

New Jersey Department of Environmental Protection  
Environmental Laboratory Advisory Committee

May 22, 2002

Mr. Michael P. Marotta, Esq.  
ATT: DEP Docket No. 08-02-04/284  
Office of Legal Affairs  
NJDEP PO Box 402  
Trenton , NJ 08625-402

Re: Proposed Private Well Testing Act Rule

Dear Mr. Marotta:

The New Jersey Department of Environmental Protection (NJDEP) Environmental Laboratory Advisory Committee is submitting comments on the Proposed Private Well Testing Act Rule NJAC 7:9E. The Committee's comments are directed specifically to the procedures detailed in the proposed rule for the collection of samples from drinking water wells for the analysis of lead.

The Environmental Laboratory Advisory Committee (ELAC) is a group comprised of individuals who represent the interests of commercial, government, utility and not for profit public/private laboratories. The committee was established by the NJDEP Office of Quality Assurance for the purpose of obtaining input from a representative cross section of New Jersey certified laboratories on matters related to laboratory certification and practice. The committee is self governing and operates independently of NJDEP.

The Committee submits the following comments:

The rule states in section 7:9E-2.3:

- (a) 1. Samples shall be collected from a primary cold water, non-aerated spigot or tap used for consumption from the potable water system of the subject property.

Interpretive Statement: This means that the sample collected is to be collected at the consumers tap.

- (a) 6.i. Before a water sample for lead analysis under this chapter is collected, water shall be flushed through the plumbing system until a significant change in water temperature has occurred, in accordance with NJAC 7:18.

This sampling approach conflicts with the USEPA drinking water sampling requirements that consumer tap samples for lead be collected as first draw samples. The Federal Drinking Water regulations, 40CFR:: 141.86 (b) states as follows:

- (1) all tap samples for lead and copper collected in accordance with this subpart shall be first draw samples.
- (2) Each first draw samples for lead and copper shall be one liter in volume and have stood motionless in the plumbing system of each sampling site for at least six hours. First draw samples from residential housing shall be collected from the cold-water kitchen tap or bathroom sink tap. First draw samples from a non-residential building shall be collected at an interior tap from which water is typically drawn for consumption.

New Jersey Water sources do not typically contain lead as a contaminant. The origin of lead in drinking waters can be found in the consumers home plumbing. Corrosive water standing in the home plumbing over extended time periods leaches lead from the pipes or the solder used for sealing pipe joints resulting in elevated drinking water lead in the first flush sample.

The sampling approach in the proposed rule is valuable for secondary samples that can be analyzed when lead is detected in the first draw sample. The first flush sample would then provide definitive information on the source of lead present in the drawn water. The sampling approach in the proposed rule would not indicate elevated lead concentrations caused by leaching from the home plumbing.

It is the opinion of the committee that this section be changed to reflect the initial lead sample being collected as a first draw sample. This approach is consistent with the USEPA drinking water regulations, which provide definitive data on lead in drinking water that pose potential risks to drinking water consumers.

For The ELAC Membership,

Linda Tatro  
Chairperson

David N. Speis  
Secretary