



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
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Division of Water Supply & Geoscience
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CHRIS CHRISTIE
GOVERNOR

KIM GUADAGNO
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BOB MARTIN
Commissioner

August 19, 2016

Re: Lead and Copper Rule Updates

The New Jersey Department of Environmental Protection is tasked with the protection of public health and safety by ensuring that the State's drinking water is safe. The Division of Water Supply and Geoscience (Division) is responsible for implementing and assessing compliance with the Lead and Copper Rule (Rule) which is administered pursuant to the Federal Safe Drinking Water Act.

In January 2015, the Division began a self-assessment and determined that improvements to implementation were necessary to ensure consistency throughout the State. The Division initially focused their assessment on the Water Quality Parameter (WQP) monitoring and corrosion control treatment sections of the Rule. In early 2016, due to events outside of New Jersey, lead in drinking water became a matter of national discussion, and as a result, the Division and United States Environmental Protection (EPA) began further re-evaluating all components and requirements of the Rule. EPA also anticipates revisions to the Rule to be proposed in 2017.

The Division would like to take this opportunity to inform you of the progress of this evaluation and the implementation outcomes that are underway and/or expected in the near future.

General Information

1. A dedicated "Lead Team" was established within the Division to review sampling plans, develop technical resources and guidance, respond to inquiries and provide training to public water systems, as needed. The Division has already provided six training sessions through New Jersey Water Association and anticipates providing additional training within the next few months.
2. The Division developed a website specifically for lead at <http://www.nj.gov/dep/watersupply/dwc-lead.html>, which contains information for consumers, public water systems and schools/child care facilities. The website will be updated as new resources are developed they will become available on this website. Accordingly, we highly recommend checking the website frequently.

Monitoring and Sampling Plans

3. In October 2015 the Division reached out to all large community water systems (serving more than 50,000) to require submission of their existing WQP Monitoring Plan. At this time, all plans have been approved and these systems were required to begin WQP monitoring beginning July 1, 2016.
4. In July 2016 the Division also required that large water systems submit a copy of their existing Lead and Copper Sampling Plan by September 10th. The Division will be reviewing sampling plans with an emphasis on sampling site location and tier designations to ensure compliance with the Rule. To assist in this effort, the Division developed two forms to be submitted with the sampling plan that focus on the last sampling event. The *Lead and Copper Sampling Pool Certification* (Form BWSE-14) and *Lead and Copper Sample Site Certification* (Form BWSE-15). These forms are available on the Division's website in writeable PDF format at <http://www.nj.gov/dep/watersupply/dws-sampreg.html>.

Following the review of the large water systems' Lead and Copper sampling plans, the Division will require small and medium water systems to submit their existing Lead and Copper Sampling Plan, WQP Monitoring Plan (if applicable), Lead and Copper Sampling Pool Certification and Lead and Copper Sample Site Certification Form. The Division anticipates requesting this information from all small and medium water systems in a phased approach. Priority will be placed on small and medium systems that are schools (nontransient noncommunity), systems utilizing corrosion control and systems that have had a recent lead or copper action level exceedance. In addition, all water systems that exceed the lead or copper action level in the future will be required to submit this information within 30 days of the exceedance.

The Division will provide training later this year on these plans and forms for small and medium water systems.

Sampling Technical Resources

5. The Division has developed a Lead and Copper Sampling Plan Guidance document, which is available on the Division's website at <http://www.nj.gov/dep/watersupply/pdf/lead-copper-spg.pdf>. This guidance document outlines the requirements of the Rule and contents of a complete sampling plan. The Division is in the process of developing a Lead and Copper Sampling Plan template for very small community and nontransient noncommunity water systems, which will also be available on the Division's lead website.
6. The Division is in the process of developing WQP Monitoring Plan Guidance to assist systems with their WQP plan in accordance with the Rule. All water systems with corrosion control treatment are required to have a WQP monitoring plan. Once finalized, the guidance will be available on the Division's lead website.
7. On February 29, 2016, EPA issued a Memorandum titled *Clarification of Recommended Tap Sampling Procedures for Purposes of the Lead and Copper Rule*. The memorandum focuses on the following three key points regarding lead and copper sampling procedures:

- a. **Removal and cleaning of aerators** - Water systems should not recommend the removal or cleaning of aerators prior to or during lead and copper sample collection.
- b. **Prestagnation flushing** - Water systems should not recommend customers to flush the tap (prestagnation flushing) prior to letting the water remain motionless in the plumbing for the required six-hour minimum.
- c. **Wide-mouth bottles** - EPA recommends wide-mouth bottles be used to collect the lead and copper samples to allow for a normal flow of water during sample collection.

All three recommendations are intended to ensure that samples are representative of water that a customer may consume. The memorandum also included revised sampling directions for homeowners. The memorandum and sampling instructions may be found at https://www.epa.gov/sites/production/files/2016-02/documents/epa_lcr_sampling_memo_dated_february_29_2016_508.pdf and will also be available via a link from the Division's lead website.

8. Under the Rule, WQP monitoring may be conducted by a New Jersey certified drinking water laboratory or by a person acceptable to the State and analyzed with the methods in 40 CFR 141.23(k)(1). The Division has determined a person acceptable to the State is a Licensed Operator or someone trained by the Licensed Operator. If a person acceptable to the State conducts the monitoring and analyses, they must adhere to the same standards regarding proper calibrations and recordkeeping of QAQC that apply to NJ certified laboratories, by maintaining these records that demonstrate compliance on site and available upon request.

In order to accommodate the submission of all WQP analytical results electronically via E2, the Department developed an Excel Generic WQP Analysis Spreadsheet and instructions, which are located at <http://www.state.nj.us/dep/watersupply/dws-sampreg.html>. Completed forms must be emailed to watersupply@dep.nj.gov by the 10th day of the following month.

Lead Sampling in Schools

9. On July 13, 2016 the Department of Education (DOE) adopted amendments to N.J.A.C.6A:26, requiring the testing for lead in drinking water in schools in New Jersey, including those that are public water systems. The Division has prepared guidance to assist schools with these testing requirements. This guidance can also be found on the Division's lead website available at <http://www.nj.gov/dep/watersupply/dwc-lead-schools.html>.

Corrosion Control Treatment

10. In November 2015, the EPA issued a Memorandum titled *Lead and Copper Rule Requirements for Optimal Corrosion Control Treatment for Large Drinking Water Systems*, which stated, that "due to the unique characteristics of each PWS it is critical that public water systems, in conjunction with their primacy agencies and, if necessary, outside technical consultants, evaluate and address potential impacts resulting from treatment and/or source water changes."

As a result, the Division is now considering the impacts on corrosion control treatment for all water systems submitting applications for temporary or permanent treatment, and source water modifications to the Bureau of Water System Engineering.

The Division is updating relevant application forms and developing a new form for corrosion control treatment. Pre- and post-installation WQP monitoring as well as submittal of a Lead and Copper Sampling Plan will be required for any corrosion control treatment application.

The EPA also issued a *Revised Optimal Corrosion Control Treatment Evaluation Technical Recommendation for Primacy Agencies and Public Water Systems* in March 2016. The guidance provides new information on corrosion control treatment including factors that may affect the optimization of corrosion control treatment. The guidance is available at <https://www.epa.gov/sites/production/files/2016-03/documents/occtmarch2016.pdf> and will be available as a link via the Division's lead website.

11. The Division is updating its treatment inventory for water systems by determining the primary use of the corrosion control treatment and the population served. For example, the Division will seek to verify whether an added chemical is being used to control corrosion for lead and copper or is being used for sequestration for iron or manganese. The Division may reach out to water systems during its review to review accuracy of our inventory.

Lead Service Line Replacement

12. The Division is also evaluating the Lead Service Line (LSL) replacement requirements of the Rule. Pursuant to the Rule, water systems with corrosion control treatment that have a lead action level exceedance are required to replace at least 7% of their LSLs annually as long as they exceed the action level. In order to determine compliance with tiered sampling requirements water systems must submit LSL inventories with their existing Lead and Copper Sampling Plans. The Division therefore will evaluate LSL inventories during the review of Lead and Copper Sampling Plans.

In addition, on February 29, 2016, Joel Beauvais, Deputy Assistant Administrator of the EPA sent correspondence to all States requesting an increase in transparency with respect to implementation of the Rule. In particular, water systems were asked to post material evaluations, including LSL locations, on both the water system's website and/or on the appropriate State website (i.e. Division's lead website). The Department responded to EPA stating that we will encourage water systems to post this information to the extent that it does not jeopardize the security or privacy of customers. A copy of EPA's and the Department's correspondence may be found on the Division's lead website at <http://www.nj.gov/dep/watersupply/dwc-lead.html>.

Lead and Copper Rule Compliance

13. Beginning July 1, 2016, the Division will run compliance on all Rule requirements following an action level exceedance and will issue a Notice of Noncompliance for any violation, which include the failure to:

- Submit a Corrosion Control Treatment Recommendation
- Submit a Source Water Treatment Recommendation
- Install Corrosion Control or Source Water Treatment
- Conduct WQP Monitoring
- Conduct Source Water Monitoring
- Conduct Lead Public Education
- Conduct Lead Consumer Notice - Please note, Lead Consumer Notices and Certifications may be mailed to the address above or sent electronically to watersupply@dep.nj.gov with "Lead Consumer Notice" in the subject line.

The Division and EPA are re-assessing implementation of the Rule and will continue to do so into the near future in order to ensure that implementation is compliant with the Rule. Therefore, it is possible that further information and/or action may be necessary as both the Federal and State Safe Drinking Water programs continue to assess the implementation of the Rule to ensure the continued protection public health.

Your continued attention to this matter is both necessary and appreciated.

If you have any questions, please contact the Lead Team at (609) 292-2957.

Sincerely,

<original signed by>

Patricia L. Gardner
Director, Division of Water Supply & Geoscience

cc: Division of Water Supply and Geoscience, Lead Team
Water Compliance and Enforcement
County Health Departments
New Jersey Certified Drinking Water Laboratories