



Bayport Blue Point Union Free School District

Lead Testing and Reporting

S9-25-8 | August 2025

Contents

Audit Results 1

 Audit Summary 1

Lead Testing and Reporting: Findings and Recommendations 3

 Finding 1 – District officials did not ensure all required potable water outlets were
 sampled and tested for lead contamination for Cycle Two. 3

 Recommendations 5

 Finding 2 – District officials did not report the results of the lead testing properly
 or in the required time periods for Cycle Two. 6

 Recommendations 6

Appendix A: Profile, Criteria and Resources. 7

Appendix B: District Water Outlets 11

Appendix C: Response From District Officials. 12

Appendix D: OSC Comments on the District’s Response. 20

Appendix E: Audit Methodology and Standards. 22

Audit Results



Bayport Blue Point Union Free School District

Audit Objective

Audit Period

Did Bayport Blue Point Union Free School District (District) officials identify, report and implement needed remediation to reduce lead exposure in potable water outlets?

July 1, 2019 – September 30, 2024

Understanding the Program

Lead is a metal that was commonly used in plumbing and has since been identified as toxic to people, especially young children. Lead poisoning can cause neurological issues such as slowing children's growth, causing learning and behavioral issues or causing hearing and speech problems which can lead to greater difficulty performing well in school and beyond.¹ To aid in combating lead poisoning, New York State (NYS) requires all public school districts and Boards of Cooperative Educational Services (BOCES) to test potable (i.e., consumable) water for lead, report the results and implement necessary remediation. Testing and reporting for lead contamination began in 2016, and subsequent testing cycles have followed:

- Cycle One: September 6, 2016 to October 31, 2016.
- Cycle Two: January 1, 2020 to December 31, 2020 (extended to June 30, 2021 due to the COVID-19 pandemic).
- Cycle Three: January 1, 2023 to December 31, 2025.²

Audit Summary

District officials did not properly identify, report or implement needed remediation to reduce lead exposure in all potable water outlets as required by NYS Public Health Law and Department of Health (DOH) regulations.³ We determined 39 water outlets (including sinks and showers in bathrooms and a sink in a concession stand) of the 312 water outlets we identified at select areas, that students, staff and the public may have access to and could consume water from, were not sampled or properly

¹ Lead Exposure Symptoms and Complications – <https://www.cdc.gov/lead-prevention/symptoms-complications/index.html>

² As of December 22, 2022, schools are now required to test for lead in the water every three years beginning January 1, 2023 for Cycle Three.

³ Public Health Law section 1110; 10 NYCRR subpart 67-4 – Lead Testing in School Drinking Water

exempted by District officials for Cycle Two. These 39 unsampled and unexempted water outlets represent 13 percent of the 312 water outlets we identified. This occurred because District officials did not have a complete sampling plan to identify all water outlets for sampling or exemption.

District officials also did not have a complete remedial action plan that detailed which water outlets they exempted from sampling, how these outlets would be secured against use, and what remedial actions were planned or enacted. Because there is no information on the lead levels of the 39 water outlets not sampled for testing, we were unable to determine whether officials identified and remediated all water outlets that would have required it.

Of the 470 water outlets the District sampled for Cycle Two testing, 120 water outlets (26 percent) exceeded the lead action level. We reviewed 25 of the water outlets with actionable lead levels and determined that 11 of these 25 water outlets (44 percent) were not retested and effective controls were not implemented to prevent them from being used for cooking or drinking.

District officials did not always report laboratory testing results, including the initial sampling results showing 120 water outlets exceeded the lead action level, to all parties or within the required time periods. District officials reported the Cycle Two test results through DOH's Health Electronic Response Data System (HERDS) reporting system two days late. In addition, District officials did not notify staff, parents and/or guardians of the Cycle Two results in writing, as required. Finally, officials posted the Cycle Two test results of the potable water outlet sampling on the District's website five weeks late.

This final report includes seven recommendations to that effect. District officials disagreed with certain aspects of our findings and recommendations but indicated they have initiated corrective action. Appendix D includes our comments on issues raised in the District's response letter.

The Board of Education (Board) has the responsibility to initiate corrective action. A written corrective action plan (CAP) that addresses the findings and recommendations in this report must be prepared and provided to our office within 90 days, pursuant to Section 35 of the New York State General Municipal Law, Section 2116-a (3)(c) of the New York State Education Law and Section 170.12 of the Regulations of the Commissioner of Education. To the extent practicable, implementation of the CAP must begin by the end of the next fiscal year. For more information on preparing and filing your CAP, please refer to our brochure, *Responding to an OSC Audit Report*, which you received with the draft audit report. The CAP should be posted on the District's website for public review.

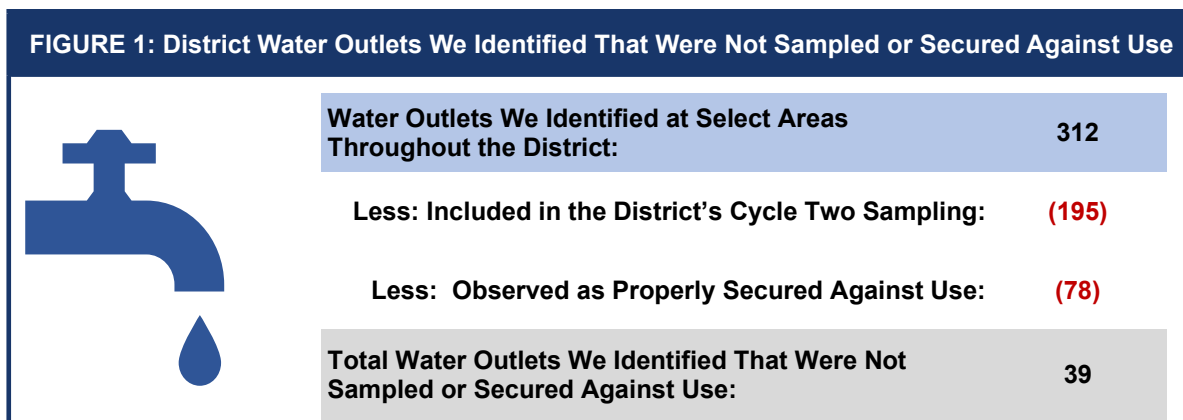
Lead Testing and Reporting: Findings and Recommendations

In accordance with NYS Public Health Law section 1110 and 10 NYCRR subpart 67-4 (regulations), all public school districts and BOCES (together “schools”), must test potable water outlets for lead contamination and take remedial action if the contamination exceeds the lead action level.⁴ The regulations also established requirements for how and when schools must report their test results to local health departments, school staff, students’ parents and/or guardians, DOH and NYS Education Department (NYSED), as well as the public. More details on the water outlet sampling, testing and reporting criteria used in this report, including testing cycles and DOH guidance, are included in Appendix A.

Finding 1 – District officials did not ensure all required potable water outlets were sampled and tested for lead contamination for Cycle Two.

The District conducted initial water sampling from September 12, 2020 to September 15, 2020 for Cycle Two testing, collecting samples from 470 of the District’s water outlets, which were then tested at a laboratory certified through the NYS Environmental Laboratory Approval Program (ELAP). District officials provided us with the inventory list of water outlets developed with a third-party contractor (Contractor)⁵ when initial testing was performed. However, the District did not have a complete sampling plan or remedial action plan that detailed which water outlets the District exempted from sampling, how they would be secured against use and what remedial actions were planned or enacted.

We identified 312 water outlets at select areas throughout the District to determine whether the District conducted required sampling of all water outlets during Cycle Two.⁶ Of the 312 water outlets we identified, 195 water outlets were included in the 470 water outlets sampled by the District for Cycle Two, and another 78 water outlets we observed as properly secured against use. Therefore, we determined that 39 of the 312 water outlets we identified were not properly exempted by the District and should have been sampled for testing (Figure 1).



⁴ We examined the Cycle Two testing period ending June 30, 2021, which had a lead action level of 15 parts per billion (ppb). Starting in Cycle Three the lead action level was lowered to five ppb. Schools should be aware that water outlets that were acceptable under the previous regulations could exceed the new lead action level and require remediation. Schools should account for this change in their sampling process and remediation efforts by prioritizing sampling water outlets that exceeded five ppb during the previous testing period.

⁵ Through Eastern Suffolk County BOCES, the District contracts with a Contractor to perform several aspects of the lead testing program, including developing sampling and remedial action plans, sample collection, sending samples to the laboratories, reporting testing results to the DOH and local health department and providing the District with the testing results from the laboratories.

⁶ See Appendix B for a complete list of water outlets we identified and their locations. See Appendix E for detailed information on our selection criteria for the water outlets selected.

The Superintendent designated the Director of Facilities (Director) as responsible for overseeing the lead testing program, including the work performed by the Contractor. The current Director told us the former Director, who retired during the Cycle Two testing and reporting cycle, was responsible for overseeing the Cycle Two lead testing program, and the Contractor's work.

The District properly secured 78 water outlets against use by shutting off the outlets' water supply, as well as signage (e.g., "Do Not Drink") in combination with other physical or supervisory controls. However, because District officials did not identify all outlets to be sampled, we were unable to determine whether the 39 unsampled or unsecured water outlets we identified were below the lead action level of 15 ppb. Additionally, of those 39 water outlets we identified:

- 22 were not included in the District's sampling plan or remedial action plan, and
- 17 were included in the sampling and remedial action plans, but the plans did not clearly identify any additional controls in place to secure and prevent the outlets from being used for cooking or drinking, other than signage.

For example, the faucet at the concession stand sink at the High School was not included in the sampling or remediation action plans and was not sampled and tested for lead contamination, even though the sink is in a food preparation area.

The Director told us this water outlet was exempt because it was not used for cooking, and he hung a "Do Not Drink" sign near the sink. However, the sink's faucet is the only water outlet at the concession stand, and during our fieldwork we observed cookware, utensils and a coffee maker next to the sink indicating the water outlet was potentially used for cooking or drinking (Figure 2).

According to DOH guidance, lead testing samples must be collected from all water outlets used or potentially used for cooking or drinking.

The current Director told us he affixed signs to all 39 of the unsampled and unsecured outlets we identified, including the concession stand above, to inform staff and students not to drink from them. However, in addition to our observations at the concession stand above, we observed:

- Four water outlets, including two single showers' water outlets in locker rooms, and two sinks located in a classroom, did not have signs instructing students to not drink from them, and

FIGURE 2: Concession Stand Sink Not Sampled and Tested For Lead Contamination^a



a) Photo taken by OSC auditors in January 2025 with permission from District officials.

-
- 34 water outlets with signage, but they were located in student locker rooms or bathrooms where there may not always be supervision. Further, the District did not provide education or instruction to students to not drink from these water outlets.

Finally, we reviewed the test results for all water outlets the District sampled and determined whether District officials took appropriate remedial actions for water outlets that exceeded the lead action level. Of the 470 water outlets that were initially sampled and tested, 120 outlets (26 percent) were above the lead action level of 15 ppb.

We reviewed the test results for 25 of these water outlets and determined District officials did not perform any additional testing or remedial actions to bring the lead levels below the lead action level on 11 (44 percent) of these outlets, all of which were faucets located in bathrooms around the District. The Director told us the District prioritized testing water outlet sources that were more commonly used for cooking or drinking, rather than retesting or remediating bathroom water outlets. However, the District did not have a complete remedial action plan or implement sufficient controls to inform students that water from outlets which exceed the lead action levels should not be used for drinking except for “Do Not Drink” signs.

Although signs can be used as a short-term control, the DOH guidance is explicit that to be considered an effective long-term control, signs need to be combined with other controls, such as continual education reinforcing to students and employees that the water outlet is not to be used or establishing and enforcing rules to prevent the water outlet’s use.

Had District officials reviewed the sampling and remedial action plans developed by the Contractor to ensure the information was accurate, District administrators could have quickly determined whether all water outlets were sampled or exempt from sampling. Therefore, not all water outlets were sampled or properly exempted from sampling.

Recommendations

District officials should:

1. Develop complete sampling and remedial action plans for all District water outlets that could be used for drinking and cooking, including details on which water outlets will be considered exempt from sampling and their controls to secure against use.
2. Sample all water outlets that could be used for drinking and cooking and properly secure against use any water outlets designated as exempt from sampling.
3. Remediate or implement effective long-term controls for all water outlets that exceed the lead action level.
4. Review all work related to the lead testing program for accuracy and completeness.

Finding 2 – District officials did not report the results of the lead testing properly or in the required time periods for Cycle Two.

District officials did not always report laboratory testing results, including the initial sampling results showing 120 water outlets were above the lead action level, to all parties or within the required time periods for Cycle Two. This occurred because procedures were not in place to monitor the work of the Contractor or Director who was responsible for performing these tasks. Specifically:

- District officials did not ensure the Contractor reported the test results through HERDS within 10 business days after results were received, as required. These results were reported two days late.
- District officials never notified staff, parents and/or guardians in writing of the test results showing 120 water outlets exceeded the lead action level. For results exceeding the lead action level, schools must notify staff, parents and/or guardians in writing within 10 business days.
- District officials did not post the results for Cycle Two sampling tests on the District’s website within six weeks as required. Officials posted the results 11 weeks after they were received; five weeks late.

Further, our review of Cycle Three testing so far indicates continued reporting deficiencies. While District officials posted the Cycle Three results of testing on the website within the required time period, they did not ensure the Contractor reported any of these results in HERDS, as required.

Because the Director and Superintendent did not monitor the reporting requirements, results were not reported properly, or to all necessary parties. Further, when the previous Director retired, there were no documented processes for the new Director to monitor the Contractor that conducted sampling. Developing and documenting clear procedures identifying all officials involved and their roles and responsibilities may lower the risk that the District will miss reporting deadlines during future testing cycles.

Recommendations

District officials should:

5. Develop procedures for all individuals involved in lead testing and reporting and their roles and responsibilities.
6. Notify all required parties in the required time periods after lead testing results are received.
7. Keep accurate records of all notification efforts performed.

Appendix A: Profile, Criteria and Resources

Profile

The District serves the Towns of Islip and Brookhaven in Suffolk County. The District's five school buildings are located on campuses in Bayport (two Elementary Schools, Middle School building and High School/District Office) and in Blue Point (Elementary School building) in the Towns of Islip and Brookhaven respectively.

The District is governed by the elected seven-member Board. The Board is responsible for managing and controlling the District's financial and educational affairs. The Superintendent is responsible, along with other administrative staff, for managing the District's day-to-day operations under the Board's direction.

For Cycle Two, the Superintendent designated the Director as the person responsible for overseeing all lead testing and reporting, including the work of the Contractor. The previous Director retired as of February 2021; and in May 2021, the District hired a new Director whose responsibilities also include overseeing lead sampling performed by the Contractor and reporting the test results to District staff and parents.

Criteria – Lead Testing and Reporting

To comply with DOH regulations, school officials should develop a sampling plan that properly addresses potable water outlet sampling, testing and reporting for lead contamination. Pursuant to Chapter 296 of the Laws of 2016, the first cycle of testing and reporting for lead contamination began in 2016, and subsequent testing cycles have followed:

- Cycle One: September 6, 2016 to October 31, 2016.
- Cycle Two: January 1, 2020 to December 31, 2020 (extended to June 30, 2021 due to the COVID-19 pandemic).
- Cycle Three: January 1, 2023 to December 31, 2025.

Sampling and Testing – Officials should identify all water outlets to be sampled, their location, and the order in which to collect samples. Water outlets may be located anywhere on school property including external water outlets. According to DOH guidance, the school's superintendent or their designee have the responsibility to identify which water outlets meet the regulation requirements for sampling. For any water outlets determined to fall outside the scope of the regulation, the school must have a remedial action plan that includes details on how those water outlets will not be accessed and/or used for drinking or cooking purposes and should be updated anytime conditions change. All samples must be sent to a laboratory certified by ELAP. When results from sampling of any fixture exceed the lead action level, the water outlet must be immediately taken out of service until remediation is performed to reduce the lead levels to below the action level.

Reporting – School officials must report their testing and remedial action through DOH’s HERDS reporting program, which reports the results of all potable water testing for lead contamination to local county health departments, DOH and NYSED. Importantly, if the school receives test results that show lead contamination exceeds the lead action level, school officials must report the exceedances directly to the local health department within one business day, and notify all school staff, parents, and guardians in writing within 10 days. School officials should coordinate with local health department officials ahead of the sampling and testing to confirm the health department’s preferred method of reporting (e.g., email, an email and phone call, etc.) for test results that show lead contamination exceeds the lead action level. Finally, schools must post the results of all testing, including information about remedial actions taken, on their website.

To assist schools in their compliance with the regulations, the DOH developed the *Lead Testing in School Drinking Water Guidance Manual*.⁷ The manual describes in detail how schools should develop and implement their lead testing program, including templates on assigning roles, staff, parent and/or guardian letters, posting results on school websites, as well as documenting and tracking remedial actions.

To ensure a school’s lead testing program is successful, the school should identify and document which individuals will be responsible for the following:

- Who will be the main contact for the program?
- Who will create the sampling plan?
- Who will collect the samples?
- Who will coordinate with the laboratory and manage the test results?
- Who will perform remediation?
- Who will communicate the results to the public?
- Who will report the data and information to the local health department and enter it into the NYS DOH reporting application (HERDS)?
- Who will keep records?

All potable water outlets at a school that could be used for cooking or drinking should be tested for lead. Examples include:

- Combination bottle fill stations and drinking fountains (both the fountain and bottle fill nozzles should be tested),
- Classroom sinks,

⁷ <https://www.health.ny.gov/environmental/water/drinking/lead/docs/leadtestinginschoolsguidancedocument.pdf>

-
- Food washing sinks,
 - Kitchen kettle filler outlets,
 - Ice machines,
 - Hand washing outlets, including those in bathrooms, and
 - Athletic field outlets and any other sink known to be or potentially used for consumption.

Water outlets that are not going to be tested need to be listed on the remedial action plan and actions must be taken to properly secure them to prevent them from being used for cooking or drinking. Actions such as turning the water off at the outlet not only prevent access but also prevent the water outlet from being used at all. If a water outlet still needs to be used, the following are examples of controls that should be combined with each other to prevent use:

- Using physical controls such as locks or requiring special tools that prevent physical access to the water outlet,
- Regularly informing students and staff which water outlets are not to be used,
- Placing signs that say “Do not Drink, Non-Potable Water” or similar.⁸ Signs must be clearly visible and in close proximity to the affected outlets. Placing a sign at a room entrance (i.e., lavatory entrance) is not acceptable.
- Establishing, and consistently enforcing, rules such as “No Eating or Drinking in the Science Lab.”

These controls are only considered effective if they are used together. For example, signs can be removed due to vandalism or accidents, but if students and staff are regularly told that bathrooms are not to be used for drinking it would reduce the risk that someone may use a bathroom sink. The remedial action plan should be updated whenever there is a change, including when new water outlets are designated, or old ones are removed, new test results become available, additional remediation is planned or completed, or controls are added or removed. Additionally, a maintenance and monitoring schedule should help ensure remediation efforts are still operating effectively.

Schools must report the results of their lead testing to NYS agencies, their local county health department, staff, parents and/or guardians, as well as posting their results and remediation actions on their website. Timing always starts once the school receives the results and there are different notification and timing requirements if any results exceed the lead action level. The reporting requirements are as follows:

Results Exceed the Lead Action Level – The school must notify their local health department within one business day, and staff, parents and guardians in writing within 10 business days. Importantly, posting

⁸ For examples of signage, see page 12 of the DOH's Guidance Manual: <https://www.health.ny.gov/environmental/water/drinking/lead/docs/leadtestinginschoolsguidancedocument.pdf#page=14>

this information on the school's website or through social media does not qualify as notification in this case.⁹

After Any Testing is Done (Regardless of Whether Results Exceed the Lead Action Level) – The school must notify the DOH, NYSED, and their local county health department. Reporting is done through the HERDS system and must be done within 10 business days after results are received. School officials must post on their website the results of all their testing, including any remediation efforts performed or planned, within six weeks of receiving results.

Schools should keep all records related to their lead testing program for at least 10 years after document creation, and it is recommended that all such records be kept on-site in a centrally accessible repository.

Additional DOH resources, guidance and publications on lead in drinking water can be found at:

<https://health.ny.gov/environmental/water/drinking/lead/>

In addition, our website can be used to search for other Lead Testing and Reporting audits:

<https://www.osc.ny.gov/local-government/audits>

⁹ See page 14 of DOH's Guidance Manual: <https://www.health.ny.gov/environmental/water/drinking/lead/docs/leadtestinginschoolsguidancedocument.pdf#page=16>

Appendix B: District Water Outlets

Figure 3: District Water Outlets Not Sampled or Secured Against Use for Cycle Two by Location

Location	Water Outlets We Identified at Select Areas Throughout the District	Less: Included in the District's Cycle Two Sampling	Less: Observed as Properly Secured Against Use	Total Water Outlets We Identified That Were Not Sampled or Secured Against Use
Hallways or Common Spaces	39	(22)	(17)	0
Bathroom	65	(48)	0	17
Classroom	44	(28)	(16)	0
Cafe/Kitchen/Food	54	(46)	(8)	0
Science or Art Room	63	(44)	(17)	2
Outside/Sports Areas	47	(7)	(20)	20
Totals	312	(195)	(78)	39

Appendix C: Response From District Officials

Dr. Timothy P. Hearney
Superintendent of Schools
Mr. Robert E. Haas
Assistant Superintendent
for Curriculum and
Instruction
Mr. Louis Frontario
Interim Assistant
Superintendent for Finance
and Operations



Bayport-Blue Point Union Free School District

*Where you BELONG. Where we BELIEVE in you.
Where anything is POSSIBLE.*

Board of Education
Michael Miller,
President
Brian Johnson,
Vice President
Adrienne Cirone
Mallory Dougherty
Sandi Kanne
John Kroog
Jessica Pignataro

June 27, 2025

[REDACTED]
Office of the New York State Comptroller
110 State Street
Albany, NY 12236

Dear [REDACTED]:

The Bayport-Blue Point Union Free School District (BBP UFSD) has received and reviewed the Draft Lead Testing and Reporting Report of Examination prepared by the Office of the New York State Comptroller (NYSOCS) Division of Local Government and School Accountability.

The District would first like to thank the NYSOCS Division of Local Government and School Accountability for conducting a thorough audit. We appreciate the time, effort, and attention to detail your team dedicated to this process, and we recognize the important role your office plays in supporting transparency and accountability in school operations. Your findings and recommendations will help guide our ongoing efforts to strengthen our practices and better serve our school community. As always, the District remains committed to health and safety and will incorporate the NYSOCS's findings into its Lead in Drinking Water Program as part of our continuous improvement process.

While the District values the insights and interpretations provided by the NYSOCS, we acknowledge that there may be some differences in understanding based on the information that was available to the District. These may be attributed to the complexities of implementing these regulations in school environments and the evolving nature of the guidance we have received from the New York State Department of Health (NYSDOH) over the past nine years. Nonetheless, the District remains committed to health and safety and will incorporate the findings of the NYSOCS into its Lead in Drinking Water Program as part of ongoing efforts to enhance our practices.

BBP UFSD remains committed to maintaining a safe and healthy environment across all its buildings and to adhering to all the lead in drinking water regulations. Since the regulation's implementation in 2016, the District has consistently collaborated with State and Local health departments, local BOCES, private consultants, and various school associations to stay informed of updates. These include changes in regulations, evolving interpretations from the NYSDOH representatives, and guidance provided through webinars, emails, and formal documentation.

The following discussion outlines the District's continued efforts to comply with applicable regulations while also seeking opportunities to enhance our practices through ongoing learning and the collective experiences of our school community.

189 Academy Street Bayport, NY 11705 Phone: (631) 472-7860 Fax: (631) 472-7817

Key Statements:

- The District did not have a complete sampling plan or remedial action plan that detailed which water outlets the District exempted from sampling, how they would be secured against use, and what remedial actions were planned or enacted.
- We determined that 39 of the 312 water outlets we identified were not properly exempted by the District and should have been sampled for testing.
- Had District officials reviewed the sampling and remedial action plans developed by the Contractor to ensure the information was accurate, District administrators could have quickly determined whether all water outlets were sampled or exempt.

The District believes the NYSOCS finding that BBP UFSD did not ensure all required outlets is inaccurate based on the following information. This finding seems to be predicated from the belief that a complete sampling plan or remedial action plan was not developed; however, the District respectfully maintains that such plans were, in fact, created and implemented. This interpretation from the report posted to the District's website, which reflected only those outlets deemed applicable under the guidance available via the NYSDOH at that time. This approach aligned with information that was provided during a NYSDOH webinar in November 2020. Notably, the finalized NYSDOH guidance was not published until February 2021—after BBP UFSD had completed sampling and reporting. As illustrated in the screenshot below (Figure 1), the NYSDOH's own example of a website posting similarly omits non-applicable outlets.

See
Note 1
Page 20

Figure 1

[illegible]

However, BBP UFSD did in fact inventory and manage non-applicable outlets. In early 2020, the District contracted with J.C. Broderick & Associates, Inc. (JCB) to assist in the compliance with the lead in drinking water regulations as part of their scope of services, JCB conducted a comprehensive building-wide survey in each of our buildings and developed comprehensive inventories.

See
Note 2
Page 20

Following established practices from long-standing federal Asbestos Hazard Emergency Response Act (AHERA) regulations, and incorporating the Environmental Protection Agency's (EPA) Training, Testing, and Taking Action (3Ts) guidance, each water outlet was assigned a unique identification number (Figure 2) and its location was recorded based upon its unique AHERA Space ID#. This method helps ensure clarity when referencing outlet results and supports long-term consistency, regardless of changes in building use, space names, and other variables. Notably, during the review process, onsite auditors acknowledged this approach and remarked that it could serve as a best practice model for other districts across the state.

Figure 2



This information was entered into an electronic database (Figure 3), which included details such as space type, outlet type, and operating status. Each outlet was reviewed and categorized as either "Applicable" or "Non-Applicable" in accordance with the NYSDOH guidance at the time. To further support our planning and remediation efforts, the District also grouped "Applicable" outlets into two categories "Potable" and "Non-Potable". "Potable" outlets were those outlets intended or used for cooking and consumption. These included outlet types such as kitchen sinks, nurse's office sinks, and water fountains. "Non-Potable" outlets included those not generally used for consumption but which were accessible to students and therefore, according to then-current NYSDOH guidance, still required testing. These included outlets such as science lab faucets, bathroom sinks, and other sinks used for handwashing or specific projects. This categorization of applicable water outlets allowed the District to more effectively allocate resources ensuring that priority was given to repairing and remediating outlets most directly related to student and staff consumption.

Figure 3

	cc	Outlet	Building Gr	AHERAJD	Space	Outlet	Potable	Applicable	Room Name	Building Name
Academy Street Elementary School		BBPSD-0401	YMS	2034	SC	SF	Non-Potable	RIP	Room 219	James Wilson Young Middle School
		BBPSD-0402	YMS	2034	SC	SF	Non-Potable	RIP	Room 219	James Wilson Young Middle School
		BBPSD-0403	YMS	2034	SC	SF	Non-Potable	RIP	Room 219	James Wilson Young Middle School
Blue Point Elementary School		BBPSD-0404	YMS	2034	SC	SF	Non-Potable	RIP	Room 219	James Wilson Young Middle School
		BBPSD-0405	YMS	2034	SC	SF	Non-Potable	RIP	Room 219	James Wilson Young Middle School
		BBPSD-0406	YMS	2034	SC	SF	Non-Potable	RIP	Room 219	James Wilson Young Middle School
Bayport-Blue Point High School		BBPSD-0407	YMS	2027	HA	WC	Potable	RIP	Corridor from Rooms 247 to	James Wilson Young Middle School
		BBPSD-0408	YMS	2029	BR	BF	Non-Potable	Non-Applicable	Men's Bathroom by Room 22	James Wilson Young Middle School
		BBPSD-0409	YMS	2029	BR	BF	Non-Potable	Non-Applicable	Men's Bathroom by Room 22	James Wilson Young Middle School
Bayport-Blue Point Maintenance Barn		BBPSD-0410	YMS	2029	BR	BF	Non-Potable	Non-Applicable	Men's Bathroom by Room 22	James Wilson Young Middle School
		BBPSD-0411	YMS	2029	BR	BF	Non-Potable	RIP	Men's Bathroom by Room 22	James Wilson Young Middle School
Sylvan Avenue Elementary School		BBPSD-0414	YMS	2030	BR	BF	Non-Potable	Non-Applicable	Women's Bathroom by Room	James Wilson Young Middle School
		BBPSD-0415	YMS	2030	BR	BF	Non-Potable	RIP	Women's Bathroom by Room	James Wilson Young Middle School
		BBPSD-0416	YMS	2030	BR	BF	Non-Potable	Non-Applicable	Women's Bathroom by Room	James Wilson Young Middle School
		BBPSD-0417	YMS	2030	BR	BF	Non-Potable	Non-Applicable	Women's Bathroom by Room	James Wilson Young Middle School
James Wilson Young Middle School		BBPSD-0418	YMS	2027	HA	WC	Potable	RIP	Corridor from Rooms 247 to	James Wilson Young Middle School
		BBPSD-0419	YMS	2021	BR	BF	Non-Potable	Non-Applicable	Women's Bathroom by HVAC	James Wilson Young Middle School
		BBPSD-0420	YMS	2021	BR	BF	Non-Potable	Non-Applicable	Women's Bathroom by HVAC	James Wilson Young Middle School
		BBPSD-0423	YMS	2019	BR	BF	Non-Potable	Non-Applicable	Men's Bathroom by HVAC	James Wilson Young Middle School
		BBPSD-0424	YMS	2019	BR	BF	Non-Potable	Non-Applicable	Men's Bathroom by HVAC	James Wilson Young Middle School
		BBPSD-0427	YMS	2049	HA	WC	Potable	RIP	Corridor From Library to Roo	James Wilson Young Middle School
		BBPSD-0428	YMS	2040	SC	SF	Non-Potable	Non-Applicable	Room 215	James Wilson Young Middle School
		BBPSD-0430	YMS	2040	SC	SF	Non-Potable	Non-Applicable	Room 215	James Wilson Young Middle School
		BBPSD-0431	YMS	2040	SC	SF	Non-Potable	RIP	Room 215	James Wilson Young Middle School

The NYSOCS report notes that 39 outlets were not sampled or properly secured against use. Below is a summary of the District's approach regarding these outlets:

- Showers (Figure 4): According to Subpart 67-4, schools are required to test outlets that are "currently or potentially used for drinking or cooking purposes." Shower fixtures do not fall under this category, similar to other fixtures such as eye-wash stations, toilets, irrigation systems, and HVAC drain valves. While these fixtures are present in school buildings, they are not intended—implicitly or explicitly—to serve as sources of drinking water. Additionally, these types of outlets are not referenced in the NYSDOH regulations, PowerPoint trainings, or any version of the guidance documents released to date.

See
Note 3
Page 20

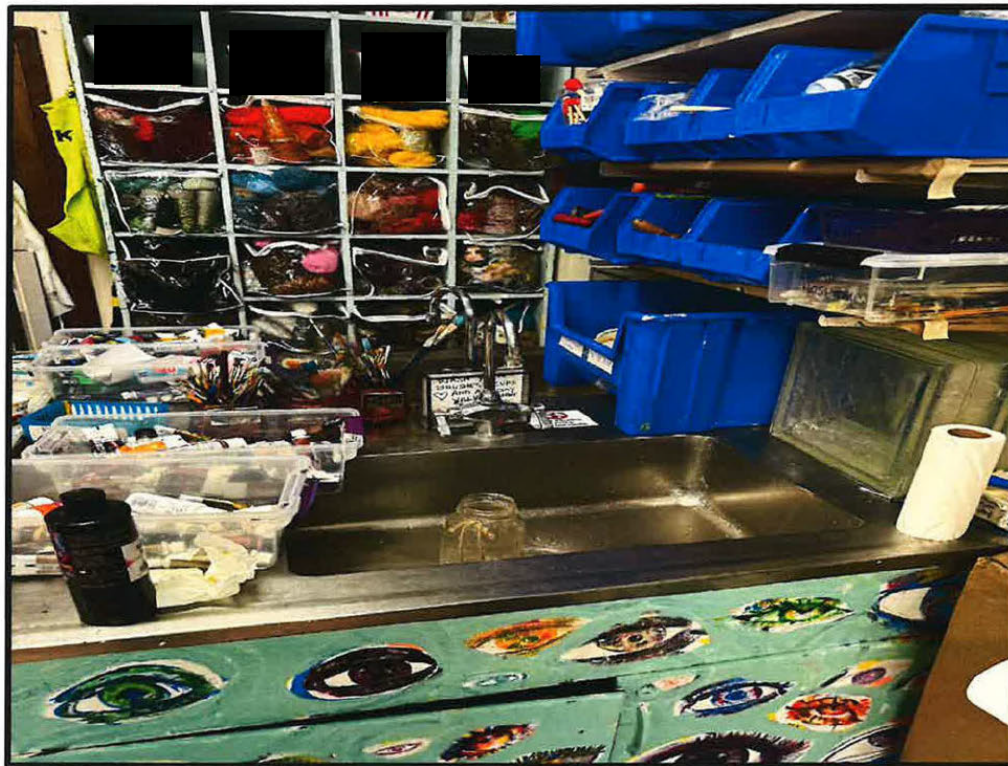
Figure 4



Classrooms: The two outlets referenced are located within a single Art Room and are clearly marked with non-drinking signage (Figure 5). While the Outlet ID tags were not present at the time of the review, it is important to note that, as a matter of safety and standard practice, eating and drinking are not permitted in Art Rooms—similar to Science Classrooms—and these spaces are continuously supervised. As such, the absence of ID tags does not reflect a lack of oversight. The District actively manages these outlets as non-consumable and exempt from testing, with appropriate controls in place to prevent their use for drinking purposes.

See
Note 4
Page 20

Figure 5



Bathrooms: Thirty-four of the identified outlets were located in bathrooms, all of which displayed signage instructing users not to drink from them. While NYSOCS noted that formal education or instruction was not provided to students regarding these signs, it is important to clarify that no NYSDOH guidance—written or verbal—has indicated that formal lesson plans are required as part of recordkeeping. Furthermore, the District has consistently communicated with the school community regarding testing protocols, remedial actions, and results, including the presence of signage intended to prevent water consumption at non-potable outlets. The “Do Not Drink Water” signs, which include both text and a visual icon, are designed to be clear and accessible. Informal communication with students and staff, including those in early childhood settings, has effectively reinforced the meaning of the signage and helped ensure that these outlets are not used for drinking.

Looking ahead, the District is committed to strengthening this approach by incorporating a formal educational component to further reinforce the importance of avoiding non-potable water sources.

The NYSOCS report also references 25 outlets that were tested, found to exceed the NYSDOH action level, and had not yet undergone remediation and retesting. In addition, the report notes concerns regarding the adequacy of signage and the lack of formal educational efforts. The District offers the following context:

See
Note 5
Page 20

- These outlets were classified as Non-Potable in 2020 but were included in testing based on NYSDOH guidance at that time. When results indicated levels above the action threshold, clear signage was promptly installed at each location to prevent use for drinking. Given that these outlets were not intended for drinking or food preparation, the District prioritized remediation and retesting of Potable outlets—such as drinking fountains and kitchen sinks—which presented a higher potential risk. Since then, NYSDOH guidance has evolved, and these specific outlet types are no longer considered applicable for testing. The District’s inventory has been updated accordingly, and signage will remain in place as a permanent precaution. Additionally, the District will implement a formal educational component to further reinforce the importance of avoiding water consumption from non-potable sources.

See
Note 6
Page 20

NYSOCS Finding 2: District officials did not report the results of the lead testing properly or in the required time periods for Cycle Two.

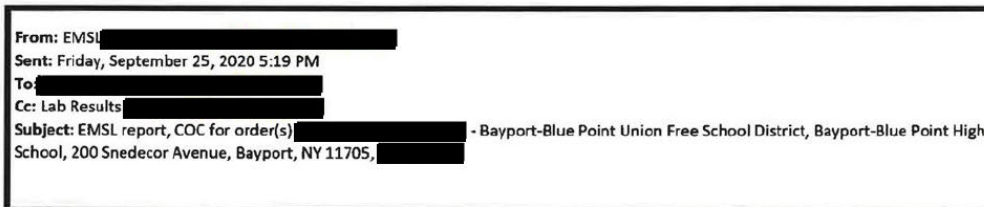
Key Statements:

- District officials did not ensure the Contractor reported the test results through Health Emergency Response Data System (HERDS) within 10 business days after results were received, as required. These results were reported two days late.

Response:

The NYSOCS findings appear to be based on a review of the laboratory report dates, specifically Friday, September 25, 2020. However, it may not fully reflect the actual timing of when the results were received. In this case, the emails from the laboratory to our environmental consultant were sent after business hours that day (Figure 6), meaning the results were effectively received on the following business day.

Figure 6



Additionally, the District was closed on Monday, September 28 in observance of Yom Kippur and on Monday, October 12 for Columbus Day (see Figure 7). When accounting for these scheduled closures, the District’s notifications to the NYS HERDS system were submitted within the required timeframes.

See
Note 7
Page 21

RAYPORT-BLUE POINT UNION FREE SCHOOL DISTRICT

2020-2021 School Calendar

July 2020

S	M	T	W	T	F	S
		1	2	3	(4)	
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

4 - Independence Day

August 2020

S	M	T	W	T	F	S
2	3	4	5	6	7	10
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

September 2020 (19d)

S	M	T	W	T	F	S
1	2	3	4	5		
6	(7)	(8)	(9)	(10)	(11)	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	(28)	29	30			

October 2020 (21)

S	M	T	W	T	F	S
1	2	3				
4	5	6	7	8	9	10
11	(12)	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

12 - Columbus Day

7 - Labor Day
 8, 9, 10 - Superintendent Conf. Days
 11 - First Day for Students
 19/20 - Rosh Hashanah
 28 - Yom Kippur

November 2020 (17d)

S	M	T	W	T	F	S
1	2	(3)	4	5	6	7
8	9	10	(11)	12	13	14
15	16	17	18	19	20	21
22	23	24	25	(26)	(27)	28
29	30					

3 - Superintendent Conf. Day

11 - Veteran's Day

25-27 - Thanksgiving Recess

December 2020 (17)

S	M	T	W	T	F	S
1	2	3	4	5		
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	(24)	(25)	26
27	(28)	(29)	(30)	31		

31 - Christmas

12-31 - Winter Recess

January 2021 (18)

S	M	T	W	T	F	S
					(1)	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	(18)	19	20	21	22	23
24	25	26	27	28	29	30

1 - New Year's Day (Winter Recess)

16 - Martin Luther King, Jr. Day

February 2021 (18)

S	M	T	W	T	F	S
1	2	3	4	5	6	
7	8	9	10	11	12	13
14	(15)	(16)	(17)	(18)	(19)	20
21	22	23	24	25	26	27
28						

15 - Presidents Day

15-19 - Mid Winter Recess

March 2021 (30)

S	M	T	W	T	F	S
1	2	3	4	5	6	
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27

See
Note 8
Page 21

The Bayport-Blue Point Union Free School District remains fully committed to meeting the requirements of the NYSDOH Lead in School Drinking Water regulations. Like the regulation itself, our shared objective is to minimize and prevent lead exposure across all school facilities. To support this goal, the District will continue to adapt its practices and procedures in response to updated NYSDOH guidance and emerging best practices developed in collaboration with our trusted partners in the education and public health communities. As part of our ongoing commitment to health, safety, and regulatory excellence, the District is committed to integrating the findings of the New York State Office of the Comptroller into its Lead in Drinking Water Program.

Timothy P. Hearney, Ed. D.
Superintendent of Schools

Appendix D: OSC Comments on the District's Response

Note 1

The District's sampling and remedial action plans lacked necessary information (see Finding 1 of this report). We provided District officials with supporting documentation and links to DOH guidance that showed the published guidance issued in February 2021 was largely unchanged since the inception of the Regulations in 2016. Additionally, the Cycle Two testing period ended June 30, 2021. District officials could have reviewed the guidance to ensure their previously conducted work complied. Lastly, the website posting requirement is for all testing results. Accordingly, any non-applicable (i.e., exempt) water outlets would not have testing results to report. Therefore, the template is correct.

Note 2

Our review of this inventory determined that 22 outlets were not counted, including an outlet in a food preparation area, which should have been sampled for testing.

Note 3

DOH guidance allows officials to exempt water outlets from testing, including shower water outlets, when officials determine the water outlets will not be used for cooking or drinking. However, the DOH guidance is also clear that for any outlet officials have exempted, they should "...account for these outlets in their Remedial Action Plan, including details on how those outlets will not be accessed and utilized for drinking or cooking purposes."¹⁰ Further, Remedial Action Plans should clearly identify all controls that are in place to secure and prevent the outlets from being used for drinking or cooking.

Note 4

We observed three sinks located in this art room. The sink in the photo in the District's response letter (Figure 5) had sufficient controls and was not included in our audit findings. Signs were not present at the other two art room sinks.

Note 5

As stated in this audit report, DOH guidance is clear that signs alone are not an effective control. District officials did not provide us with any documentation to support the education of students, parents or staff to not drink from District-exempted student locker room or bathroom water outlets.

Note 6

Officials should have prohibited the use of these outlets until a lead remedial action plan was implemented to mitigate the lead level of the water outlet and test results indicated that the lead levels were at or below the lead action level. Signage alone is not an acceptable response to prevent use.

¹⁰ <https://www.health.ny.gov/environmental/water/drinking/lead/docs/leadtestinginschoolsguidancedocument.pdf#page=7>

Note 7

District officials told us the Contractor was responsible for reporting results in HERDS during Cycle Two. The Contractor told us they were not closed in observance of the religious holiday. Therefore, results could have been reported within 10 days as required.

Note 8

The Director of Facilities told us these water outlets were not operational during Cycle Two. Auditors reviewed all testing data provided by the District for the entire audit period (July 1, 2019 – September 30, 2024) and confirmed these outlets were not tested for Cycle Two. Therefore, the Cycle Three samples referenced in this audit report are not Cycle Two post-remediation testing.

Appendix E: Audit Methodology and Standards

We conducted this audit pursuant to Article V, Section 1 of the State Constitution and the State Comptroller's authority as set forth in Article 3 of the New York State General Municipal Law. We obtained an understanding of internal controls that we deemed significant within the context of the audit objective and assessed those controls. Information related to the scope of our work on internal controls, as well as the work performed in our audit procedures to achieve the audit objective and obtain valid audit evidence, included the following:

- We interviewed District officials and reviewed various records and reports to gain an understanding of the roles and responsibilities of the individuals involved in the process, and how individuals performed their duties during the lead testing and reporting period that closed June 30, 2021, and for the current cycle which is still ongoing until December 31, 2025.
- We reviewed all available documentation that the District had for sampling and testing for Cycle Two testing that closed June 30, 2021, including District maps, laboratory chain of custody and result reports, and ELAP certifications. We supplemented this with our own observations of the District's current water outlets at each building and the surrounding sport and event fields. Using this information, we selected 312 outlets, including outlets located in areas that we determined could have a high-risk of affecting individuals at the District based on the DOH guidance.¹¹ We observed the controls present at each outlet and whether they had been sampled for lead testing. We identified the following as high-risk areas/outlets based on the DOH guidance:
 - Hallway drinking fountains and bottle-filling stations, outside and sporting event areas, kitchens, cafeterias, and cooking classrooms, as they could affect large numbers of individuals at the District, including visitors.
 - Elementary classrooms, as they could affect young students who are particularly vulnerable to lead exposure.
 - Bathrooms, or other areas where individuals would be unsupervised and able to access water from faucets.
 - Art and Science classrooms, as they were specifically mentioned in DOH's guidance.
- For the 470 District-tested outlets in the previous cycle, we identified 120 samples with results that exceeded the lead action level. We selected 25 samples with results that exceeded the lead action level and were in locations considered high risk within the District and determined whether District officials took appropriate remedial actions or had a test result after the initial exceedance that was below the lead action level.
- We determined whether District administration reported results of their lead testing to all necessary parties and in a timely manner.

¹¹ <https://www.health.ny.gov/environmental/water/drinking/lead/docs/leadtestinginschoolsguidancedocument.pdf>

-
- We reviewed all available documentation that the District had for reporting the laboratory results including email receipts for the receipt of lab results, HERDS reporting, and uploads to the District's website as well as interviewing the Suffolk County Department of Health Associate Public Health engineer.

We conducted this performance audit in accordance with generally accepted government auditing standards (GAGAS). Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.

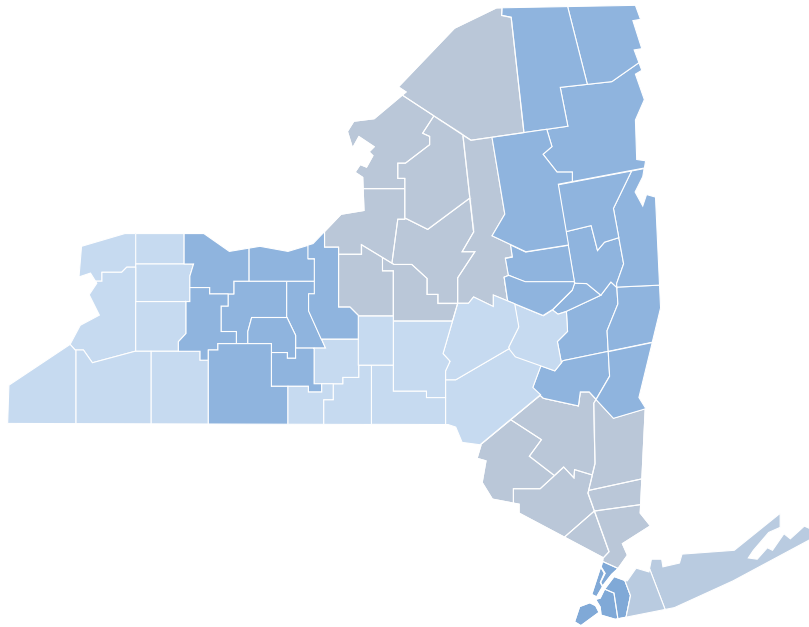
Unless otherwise indicated in this report, samples for testing were selected based on professional judgment, as it was not the intent to project the results onto the entire population. Where applicable, information is presented concerning the value and/or size of the relevant population and the sample selected for examination.

Contact

STATEWIDE AUDITS – Dina M.L. Thompson, Chief of Municipal Audits

State Office Building, Suite 1702 • 44 Hawley Street • Binghamton, New York 13901-4417

Tel (607) 721-8306 • Fax (607) 721-8313 • Email: Muni-Statewide@osc.ny.gov



Office of the New York State Comptroller
Division of Local Government and School Accountability
110 State Street, 12th Floor, Albany, New York 12236

Tel: (518) 474-4037 • Fax: (518) 486-6479 • Email: localgov@osc.ny.gov

<https://www.osc.ny.gov/local-government>

Local Government and School Accountability Help Line: (866) 321-8503