

To: All Public Water Systems

From: Division of Water Supply & Geoscience

Re: Extension Guidelines for Water System Requirements During the COVID-19 Pandemic Established by the New Jersey Department of Environmental Protection – 02

Date: April 14, 2020

As the New Jersey Department of Environmental Protection (DEP) previously acknowledged, due to the required social distancing practices described in Executive Order 107, and in anticipation of worker shortage and laboratory capacity issues, as a result of the COVID-19 pandemic, public water systems are facing unforeseen challenges and limitations. DEP considers the continued operation of drinking water systems to be of the highest priority. This memorandum is the second of several anticipated to address requirements placed on the public water systems of New Jersey. It does not provide relief from existing state or federal regulatory requirements. Rather, this memorandum focuses on submissions DEP typically requires for MCL exceedances for nonacute parameters that pose no imminent public health risk as well as information typically required by DEP in its implementation of the Lead and Copper Rule. This memorandum also addresses start-up procedures for seasonal water systems.

On March 26, 2020, United States Environmental Protection Agency (EPA) issued *COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program* memorandum emphasizing that EPA has heightened expectations for public water systems, laboratories and states in regard to drinking water. DEP strongly recommends that you refer to this document for additional information which is available at <https://www.epa.gov/enforcement/enforcement-policy-guidance-publications>.

Similar to EPA, DEP considers the following tiers of compliance monitoring to assure the safety of our drinking water supplies and prioritize prevention of acute risks. Of highest priority is monitoring required under National Primary Drinking Water Regulations to protect against microbial pathogens. Additional priorities include nitrate/nitrite and Lead and Copper Rule (LCR) monitoring followed by contaminants for which a system has been non-compliant.

DEP issued guidance on March 21, 2020

(<https://www.state.nj.us/dep/watersupply/pdf/distribution-sampling-guidance-covid-19-20200321.pdf>) related to monitoring and sampling requirements under the Revised Total Coliform Rule and for nonacute parameters such as Disinfection Byproducts, and sequential monitoring under the LCR.

To provide water systems with additional flexibility and tools to focus on the drinking water priorities with limited resources, this memorandum provides additional guidance related to (1) steps to come into compliance with an maximum contaminant levels (MCL) after an exceedance for nonacute parameters and (2) submission requirements under the LCR not related to an action level exceedance and (3) start up procedures and for seasonal water systems.

The DEP continues to evaluate both the federal and State Safe Drinking Water requirements, while working with the EPA, to determine additional provisions available to provide relief to public water systems' and simultaneously continue to protect the public's health during these difficult times.

We recommend that you frequently check the DEP's Division of Water Supply and Geoscience's website available at <https://www.state.nj.us/dep/watersupply/index.html> for further updates. In an effort to continue to work together during this unprecedented time, the DEP strongly encourages you to contact us via email at watersupply@dep.nj.gov with questions, concerns and difficulties you may encounter regarding your regulatory requirements.

The DEP appreciates the public water system community's continued dedication to protecting New Jersey's drinking water supply and its residents.

Extensions Available Under this Memorandum

Remedial Measures in Response to a MCL Violation for Nonacute Parameters (Volatile Organic Compounds, Disinfection Byproducts, Radiological, Per- and polyfluoroalkyl substances (PFAS), Synthetic Organic Compounds, Inorganics excluding Nitrate, etc.)

Pursuant to N.J.A.C. 7:10-5.7(a), if there is a violation of a promulgated MCL, the water system is required to take any action necessary to bring the water into compliance with the MCL within one year of receipt of the test results. Upon issuing an MCL violation for a nonacute parameter, it is standard practice for DEP to require the submission of a Remedial Measures Report within 30 days of notification. The Report outlines steps, measures and timeframes the public water system anticipates implementing in order to return to compliance and identifies interim submittals (i.e. remedial measure milestones). Additionally, it is standard practice for DEP to require reporting on the interim, steps and measures. Finally, it is also standard practice for DEP to require a Corrective Measures Certification to be submitted within 14 days of completion of all DEP approved remedial measure milestones demonstrating the water system has taken all necessary steps to come into compliance with the MCL, as well as provide sampling results that demonstrate the water system has met the MCL for two consecutive quarters.

The DEP is not extending the required one-year deadline for a water system to return to compliance in accordance with N.J.A.C. 7:10-5.7(a), but the DEP is extending the interim

submittal requirements as follows below. Systems do not need to submit a specific request to DEP for these extensions.

- **Remedial Measures Report** will be due within 90 days of notification of an MCL exceedance, instead of 30 days. This extension is applicable to Notices of Noncompliance issued for nonacute MCL violations between February 1, 2020 through July 1, 2020.
- **Remedial measure milestone (e.g. interim steps) reporting** will no longer be required until September 1, 2020. However, if a public water system must obtain a permit from the Bureau of Water System Engineering then remedial measure milestones must be reported to the Bureau of Safe Drinking Water.
- **Corrective Measures Certifications** for nonacute MCL violations will be due within 45 days, instead of 14 days, upon completion of all corrective measures from now through July 1, 2020. Note that any water system wishing compliance to be illustrated on Drinking Water Watch sooner, should submit the certification and sampling data as soon as possible.

Moving forward, these extended deadlines will be reflected in Notices of Noncompliance issued by the DEP, Bureau of Safe Drinking Water.

Lead and Copper Information Requests

As part of DEP's implementation of the Federal Lead and Copper Rule, DEP routinely requires additional information to be submitted for DEP review beyond that specifically required to be submitted to DEP in the federal or state rules, in order to ensure a water system's compliance with the regulations (e.g. LSL inventories and sampling plans). *The extensions below do not apply to any actions required by federal or state rules, including those a water system must take in response to an action level exceedance under the Lead and Copper Rule, 40 CFR 141.80-.91 or requirements pursuant to a State or Federal Administrative Consent Order, Administrative Order, Consent Agreement and Order.*

NOTE: the DEP is not extending the deadlines for **lead public education and consumer notices**.

- **Lead Service Line Inventories (BWSE-20)** due April 1, 2020 pursuant to the letter from the DEP dated March 10, 2020 are now due September 1, 2020.
- **Lead and Copper Sampling Plans and Water Quality Parameter Sampling Plans** due for submission to DEP between March 30, 2020 and June 30, 2020, will be due within 60 days of the DEP's letter to a water system instead of 30 days. Any water system that has received a deficiency letter within the past 60 days should contact the Bureau of Safe Drinking Water at watersupply@dep.nj.gov to confirm the submittal deadline.

- **Optimal water quality parameter recommendations** will be due September 30, 2020 instead of July 31, 2020.

Regardless of the extension, all water systems completing follow-up water quality parameter monitoring will be required to begin optimal water quality parameter monitoring beginning January 1, 2021.

As a reminder, in the previous memorandum, dated March 21, 2020, DEP allowed public water systems conducting sequential monitoring a 60-day extension.

Revised Total Coliform Rule – Seasonal Start-up Procedures and Sampling

For seasonal water systems that have **not yet** opened and are delaying opening due to COVID-19, the DEP expects these systems to initiate their normal Start-Up Procedures and sampling prior to reopening in accordance with N.J.A.C. 7:10-5.8(h) and to begin the required monthly coliform monitoring at that time. An email must be sent to the DEP at watersupply@dep.nj.gov advising of the delayed opening. This will allow the DEP to modify start-up dates and monitoring schedules.