more children are cared for;

WHEREAS, the American Academy of Pediatrics recommends plain water to satisfy fluid requirements in early childhood after infancy;

WHEREAS, drinking plain water during early childhood plays an important role in developing healthy beverage consumption habits later in life; and

WHEREAS, increasing confidence among Philadelphians in the quality of the water available in schools and day care facilities is expected to increase plain water consumption in early childhood;

NOW, THEREFORE, the Board of Health hereby adopts this Regulation Relating to Water Quality Requirements for Structures in Group E Occupancy and Certain Day Care Facilities, as follows:

Section 1. Definitions

Action Level. For lead, 10 parts per billion (ppb).

Covered Structure. Any structure subject to the certification requirements pertaining to water quality set forth in Section A-703.2.4.B of The Philadelphia Code.

Department. The Department of Public Health.

First-Draw Sample. A 250 milliliter (mL) cold-water sample collected when an Outlet has been idle for between eight (8) and eighteen (18) hours and in accordance with any applicable guidance the Department issues.

Leaded Plumbing Materials. Any pipe, pipe or plumbing fitting or fixture, solder, or flux that does not meet the definition of “lead free” in Section 1417 of the Safe Drinking Water Act, 42 U.S.C. 300g-6.

Outlet. A potable water fixture, including, but not limited to, a drinking fountain or faucet, currently used or potentially to be used for drinking or cooking purposes.

Section 2. Periodic Testing

- (a) No later than April 1, 2018, and subsequently at least once every five (5) years, the owner of a Covered Structure that contains Leaded Plumbing Materials or an agent thereof shall collect a First-Draw Sample from each Outlet in the Covered Structure.
- (b) The owner of a Covered Structure that contains Leaded Plumbing Materials or an agent thereof shall submit for lead contamination analysis each First-Draw Sample collected in accordance with Section 2(a) of this Regulation to a laboratory accredited to perform lead contamination analysis by the Pennsylvania Department of Environmental Protection’s Laboratory Accreditation Program.

Section 3. Response to Outlet Exceeding Action Level

If the lead concentration of water collected from an Outlet in accordance with Section 2 of this Regulation is at or above the Action Level, the owner of the Covered Structure or an agent thereof shall:

- (a) Within twenty-four (24) hours of notification of the results of the test, prohibit use of the Outlet until a remediation plan has been implemented and subsequent testing reflects contaminant levels below the Action Level; and
- (b) Within thirty (30) days of notification of the results of the test, report the test results to the Department via electronic mail or another method the Department designates.

Section 4. Periodic Reporting

No later than ninety (90) days after completing periodic testing required pursuant to Section 2(a) of this Regulation, the owner of a Covered Structure or an agent thereof shall report to the Department via electronic mail or another method the Department designates:

- (a) Completion of required testing of First-Draw Samples in accordance with Section 2 of this Regulation and, if applicable, remediation and re-testing of any in-service Outlet in accordance with Section 3 of this Regulation;

- (b) A determination that the Covered Structure does not contain Leaded Plumbing Materials, if applicable; and
- (c) For any Outlet tested prior to the effective date of this Regulation for which the owner of a Covered Structure or an agent thereof wishes to assert that such testing was in substantial compliance with this Regulation, an attestation that:
 - (.1) The owner of the Covered Structure or an agent thereof tested a First-Draw Sample from the Outlet in a manner that substantially complies with this Regulation and any guidance the Department issues;
 - (.2) Any needed remediation and re-testing has been completed; and
 - (.3) The lead concentration in the water from the Outlet is below the Action Level.

Section 5. Recordkeeping

The owner of a Covered Structure or an agent thereof shall retain all records of test results, remediation plans and efforts, and determinations that a Covered Structure does not contain Leaded Plumbing Materials, for ten (10) years following the creation of such documentation. Copies of such documentation shall be provided immediately to the Department upon request.