



Fact Sheet: Documenting When a Customer Refuses to Sample for Lead & Copper in Your Community Water System

(86 FR 71574)

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Introduction

- Under the federal Lead and Copper Rule, a community water system (CWS) may collect lead and copper samples themselves or allow their customers to collect the samples when provided with detailed instructions.
- Residents have the right to deny access and/or participation in the sampling.
- CWSs must still attempt to collect the required number of samples from sites from the highest tier **every** monitoring period, even if a high tiered site does not participate in a previous monitoring period
- According to 86 FR 71574, Tier 1 sampling sites, the highest priority sites, consist of single-family structures (SFS) that are served by a lead service line (LSL).
- Additional information for sample location selections can be found on the NJDEP website: <https://www.state.nj.us/dep/watersupply/pdf/lead-me-site-selection-fs.pdf>

Customer Refusal

- A customer may deny permission to sample for several reasons or fail to collect the sample even if they previously agreed to participate. These include:
 - Denies access to the property.
 - Denies access due to concerns for personal safety, personal health, or environmental risk.
 - Participated previously, has past results; and therefore, does not want to continue to sample every monitoring period.
 - Not be available/not home on scheduled date. In this case the water system shall make a good faith effort to sample on another day/time.
 - Did not deliver or leave a sample accordingly.
- According to 86 FR 71574, if the water system is unable to carry out follow-up tap sampling due to the customer, the water system is responsible for documenting the reason.
- To assist in meeting this requirement, when a resident refuses to participate, a CWS Customer Lead and Copper Sampling Refusal Form (DEP_10-S_00018.1) should be completed and made available upon request. Forms may be sent via email to NJDEP at watersupply@nj.dep.gov with the water systems' name, PWSID #, and form number in the Subject of the email.

Supporting Information For Customer Sampling

- There is no distinction for prioritization of copper pipes with lead solder by its installation date. EPA proposed Tier 2 sampling sites for CWSs to be buildings, including multifamily residences that are served by an LSL.
- EPA also proposed that Tier 3 sampling sites for CWSs consist of single-family residences that contain copper pipes with lead solder installed before the effective date of 1987 for New Jersey.
- EPA agrees that compliance should be based on the effort to reach the customer to obtain a refusal, and that the water system should not be penalized as a result of customer actions.

Additional Resources

The following links will provide additional information involving site/sampling changes or information on the Lead and Copper Rule:

- NJDEP Lead and Copper Website - <https://www.state.nj.us/dep/watersupply/dwc-lead-public.html>
- EPA Lead and Copper Rule - <https://www.epa.gov/dwreginfo/lead-and-copper-rule>
- National Primary Drinking Water Regulations: Lead and Copper Rule Revisions- <https://www.federalregister.gov/documents/2021/01/15/2020-28691/national-primary-drinking-water-regulations-lead-and-copper-rule-revisions>
- NJDEP Lead and Copper Confirmation Sampling- <https://www.state.nj.us/dep/watersupply/pdf/factsheet-lcr-confirmation-samples.pdf>
- NJDEP Materials Evaluation and Site Selection - <https://www.state.nj.us/dep/watersupply/pdf/lead-me-site-selection-fs.pdf>
- NJDEP Reduced Lead and Copper Monitoring Requirements - <https://www.state.nj.us/dep/watersupply/pdf/lead-reduced-monitoring-fs.pdf>
- NJDEP Selecting Reduced Lead and Copper Sample Sites - <https://www.state.nj.us/dep/watersupply/pdf/lead-reduced-sites-fs.pdf>

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