

Frequently Asked Questions on Lead Service Line Replacement Law Requirements

The information included in this FAQ document is intended to be assistance for water systems only. The information below does not replace or supersede the law, which can be found at N.J.S.A. 58:12A-0 et seq.

General Questions

Q: What are key dates that pertain to the Lead Service Line Replacement (LSLR) law?

Required Submission	Due Date	Content	Online Resources
LSL Inventory N.J.S.A. 58:12A-42	Updated: July 22, 2022	Details the inventory of each service line material within the service area. Annual updates will include supporting information on why a line is determined to contain lead and steps taken to identify unknown lines	https://www.state.nj.us/dep/watersupply/dws-sampreg.html DEP_10-S_00014.2 Lead Service Line Inventory Form Version 2
	Annual: July 10 th of each year thereafter		
LSLR Progress Report N.J.S.A. 58:12A-46	Initial: July 22, 2022	Details the progress of replacing and identifying LSLs from the previous year (July 1-June 30)	https://www.state.nj.us/dep/watersupply/dws-sampreg.html DEP_10-S_00027.1 Annual Lead Service Line Replacement Progress Form
	Annual: July 10 th of each year thereafter		
LSL Replacement Plan N.J.S.A. 52:12A-44	Initial: July 22, 2022	Details a PCWS plan to replace all LSLs in the service area.	https://www.state.nj.us/dep/watersupply/dws-sampreg.html "LSLR Plan Template"
	Annual: July 31 st of each year thereafter		
Notice of LSL to Consumers Form N.J.S.A. 52:12A-43	Initial: September 1, 2022	Documents that notice of lead service line materials was provided to consumers served by LSLs	https://www.state.nj.us/dep/watersupply/dws-sampreg.html DEP_10-S_00028.1 Lead Service Line Notification Form
	Annual: August 20 th of each year thereafter		

Q: Are water systems required to identify the material of all service lines?
 All service lines, regardless of material must be identified by 2031.

Q: Where can I direct consumers to for more information about this law?

The Department has developed a website specifically for consumers to get more information on this law and lead in drinking water. You can direct them here: www.nj.gov/dep/lead

Initial LSL Inventory Questions

Q: My system submitted an inventory in September of 2021. Do I have to submit another updated inventory by January 22, 2022?

Yes, every public community water system (PCWS) in New Jersey is required to submit the updated DEP_10-S_00014.1 form by January 22, 2022. This submission is different than the submission that was due in September 2021, which was initial counts/summary information only. All public community water systems are required to submit this inventory, even if no lead service lines exist in the water system's service area. Per C.58:12A-42, 3.a., each PCWS is required to submit their inventory on the DEP form which you can find on our website along with instructions:

<https://www.state.nj.us/dep/watersupply/dws-sampreg.html>.

Q: What format should the inventory response for January 2022 be in?

The Department has developed a lead service line inventory form, DEP_10-S_00014.1 for water systems that is available on the website at <https://www.state.nj.us/dep/watersupply/dws-sampreg.html>. Water systems must submit their inventory using the Department's form. Questions on completing the form should be directed to watersupply@dep.nj.gov.

Q: What format should inventory response be for July 2022 and after?

Water systems should use the latest version of the inventory form (DEP_10-S_00014.3 as of 7/2022) which is available on the Department's Sampling and Regulatory forms website, linked above. Additional fields can be required to be completed in subsequent years, therefore it's important to check the website to ensure that the latest version of the inventory form is being completed and submitted.

Q: Does this requirement apply to non-transient, non-community systems or transient, non-community systems?

This law only applies to public community water systems, not public non-transient, non-community water systems or transient, non-community systems.

Q: Should all service lines be included on the inventory? What about service lines not in use?

Yes. Each address, regardless of residential status, will need to be listed individually on the second tab of the inventory form. Per C.58:12A-42, 3.c., each address must be listed, and the materials of the service line must be described, regardless of material. As long as service lines remain connected to the public PCWS, even if out of service or not in use, the service lines must be included in the inventory. The purpose of a service line inventory is to ultimately confirm and identify any service lines containing lead, e.g., residential, commercial, or institutional, so that any and all lead service lines can be removed within 10 years, i.e., by July 2031.

Q: Are commercial and industrial service lines required to be included on the inventory? What about service lines with no potable use?

All potable water service lines must be documented, including those serving commercial and industrial accounts. Non-potable use lines for fire and irrigation services do not have to be included in the inventory. The intent of the law is to identify lead service lines where the water is being used for human consumption.

Q: My water system has no lead service lines. Do I still have to complete the second tab of the DEP_10-S_00014 form (i.e., “Service Line Inventory Table”)?

Yes. All public community water systems are required to fill out the inventory of each of their services, regardless of material. This includes the locations and compositions of all non-lead service lines.

Q: Should the “suspected lead” column (column M) on the DEP_10-S_00014 form also include suspected “galvanized steel”? What about “possibly galvanized steel”?

Per C.58:12A-41, section 2, the definition of a lead service line includes galvanized. Under New Jersey law, galvanized materials are presumed to include lead. Thus, the response in column M should reflect evaluation by PCWS for service lines containing galvanized materials.

Q: Can it be assumed that pipes installed after lead was banned in New Jersey in 1987, are non-lead?

No. Evaluation of service line composition and materials needs to be comprehensive, whereby a PCWS uses all available information to confirm what the materials are, not based on age/date alone. Assumptions cannot solely be made based on the date of the lead ban in NJ. For the January 2022 submission, PCWS should consider other information currently available to make an initial determination for these lines. (N.J.S.A. 58:12A-42, section 3.d.) For the July 2022 submission and thereafter, PCWS will be required to confirm how these determinations were made and the locations of all lead service lines within its service area as outlined in the law. (C:58:12A-42, sections e and f)

Q: My water system has no records indicating the materials of homeowners’ service lines. If this portion of the lines are unknown, should they be considered lead?

If the service line has different materials on the system-side vs. the property owner/homeowner-side, public water systems (PWS) must report the service line once i.e., no double counting, based on the following priority hierarchy: lead = lead lined > galvanized > gooseneck > unknown > non-lead materials. For example, if the service line is lead on one side and unknown on the other, the PCWS should report the service line as made of lead. Refer to the complete instructions here:

<https://www.state.nj.us/dep/watersupply/pdf/lsli-instructions.pdf>.

As a reminder, the evaluation of service line composition and materials needs to be comprehensive, whereby a PCWS uses all available information to confirm what the materials are. For the January 2022 submission, PCWS should consider other information currently available to make an initial determination for these lines. (C.58:12A-42, section 3.d.) For the July 2022 submission and thereafter, PCWS will be required to confirm how these determinations were made and the locations of all lead service lines within its service area as outlined in the law. (C:58:12A-42, sections e and f)

Q: Can the publicly accessible inventory be a list of addresses or an interactive mapping tool?

The Department does not have specific guidance on the format for the publicized version of an inventory. However, it must be publicly available on the water system’s website*, contain service line locations and the composition of those lines, and identify whether the line is owned by the public community water system, the property owner, or both.

*Note that water systems that serve a population of less than 3,300 persons and do not have a website may make their inventories available in another publicly accessible location.

Q: How do water systems notify the Department that the inventory is publicly accessible?

The Department has included a section on the lead service line inventory form for water systems to confirm that their inventory has been made publicly accessible.

Q: Does the inventory need to go on the community water system's website, or the contracted operator's website for water systems where the operator is not employed directly by the system?

Per C:58:12A-46, the law specifies making the service line inventory available on the PCWS "internet website." At a minimum, this would be the website where customers and non-paying consumers would typically visit to obtain information about the water they are consuming. A PCWS can, and is encouraged by the Department, to provide its service line inventory in multiple public locations if it makes sense to reach the most consumers.

Q: There are several optional columns on the DEP_10-S_00014 form. Does this optional information need to be part of what is posted on my water system's website and available to the public?

Per C:58:12A-42, 3.h., the information that must be made publicly available is the address of each service line and its materials. Information in optional columns is not required to be posted on the website at this time.

Q: Is the inventory to be shared with the public, or just my water system's customers and non-paying consumers?

The inventory is required to be available to the public.

Q: I have already begun replacing lead service lines in my system. Will those replacements count toward the 10% I need to replace annually?

All lead service lines must be replaced no later than 10 years after the effective date of the Act: July 22, 2031. The law requires that an initial plan be submitted for replacing all lead service lines within a service area within 12 months of the effective date of the act, by July 22, 2022. That initial plan, and all plan updates thereafter, must provide for an annual replacement of at least 10 % of the lead service lines. As such, the 10% replacement relates to prospective planning in the lead service line replacement plan. Thus, an initial plan submitted on July 22, 2022, would explain the lead service line replacement plans for an average annual replacement of at least 10% of its known lead service lines by July 22, 2023, and every year thereafter and could include discussion of how an average annual replacement rate of 10% applied to July 22, 2021 and July 22, 2022.

Q: When will lead service line replacement progress reports be due?

Progress reports will be required to be submitted to the Department by July 22, 2022, and on July 10th each year thereafter.

Q: Are there ways to identify /characterize the materials in a service line without digging up the road?

Yes. Please refer to the Department's guidance on the development of lead service line replacement plans, specifically on pages 5 through 6. Water systems are required to use all resources available to identify unknown service lines. If a PCWS exhausts all other methods, including new technologies, the Department can require excavation.

Q: Can water utilities access lead disclosure info from real estate transactions?

Lead disclosure statements are between the sellers and the buyers of the home. These documents are not publicly available at this time.

Public Notification Requirements

Q: Will the Department be providing guidance or a template for the written notifications required to be sent to each customer, non-paying consumer, and any off-site owner of property served by a lead service line?

Initial written notifications are required to be sent by **certified mail** 30 days after the submission of service line inventory to the Department, i.e., no later than February 21, 2022, August 22, 2022 and August 10th annually thereafter. The Department has created a template for these letters which is available on the Sampling and Regulatory forms website.

Beginning in 2023, property owners must be notified annually of their lead service line materials. This annual notice should be distributed no later than 30 days after reporting the service line inventory to the Department. i.e. August 10, 2023 and each year thereafter.

A notification form detailing that these notices were mailed is due to the Department 10 days following each notification, i.e. September 1, 2022 and August 20th of each year thereafter. Refer to the Department's guidance document for more details on this notice.

Q: What is an acceptable notification per the requirement of sending the notices via certified mail?

Initial notices of lead service line materials sent pursuant to C.58:12A-43 may be sent using USPS, UPS, FedEx, or another courier service that provides proof of delivery. The public water system should retain any documentation that the delivery service provides which lists all intended recipients. When notification letters are sent using certified mail, return receipts are not required. Annual notification sent after the initial notification can be sent via standard mail.

Q: Are water systems required to include any information about their inventories on the 2021 Consumer Confidence Report (CCR)? Could water systems serving 3,300 customers or less provide notice to their customers of service line materials in this way?

PCWS can choose to include information on service line inventories in their CCRs, including an applicable link to their website and other applicable information about how to access the inventory, but this is not a requirement. However, relying upon the CCR to satisfy compliance with the law for systems that serve less than 3,300 customers and do not have a website is not acceptable to meet the intent of making that information publicly accessible to all customers, non-paying customers, and any off-site owner of property.

Q: The law states that a list of lead service line addresses must be included in the written notice. Does that mean my system has to include all addresses as an attachment to the written notice?

The intent of C.58:12A-43, 4.b(4)(a) is to include a list of the lead service lines serving the address specified by the notice. In most cases, there will likely only be one service line, but PCWS must include a list if more than one LSL is serving that address, and thus, those customers/non-paying customers.

Q: Does the written notice only go to residents that have a known lead service line or do all residents that have an unknown line receive one?

The law only specifies that addresses with lead service lines are required to receive a notice. However, the Department strongly encourages PCWS to take steps to reach out to customers and distribute information to those addresses where the service line materials are unknown.

Q: How do I know if my water system serves a municipality in which the primary language of 10 percent or more of the residents is a language other than English?

The Department has put together guidance to assist water systems in determining if the people within the municipality(ies) they serve primarily speak a language other than English, which can be found here: <https://www.state.nj.us/dep/watersupply/pdf/secondary-language-directions.pdf>. If you cannot find information on a specific municipality, the Department recommends that you consult with the municipality(ies) for this information.

Lead Service Line Replacement Questions

Q: The law describes a service line as being from the main to the building inlet. All lead service lines are required to be replaced up to the inlet. Up to what point should water systems be replacing the service line?

The intent of the law is to have all lead portions of the service line removed. In most cases, the lead service line portion may extend into the property at a minimum of three (3ft) feet after the inlet. In properties where the meter extends beyond three (3ft), the lead line shall be replaced past the meter and up to the shut-off valve.

Q: My water system has galvanized service lines. Will these have to be replaced?

Per C.58:12A-41, section 2, the definition of a lead service line now includes galvanized service lines. Under New Jersey law, galvanized materials are presumed to include lead. As such, these will need to be replaced in accordance with P.L.2021, c.183.

Q: How are lead service line replacement rates calculated for compliance?

Compliance will be calculated to ensure that replacements are occurring on a 10% annual average rate. To ensure that PCWS are on track with replacement, the Department *recommends* that a PCWS assume all unknown service lines are lead and base their replacement rate from that number. For example, if a PCWS has 10 known lead service lines, and 90 unknown service lines, this water system should be replacing and identifying at least 10 service lines per year (10% of 100)

Q: What if a water system doesn't start replacements until a year or two after 2021?

If a PCWS spends a portion of that 10-year period identifying service lines of unknown material, it will have to increase their rate of replacement in subsequent years to meet the deadline in 2031. For example, if a PCWS does not replace any service lines in their first year, it will have to replace at least 20% in year 2 in order to meet the annual average replacement rate of 10%.

Q: Can water systems request an extension for extending the deadline of replacement passed 2031?

The Department is currently drafting a form for PCWS to submit if they believe they qualify for an extension of the LSL replacements, not to exceed 15 years. PCWS will have to demonstrate to the Department that the extension is necessary to meet a service reliability demand or public health need, not replaced to lead abatement, within the system, per the law. The Department does not intend to review extension requests at this time, and will review as the replacement process moves forward.

Q: Under what conditions can a water system conduct a partial lead service line replacement?

The statute states that PCWS can perform a partial during an emergency (such as a water main or service line break) or during a water main replacement. In all instances, the PCWS shall make a good faith effort to replace the service line at one time and conduct a partial replacement only as a last resort.

Q: If a water system owns one side of the service line, and the homeowner owns the other. Who is responsible for replacing the private/customer-owned side of the lead service line?

The statute puts the responsibility on the public community water system that all lead service lines are fully replaced. Regardless of who owns the service line, water systems are responsible for ensuring that these lines are replaced and must create a plan to do so.

Q: Is a water system responsible for paying for private side/customer owned lead service line replacement?

No. For an investor-owned public community water system, costs associated with undertaking and funding the replacement of lead service lines, excluding any portion funded by grants or other subsidies, shall be borne by all of the customers within the State of the water system, and shall be included in the water system's rate base or otherwise be recoverable from the system's customers, in a manner determined by the NJ Board of Public Utilities. For government-owned community water systems, any costs incurred for assessment and replacement of lead lines, excluding any portion funded by grants or other subsidies, may be borne by all of the customers of the government owned public water system **OR** may be assessed to a property of a property owner.

Q: What if the homeowner wants to do replacements on their own? What is the system's responsibility in this case?

Although property-owners can replace their portion of the service line at their will, they should be coordinating with their water system given the potential of increasing lead levels in the water following a partial lead service line replacement. The contractor/plumber should also be contacting the water system to gain access to shut off the water, so they are able to perform the replacement. Water systems should coordinate efforts and attempt to replace the entire service line, if it is lead (i.e., including galvanized). If the water system is not able to replace its side of the LSL at the same time, then they should educate the customer on the health effects of lead, including the levels of lead may increase after a partial LSL replacement (LSLR), and prioritize the lead service line for replacement and update their LSLR plan accordingly.

Q: What should water systems do if a customer refuses to have their line replaced?

The Department recommends making a good faith effort in obtaining customer cooperation in conducting lead service line replacements. The Department recommends asking at least once annually after initially requesting to gain access to private property for replacement. Checking in annually is important as the property owner or situation may change. If the property owner continues to refuse replacement, such refusal and any efforts to contact the property owner should be documented on the Customer Refusal

Form, which will be made available on the Department's website. A PCWS should ensure that a public outreach program is in place and that property owners in its service area are being educated on opportunities to replace their lead service lines as well as the potential health effects of lead.

Q: Can a water system require/force a homeowner to participate?

Page 7-8 of the guidance document on developing a lead service line replacement plan has more information on encouraging customer participation. It is key to ensure that the full lead service line is replaced in order to ensure that the health of the consumer is protected. P.L. 2019 Ch. 291 states that a municipality can adopt an ordinance that allows them to enter the property to perform a lead service line replacement. The statute can be found here:

<https://pub.njleg.state.nj.us/Bills/2018/PL19/291 .PDF>

If the water system replaces the service line the same day it is dug up in an effort to identify the material(s) because the materials were not previously known, does a certified letter that to be sent that day? How do systems handle that notification?

The statute requires that a PCWS send a written notice of the composition of service line materials upon identifying a lead service line. The statute also requires that PCWS notify consumers of health effects and steps take to reduce exposure to lead before and after service line replacement. In this situation, PCWS can send the two letters together to the property owner.

Funding

Q: What financial resources are available to public water systems for lead service line replacement?

Financial resources are available to community water systems and nonprofit noncommunity water systems with lead service lines through the Drinking Water State Revolving Fund (DWSRF) loan program. Currently, for FFY2021/SFY2022, the base package consists of a 50% Department interest-free loan and 50% NJ I Bank (formerly NJ Environmental Infrastructure Trust) market rate financing for allowable costs for eligible publicly-owned water systems, and a 25% Department interest-free loan and 75% NJ I Bank market-rate loan for eligible privately-owned water systems. Eligible small systems serving 10,000 people or fewer may apply for a loan for up to \$1 million allocated as follows: 50% project costs as principal forgiveness, 25% Department zero interest loan, and 25% NJ I Bank market rate loan.

For FFY2021/SFY2022, the Department is also offering loan packages of 50% principal forgiveness and 50% I-Bank (formerly NJ Environmental Infrastructure Trust) Market Rate for full (not partial) lead service line replacement 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. Water systems receive funding in priority ranked order with priority points given for all LSL replacement projects as well as to systems with an Action Level Exceedance.

Additionally, the recently passed Bipartisan Infrastructure Deal (BID) will provide approximately \$1 billion in additional clean water and drinking water SRF funding to New Jersey over the next 5 years. Specifically, over \$250 million will be allocated to address lead in drinking water. The allocation of funds starting in FFY2022/SFY2023 will be established through the Intended Use Plan and will be made available on the website at <https://www.nj.gov/dep/dwg/cwpl.htm>

For more information on the Water Bank loan program, contact the Bureau of Water System Engineering at (609) 292-2957 or see https://www.state.nj.us/dep/dwg/mface_njeifp.htm.

If a water system receives DWSRF funds, can that money be used to fund privately owned service line replacements?

Water systems receiving principal forgiveness (PF) funds for lead service line replacements must utilize the funds to address the cost-share of the property owner as applicable.

Q: If a water system Corrosion Control Treatment will they not be eligible to receive principal forgiveness through DWSRF?

Priority funding is given to systems with an ALE and/or who meet affordability criteria. The presence of CCT doesn't necessarily mean a water system will not get principal forgiveness.