

Frequently Asked Questions on Lead Service Line Replacement 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 requirements of the New Jersey Safe Drinking Water Act, at N.J.S.A. 58:12A-1 et seq and 40 CFR 141.80

General Questions

Q: There are new columns in the inventory for 2024. Why have those columns been added?

Water systems must include the longitude and latitude for each address in the inventory starting in 2024. The Department is developing a map that will be publicly available online through which consumers will be able to look up service line formation. In order to plot these points, the Department needs longitude and latitude for each address. If you did not provide this information in your inventory submission for July of 2024, you have until January 1, 2025 to do so. We have created guidance on using GIS to get this data which is available here: <https://www.nj.gov/dep/lead/resources.html> If your water system is having difficulty providing this information, please contact us at watersupply@dep.nj.gov and we will provide you with guidance and assistance.

In addition, the Department has added two new fields to the inventory - replacement date and replacement material. The Department is seeking information on replacements that have happened since July of 2021. Water systems are not required to provide information on replacements that occurred before that date. The Department will use this information to track the changes in service line materials over time.

Q: Will submitting my inventory and replacement plan in July annually satisfy the LCRR compliance date of October 16, 2024?

Yes, submitting all required documents in accordance with the due dates outlined below will ensure that a water system is in compliance with LCRR related requirements, as well as state requirements.

Q: What are the key dates CWS need to be aware of to comply with these requirements?

Documents due to the Department:

- Lead Service Line Inventory
 - o Due July 10th annually
- Lead Service Line Replacement Progress Report
 - o Due July 10th annually
- Lead Service Line Replacement Plan
 - o Due July 31st annually
- Notice of Lead Service Line Notification to Consumers and Requirement Certification Form
 - o Due no later than November 15, 2024

Letters to be sent to consumers:

- Notice of Lead Service Line Letter Template (only required if your system has lead service lines)
 - o Letters must be sent out 30 days after submitting inventory to Department

- Notice of Unknown Service Line Letter Template (only required if your system has unknown service lines)
 - o Letters must be sent out no later than November 15, 2024

Q: Where can I find the forms and templates to meet these requirements?

These can be found on <https://www.nj.gov/dep/lead/resources.html> and <https://www.nj.gov/dep/watersupply/dws-sampreg.html> under the Lead and Copper heading.

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 consumers find more information?

You can direct them here: www.nj.gov/dep/lead

Q: Where can I find the most up to date documents for the required submittals to NJDEP?

The most up to date forms, documents, templates, and instructions pertaining to lead service line replacement compliance can be found here: <https://www.nj.gov/dep/lead/resources.html>. Water systems should periodically check this website to ensure they are using the most recent version of the forms and templates required to be submitted to the Department.

Q: Should water systems provide filters to consumers?

Under the U.S. Environmental Protection Agency's (EPA) revisions to the Lead and Copper Rule, beginning October 15, 2024, water systems must provide customers with pitcher filters or point of use devices with six months replacement filters following a partial or full lead service line replacement. EPA has also proposed additional requirements for systems to provide filters to customers following a disturbance of a service line, but these proposed requirements are not yet final. The Department currently recommends that water systems provide filters to customers in either above scenario as is feasible.

Initial LSL Inventory Questions

Q: What format should inventory response be?

Water systems should use the latest version of the inventory form which is available on the websites listed 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: What types of systems have to comply with the inventory requirement?

The requirements related to lead service line replacement in the Safe Drinking Water Act apply to only water systems, not public non-transient, non-community water systems or transient, non-community systems. The U.S. Environmental Protection Agency's (EPA) requirements at 40 CFR 141.80 also apply to non-transient non community systems. We have prepared documents specifically for these water systems which are available on our website referenced above.

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. Pursuant to N.J.S.A. 58:12A-42, 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 water system, 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. The EPA requires that non-potable use lines for fire and irrigation services are included in the inventory. The Department has updated its instructions for the inventory form on how non-potable lines should be included in the inventory.

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 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: If a service line is half owned by the water system and half owned by the property owner, does this count as one or two service lines?

This counts as one service line and should be reported on the inventory form as such.

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

Pursuant to N.J.S.A. 58:12A-41, a galvanized service is considered to be a lead service line. Thus, the response in column M should reflect whether service lines contain 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 water system uses all available information to confirm what the materials are, not based on age/date of installation alone. For the January 2022 submission, PCWS should consider other information currently available to make an initial determination for these lines. (see N.J.S.A. 58:12A-42) For the July 2022 submission and thereafter, water systems are required to confirm how these determinations were made and the locations of all lead service lines within its service area as outlined N.J.S.A. 58:12A-42.

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 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 system should report the service line as made of lead. Refer to the complete instructions here on our Lead Additional Resources website referenced above.

As a reminder, the evaluation of service line composition and materials must be comprehensive, whereby a water system uses all available information to confirm what the materials are. For the

January 2022 submission, water systems should consider other information currently available to make an initial determination for these lines. (see N.J.S.A. 58:12A-42) For the July 2022 submission and thereafter, water systems are required to confirm how these determinations were made and the locations of all lead service lines within its service area as outlined in the Act. (see N.J.S.A. 58:12A-42)

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 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: 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?

Pursuant to N.J.S.A. 58:12A-42, the address of each service line and its materials must be made publicly available. Information in optional columns are 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: When will lead service line replacement progress reports be due?

Progress reports are required to be submitted to the Department by July 10 annually.

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 for Developing a Lead Service Line Replacement Plan, specifically on pages 5 through 6. Water systems are required to use all resources available to identify unknown service lines. If a water system exhausts all other methods, including new technologies, the Department may 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 and Certification 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? What about required notifications for unknown service lines?

Initial written notifications are required to be sent by ***certified mail*** to properties served by lead service line 30 days after the submission of service line inventory to the Department, i.e., no later than **August 10 annually**. The Department has created templates for these letters which are available on the Sampling and Regulatory forms website.

Beginning in 2023, property owners served by a lead service line 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.

Beginning in 2024, water systems will also be required to send notification to water systems who have unknown service line materials. This letter does not have to be sent via certified mail.

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 N.J.S.A. 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. Letters notifying customers of unknown service line material do not need to be sent via certified mail.

Q: Are water systems required to include any information about their inventories in the 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?

Water systems who incur violations for failure to comply with lead-related requirements are required to report that information on the CCR. Starting after October of 2024, water systems will be required to provide instructions to access the service line inventory on the CRR.

Q: 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?

In most cases, there will likely only be one service line, but a water system must include a list if more than one lead service line 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 residents that have an unknown line need to receive one as well?

Pursuant to 40 CFR 141.85(e), properties served by a lead or galvanized service line, and those served by an unknown service line are required to be notified of their service line materials. Letters to properties served by a lead service line are to be sent out within 30 days of submitted the lead service line inventory to the Department, and must be sent on an annual basis until the lead/galvanized material is replaced. Unknown service line material letters must be sent out by November 15, 2024 and annually thereafter, or until the unknown service line is identified as a non-lead material.

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 developed 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.

Q: How do I notify the Department that I have complied with the notification requirements?

The Department has created the DEP_10-S_00028 form for water systems to complete and indicate compliance with the notification requirements. This form must be submitted to the Department by November 15, 2024.

Lead Service Line Replacement Questions

Q: The Safe Drinking Water defines a service line as any piping, tubing, and/or fitting connecting a water main to a building. All lead service lines must be replaced up to the inlet. Up to what point should water systems be replacing the service line?

All lead portions of the service line must be removed. In most cases, the lead service line portion may extend into the property at a minimum of three (3) 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?

Under the Safe Drinking Water Act at N.J.S.A. 58:12A-41, galvanized materials are presumed to include lead. As such, these will need to be replaced in accordance with the Act.

Q: Do galvanized fittings/connectors need to be replaced as lead fittings/connectors do?

The Department recommends that water systems focus their efforts on replacing lead and galvanized service lines, and lead connectors. A water system's resources should be dedicated to that effort, and not identifying and replacing galvanized fittings. If a water system is replacing a lead or galvanized service line and that line has galvanized fittings or connectors, they should be replaced along with the service line. If a system identifies a copper service line with galvanized fittings, this should not be a priority for a water system to replace over lead/galvanized service lines or lead connectors. If a water system identifies a galvanized fitting during their materials evaluation, they should note that in the service line inventory form's water system comments section.

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

If a water system did not start replacements in 2021, it must adjust its annual rate of replacement to meet the deadline in 2031.

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

A water system may partially replace a lead service line 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. Partial service line replacements do not count towards a water system's total replacement rate.

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?

A water system must fully replace all lead service lines. 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 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 concurrently replace its portion of the service line, it must provide notification to the affected resident with information on potential elevated lead levels in drinking water as a result of the partial replacement as well as instructions for a flushing procedure to reduce lead levels. Additionally, the water system must provide the resident with a filter and six months of replacement cartridges starting October 15, 2024.

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 the initial request to gain access to private property for replacement. Checking in annually is important as the property owner or situation may change.

Water systems should record outreach attempts to customers. The Department has developed a form to assist water systems with tracking efforts, as well as a form to document customer refusals. Both can be found on the Department’s Lead Additional Resources website: <https://www.nj.gov/dep/lead/resources.html> A water system 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?

It is critical to ensure full lead service line replacements in order to ensure that the health of the consumer is protected. The Safe Drinking Water Act at N.J.S.A. 58:12A-39 states that a municipality may adopt an ordinance that allows it or a municipal water system to enter the property to perform a lead service line replacement. Page 7-8 of the Department’s Guidance for Developing a Lead Service Line Replacement Plan has more information on encouraging customer participation. That guidance document can be found here: <https://www.nj.gov/dep/lead/resources.html>

Funding

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

Up to date information on financial resources available to water systems through the Drinking Water State Revolving Fund can be found in the most recent version of the Department's Intended Use Plan (IUP). The most up to date IUP will be posted to this website: <https://www.nj.gov/dep/wiip/project-lists.html>. NJDEP will offer specific funding for lead service line replacement projects which includes a percentage of principal forgiveness for eligible water systems. Additionally, the IUP describes packages for small and very small water systems which can be used to fund LSLR projects. If a water system does not qualify for lead specific or small system funding, they can apply for funds through our base program. Please refer to the IUP for more specific information.

Q: 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.