

NJDEP Lead Service Line Replacement (LSLR) Law Guidance to Water Systems

May 17, 2022



Before We Begin



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If you have any questions,

- Type your question in the chat or
- Raise your virtual hand
- If you are speaking, introduce yourself
your organization



NEW JERSEY
DEPARTMENT OF
ENVIRONMENTAL
PROTECTION

Agenda

Law Overview and Submittal
Requirements

LSLR Plan Guidance

LSLR Plan Template

Form Review

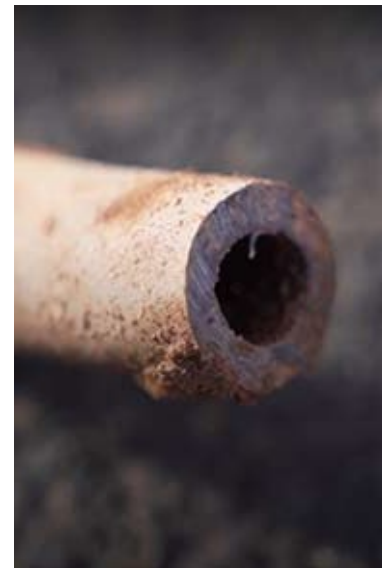
Wrap Up & Q&A

Law Overview and Submittal Requirements

Samantha DiMeglio, BSDW

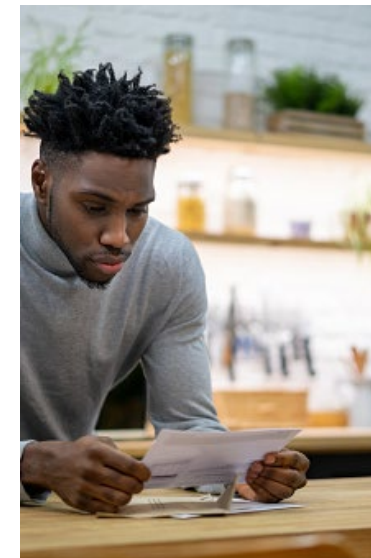
New NJ Legislation

- **Municipal ordinance to enter properties to perform LSLR**
 - Effective January 9, 2020 – P.L.2019, c.291
- **Seller disclosure of LSLs**
 - Effective November 8, 2021 – P.L.2021, c.264
- **Customer requests for lead and copper tap sampling**
 - Effective November 8, 2021 – P.L.2021, c.265



New NJ Legislation

- **Financing LSLR – removes restrictions on special assessments and bond issuances for residential LSLR**
 - Effective July 22, 2021 – P.L.2021, c.184
- **Notification of lead in drinking water within 10 days – landlords to tenant distribution**
 - Effective May 11, 2021 – P.L.2021, c.82
- **LSLR – inventory, replacement, notification**
 - Effective July 22, 2021 – P.L.2021, c.183
 - CWS: 100% LSL removal within 10 years (July 2031)



LSLR Law - P.L.2021, Ch.183

Overview

- 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

LSLR Law Addresses

- **Lead Service Line Definition**
 - Now includes galvanized
- **Inventory Development**
- **Identifying SLs of Unknown Composition**
- **LSL Notification**
- **Funding**
- **New Reporting Requirements**



Inventory

Replacement Plan

LSLR Progress Report

Notification

Date/Timeframe	Description	Highlights
7/22/21	Effective date of requirements	<ul style="list-style-type: none"> • Updated LSL definition to include galvanized lines
9/20/21	Initial counts of service lines (inventory report)	
1/22/22	Initial service line inventory (specific details of all service lines)	<ul style="list-style-type: none"> • Make publicly available online, unless <3,300 then select another location • Continuously update
30 days after inventory submission to NJDEP, and periodically thereafter	Written notification of service line materials	<ul style="list-style-type: none"> • If primary language spoken by 10% or more of residents served by CWS is not English, provide translated notice in other language(s) • Landlord distribution requirements

Past Timeframes and Deadlines for the LSLR Law

Future Reporting Timeframes and Deadlines for the LSLR Law

Required Submission	Due Date	Content	Template Location and Online Resources
LSL Inventory	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 “Lead Service Line Inventory Form Version 2” DEP_10-S_00014.2
	Annual: July 10 th of each year thereafter		
LSLR Progress Report	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 Annual Lead Service Line Replacement Progress Form DEP_10-S_00027.1
	Annual: July 10 th of each year thereafter		
LSL Replacement Plan	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		
LSL Notification Form	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 Lead Service Line Notification Form DEP_10-S_00028.1
	Annual: August 20 th of each year thereafter		

Updated Service Line Inventory Report

Content

Slightly revised template from January 2022 version (DEP_10-S_00014)

- In addition, for each service line either...
 - Suspected of containing lead, supporting information detailing the reasons why each such service line is believed to contain lead; and
 - Identified as being of unknown composition, a description detailing the steps undertaken to determine whether the line contains lead

Submission requirements

Update Due: By July 22, 2022

Send to:

- watersupply@dep.nj.gov
- Subject Line: PWSID, System Name, submittal year (i.e., 2022), Service Line Inventory
- DEP_10-S_00014.2 Lead Service Line Inventory Form Version 2

Make publicly available: online, unless <3,300 then select another location

LSLR Progress Report

Content

- The purpose is to report on the annual progress of replacing LSLs and identifying unknown SLs
- Replacement year July 1 – June 30

Submission requirements

Due: By July 22, 2022

- watersupply@dep.nj.gov
- Subject Line: PWSID, System Name, submittal year (i.e., 2022), Annual LSLR Progress Report
- DEP_10-S_00027.1 Annual Lead Service Line Replacement Progress Form

Other Considerations

- Must make publicly available: online, unless <3,300 then select another location
- Information from the Progress report should inform updates to the LSLR Plan

LSL Replacement (LSLR) Plan

Content...

- Average annual replacement of at least 10% percent of all known LSLs on submittal date
- Replacement of all LSLs within the system's service area, regardless if known or unknown on submittal date
- Plan for notifying consumers of health effects and steps to reduce exposure to lead before and after LSLR
- Per the law, other information or certifications determined by the DEP
 - Ex. (1) If your water system intends to utilize resources available through the DWSRF
 - (2) When your water system will provide filters to customers
- Annual updates should reflect previous years LSLR Progress

Encourage use of DEP provided template

Submission requirements

Due: By July 22, 2022

- Requirement remains in effect until all LSLs within the system's service area have been identified/replaced

Send to:

- watersupply@dep.nj.gov
- Subject Line: PWSID, System Name, submittal year (i.e. 2022) LSLR Plan

Notification of Lead Service Line Materials

Initial Notification

30 days after inventory submission to DEP – February 2022

Any newly identified LSLs no later than 30 days after annual inventory submission to DEP –

August 22, 2022

- Recommend within 30 days of becoming aware of LSL
- Send via certified mail (e.g., USPS, UPS, FedEx, etc.)

Annual Notification

Annually sent to properties served by an LSL and previously received a certified mailing

Notification should be mailed every year until replacement is complete

- 30 days after inventory submission to DEP – *no later than August 10 of each year beginning in 2023*
- Does not need to be sent via certified mail

Requirements for Initial and Annual Notification

- Customer and non-paying consumer, and off-site property owner served by an LSL
 - Translated notice when applicable
 - Content – Template on Sampling and Regulatory Forms webpage
 - All language is required language, except where “optional”
- <https://www.state.nj.us/dep/watersupply/index.html>

Notification Form

- Annual notice to all customers should be done no later than 30 days of reporting inventory to the department. 10 days after, a form is due
- Initial notification – Form due September 1, 2022

Submission Requirements

Send to:

- watersupply@dep.nj.gov
- Subject Line: PWSID, System Name, submittal year (i.e., 2022) LSL Notification Form
- DEP_10-S_00028.1 Lead Service Line Notification Form

Future Reporting Timeframes and Deadlines for the LSLR Law

Required Submission	Due Date	Content	Template Location and Online Resources
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	Annual: July 31 st of each year thereafter		
Notice of LSL to Consumers	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 Lead Service Line Notification Form DEP_10-S_00028.1
	Annual: August 20 th of each year thereafter		

LSLR Plan Guidance & Template

Alaina Ungarini, BWSE &
Nicole Dickey, BSDW



Methods to Assist in Identifying Unknown Service Lines

- Distribution system maps and record drawings
- Building records
- Field/visual inspection with or without full excavation
 - Contractors can visually inspect and verify service lines when doing planned road work
- Sampling results and water quality information
- Sequential monitoring –
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7350769/>
 - This process involves taking a series of successive drinking water samples to determine the location of lead containing materials
- Capital improvement plans and/or master plans for distribution system development
- Utility records including meter installation records, customer complaint investigations and all historical documentation which indicate and/or confirm the location of lead service
 - connections
- Results from service line sampling where lead service lines are suspected to exist but their presence is not confirmed
- Photographs
- Swab test results
- Community survey
- County appraisal district records
- Contacts within the water system, municipal office, or other local officials
- County and municipal ordinances
- Survey results from area plumbers
- Documented interviews of residents- letters, phone survey, personal contact, etc.
- Documented interviews of local contractors, developers, and builders
- Statistical analysis such as predictive modeling



Plan Development Considerations

Sensitive Populations

Confirmed LSLs

Areas with Partial Replacements

Overburdened Communities

Areas with Water Quality and CCT
Issues



Developing a Replacement Schedule

Coordinate with

- Municipalities
- Property Owners
- NJDOT

Other Considerations

- Disposal of LSL
- Emergency Replacement



Funding Resources

Drinking Water State Revolving Fund (DWSRF)

- The Bipartisan Infrastructure Law (BIL) has provided \$49 million for projects addressing lead in drinking water for SFY2023
 - Approximately \$25 million of BIL funds must be used for principal forgiveness (PF)
 - Eligible water systems will be offered as up to 50% of total project costs in in PF capped at \$5 million per applicant/per year
 - Any project over the \$10 million cap will have the remainder of the project balance financed by the I-Bank as capacity allows
- Priority ranking points will be given to water systems that currently have an open lead action level exceedance and those that meet the overburdened community criteria
- Water systems that do not exceed the lead action level but want to replace lead pipes are eligible for principal forgiveness in ranked order.



Notification Requirements



- Lead Service Line Replacement (LSLR)
 - PCWS must notify consumers of LSLR in accordance with current rules and regulations
- New LSL Identification
 - In accordance with N.J.S.A. 58:12A-43 PCWS are required to send a certified letter to properties that are serviced by an LSL.
- Annual Notification of Service line Materials
 - PCWS are required to annual notify properties with LSLs via regular mail. This annual notification should be distributed no later than 30 days after reporting the updated inventory to the Department.

Annual Reporting Requirements

All submissions are required to ensure systems are replacing service lines per their annual rate and have a plan to move forward each year.

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		

Guidance Document Review

Alaina Ungarini, BWSE

Initial Lead Service Line Replacement Plan Template Review

Nicole Dickey, BSDW

Form Overview

JC Miranda, BSDW

Document Overview



Service Line Inventory



Lead Service Line
Notification Form



Annual Progress Report

Wrap Up and Q&A

Kelley Meccia, BWSE

Wrap Up

Important Due Dates - 2022

- **July 22, 2022**
 - LSLR Plan
 - Updated Inventory
 - Progress Report
- **August 22, 2022**
 - Newly identified LSL Notification
- **September 1 2022**
 - Notification Form

Important Annual Due Dates – Beginning 2023

- **July 10**
 - Updated Inventory
 - Progress Report
- **July 31**
 - Updated LSLR Plan
- **August 10**
 - Newly ID LSLs & Annual notification
- **August 20**
 - Notification Form

Resources

DEP Website

<https://www.nj.gov/dep/watersupply/>

DEP Lead Exposure Website

<https://www.state.nj.us/dep/lead/resources.html>

DEP Lead Page

<https://www.state.nj.us/dep/watersupply/dwc-lead.html>

LSLR Law

www.njleg.state.nj.us/2020/Bills/PL21/183_.PDF

US EPA LCR

<https://www.epa.gov/ground-water-and-drinking-water/revise-lead-and-copper-rule>

Upcoming Meetings

Rutgers Safe Drinking Water Act Regulatory Update

- May 19th 8:30 – 11:45
- Session 3 focuses on lead

Jersey Water Works Webinar

- NJDEP Presenting
- TBD



Question & Answer Session

Contact

Water Supply Box

Division of Water Supply &
Geoscience



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www.nj.gov/dep/watersupply



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Thank you!

