NJ Lead Service Line Replacement Requirements

January 4, 2022
Before We Begin!

• Please mute yourself

• If you have any questions, please hold them until the Q&A period, at which point you can:
  • Type your question in the chat
  • Raise your virtual hand

• Be sure to introduce yourself and what system/organization you are from if you are speaking
Lead Service Line Replacement Bill: P.L.2021, Ch.183 (NJ Bill A5343/S3398)

- All community water systems (CWS) must replace their lead service lines (LSL) within 10 years of the effective date the legislation was signed (i.e., July 22, 2021)
  - CWS shall replace an average of 10% of their LSLs per year
  - Systems are required to replace the entire LSL, (i.e., main to building inlet whether its property-owned or system-owned)
  - This applies in cases where the system does not own the entire LSL
<table>
<thead>
<tr>
<th>Date/Time-frame</th>
<th>Description</th>
<th>Highlights</th>
</tr>
</thead>
<tbody>
<tr>
<td>7/22/21</td>
<td>Effective date of requirements</td>
<td>• Updated lead service line (LSL) definition to include galvanized lines</td>
</tr>
<tr>
<td>9/20/21</td>
<td>Initial counts of service lines (inventory report)</td>
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<tr>
<td>1/22/22</td>
<td>Initial service line inventory (specific details of all service lines)</td>
<td>• Make publicly available: online, unless &lt;3,300 then select another location • Continuously update</td>
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<tr>
<td>2/21/22, or 30 days after inventory submission to NJDEP</td>
<td>Written notification of service line materials (only required for systems with LSLs)</td>
<td>• Provide translated notice = 10% or more residents speak a language other than English in a municipality served by the CWS • Landlord distribution requirements</td>
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# Timeframes and Deadlines for Community Water Systems

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| 7/22/22, annually thereafter | Updated inventory | • Suspected to be lead: Why each service line is believed to contain lead  
• Unknowns: Steps undertaken to determine whether the line contains lead |
| 7/22/22, annually thereafter until all LSLs identified and replaced | Initial LSL replacement (LSLR) plan | • Average annual replacement of at least 10% of all known LSLs.  
• Must identify replace all LSLs w/in the service area no later than 10 years (7/22/31) |
January 2022
Inventory Reporting Requirements

- Due January 22, 2022
- DEP form: DEP_10-S_00014 and instructions at [https://www.state.nj.us/dep/watersupply/dws-sampreg.html](https://www.state.nj.us/dep/watersupply/dws-sampreg.html)

Service line locations, composition of those lines and ownership of the lines must be made publicly available online the CWS website.

- CWS that serve <3,300 persons and do not have a website may display their inventory in another publicly accessible format

- Locations of all service lines required via street addresses. Lot and block, latitude and longitude are optional

- Inventory summary data will be available on NJ Drinking Water Watch in the future
• Written notification of service line materials is required to be sent via certified mail no later than 30 days after submitting an initial service line inventory to the NJDEP

• Written notice shall include – list of LSLs, composition of the service line, sources of lead in drinking water, health effects, and steps customers can take to reduce their exposure to lead in drinking water

• Sent to each property owner and customer served by an LSL in the service area:
  • Each customer and non-paying consumer
  • Any off-site owner of property

• Provide translated notice when applicable
Updated BWSE 20 Form
Pipes and plumbing materials can be identified by the following sources –

- Plumbing Codes
- Permitting Files
- Community Survey
- Distribution System Maps and Drawings
- Interviews with senior personnel, building inspectors, and retirees
- Standard Operating Procedures
- Onsite materials evaluation, including thorough evaluation of plumbing material throughout the building and documentation of plumbing materials, any plumbing changes, and access restrictions
- During normal operations (i.e., checking service line materials when reading water meters, performing maintenance activities, or conducting repair operations).

- Existing Water Quality Data
- Township Construction Records
- Water Main Break Records
- Local/government records (e.g., tax records)
- Meter Installation Records
- Inspection and Maintenance Records
A system shall commence LSL replacement activities in accordance with:

• Replace a minimum of **10%** of all LSLs in its service line inventory per year

  • An average annual rate of **at least 10%** to achieve replacement of all LSLs within 10 years
  • Partial replacement of an LSL shall not count toward replacement requirements
  • Systems shall not conduct partial replacements except **during an emergency**, such as a water main or service line break or during a water main replacement
Additional LSL Legislation

- Financing LSLR – removes restrictions on special assessments and bond issuances for residential LSLR
  - Effective July 22, 2021

- Municipal ordinance to enter properties to perform LSLR
  - Effective January 9, 2020

- Notification of lead in drinking water – landlords/tenants (all PWS)
  - Effective May 11, 2021

- Seller disclosure of LSLs
  - Effective November 8, 2021

- Customer request lead and copper tap sampling
  - Effective November 8, 2021
What funding is currently available for LSL?

- **Drinking Water State Revolving Fund** – funds projects in priority ranked order for eligible water systems
  - Loan packages of 50% principal forgiveness/50% I-Bank Market Rate for projects located in a municipality where the median household income (MHI) is less than the MHI for the State.
  - Principal forgiveness is capped at $18M/$5M/$1M based on the number of known lead service lines.
  - Priority points for all LSL replacement projects. Systems with an Action Level Exceedance receive additional points.
  - DWSRF funds are only provided for a full (not partial) lead service line replacement
  - Loan packages of 100% principal forgiveness up to $1M for small water systems serving 1,000 or less

- **Bipartisan Infrastructure Deal**
The BID will provide approximately $1 billion in additional clean water and drinking water SRF funding to NJ over the next 5 years:

- $465 million for any eligible CWSRF project
- $200 million for any eligible DWSRF project
- $256 million to address drinking water lead service line replacements
- $68 million to address PFOS and PFOA in drinking water
- $40 million to address contaminants of emerging concern in wastewater

The allocation of funds in NJ will be established through the Intended Use Plan.
Federal LCRR Progress

- June 16, 2021: Final rule published by EPA (86 FR 31939)
  - Effective date = December 16, 2021
  - Compliance date = October 16, 2024
- July 28-29, 2021: Co-regulator meeting
- As of December 16, 2021 the LCRR is in effect, but compliance efforts will not begin until 2024. EPA wants water systems to develop LSL inventories.
  - EPA intends to further revise the LCRI (LCR Improvements Rule)
- [https://www.epa.gov/ground-water-and-drinking-water/revised-lead-and-copper-rule](https://www.epa.gov/ground-water-and-drinking-water/revised-lead-and-copper-rule)
• Fall and Winter of 2019 held focus group sessions and surveys

• Stakeholder Meetings Spring of 2020 and 2021

• Past stakeholder presentations [https://www.nj.gov/dep/workgroups/past.html](https://www.nj.gov/dep/workgroups/past.html)

• Next Steps
  • Proposal, 60-day comment period, public hearing, adoption, implementation
Web Resources

- [www.epa.gov/ground-water-and-drinking-water/final-revisions-lead-and-copper-rule](http://www.epa.gov/ground-water-and-drinking-water/final-revisions-lead-and-copper-rule)
- [www.state.nj.us/dep/watersupply](http://www.state.nj.us/dep/watersupply)
- [www.njleg.state.nj.us/2020/Bills/PL21/183_.PDF](http://www.njleg.state.nj.us/2020/Bills/PL21/183_.PDF)
- [www.state.nj.us/dep/watersupply/dws-sampreg.html](http://www.state.nj.us/dep/watersupply/dws-sampreg.html)
Q&A Period