

Department of Planning and Budget 2019 Fiscal Impact Statement

1. Bill Number: SB1629

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. Patron: Senator McPike

3. Committee: Education

4. Title: Potable water; lead testing.

5. Summary: This bill requires each local school board submit to the Virginia Department of Health (VDH) plans to test potable water sources in school buildings that are identified by the U.S. Environmental Protection Agency (EPA) as high priority for testing, including drinking fountains, cafeteria or kitchen taps, classroom sinks, or other sinks used for consumption. In addition, each local school board is required to report the results of samples tested according to the plans to VDH.

6. Budget Amendment Necessary: See item 8.

7. Fiscal Impact Estimates: Preliminary, see item 8.

8. Fiscal Implications: Any fiscal impact to local school divisions is indeterminate.

Code of Virginia § 22.1-135.1 requires each local school board to develop and implement plans to test all high priority water sources for lead, giving priority to schools constructed before 1986. This bill adds the requirement that the local school boards submit the plans and report results to the Virginia Department of Health (VDH). It is unclear if VDH is expected to review and comment on the school board remediation plans and receive, review, and process sample results. If VDH did collect and vet the samples it received, there would be an anticipated fiscal impact.

There are approximately 227 school boards throughout Virginia containing an estimated 2,182 individual schools. Pursuant to the bill, VDH would receive a testing plan from each school. For each testing plan submitted, VDH estimates that staff would need to dedicate at least 30 minutes of, or about 1,100 hours total, to review and process the plans.

The total number of priority water sources to potentially be tested at each school is currently unknown. VDH estimates each school would have at least 95 taps per school to sample to comply with Code of Virginia § 22.1-135.1. Assuming each school does one initial round of sampling, which would be consistent with EPA's guidance, VDH estimates that would result in schools collecting and analyzing over 207,000 samples for lead. VDH would need to

dedicate approximately 1 hour of staff time, or about 2,200 hours total, to review and process the results from each school.

If 10 percent of the samples from the initial round of sampling required remediation, then VDH would receive results from another 20,700 samples to confirm whether the remediation effort was successful. Assuming that subsequent testing found one percent of the samples had a lead exceedance, VDH would receive an additional 2,070 sample results to review and process. VDH expects that not every school will have a lead exceedance; however, if one quarter of the schools in Virginia have at least one lead exceedance, VDH would need to dedicate approximately 500 hours to review and process results from confirmation samples.

If VDH is expected to review and comment on the school board remediation plans and receive, review, and process sample results, VDH anticipates it would need 3.5 FTE in additional support to address the workload associated with the estimates above. After schools address lead exceedances, VDH expects the number of new plans and samples to decline. In subsequent years, VDH would need to review and process new plans and samples and eventually have a negligible fiscal impact from the bill. VDH expects the workload to decrease by approximately 50 percent per year for 2021 and 2022. As a result, it is anticipated that the additional support necessary would be provided by contractors and/or temporary employees.

VDH estimates the need for one full-time administrative specialist and two and a half environmental inspectors to manage the identified workload. The administrative specialist is needed to track, receive, and file test results submitted to VDH from school districts as well as answering questions from citizens and school boards; the average total personnel cost is anticipated to be \$42,900. The environmental inspectors would be necessary to review and comment on remediation plans submitted to VDH; the average total personnel cost is anticipated to be \$58,500 for each position or approximately \$146,250 total. This results in an initial FY 2020 general fund financial impact of \$189,150, decreasing to \$116,025 in FY 2021 and \$86,775 in FY 2022.

9. Specific Agency or Political Subdivisions Affected: The Virginia Department of Health and all local school boards in the Commonwealth of Virginia are impacted by this bill.

10. Technical Amendment Necessary: No.

11. Other Comments: None.