

## Frequently Asked Questions on Lead Service Line Replacement Legislation Requirements

### Q: What are key dates that pertain to the lead service line legislation?

- 7/22/2021-the effective date of the lead service line legislation
- 1/22/2022-initial service line inventories must be submitted to the Department and made publicly available online unless your water system is under 3,300 in population and does not have a website. In that case, your inventory must be made publicly available elsewhere.
- 30 days after the initial service line inventory has been submitted to the Department (no later than 2/21/2022) - written notification of service line materials must be provided to customers for systems with lead service lines.
- 7/22/2022 and annually thereafter until all LSLs are identified and replaced- updated inventories and lead service line replacement plans must be submitted to the Department

### Initial LSL Inventory Reporting Questions

### 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 legislation 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: What format should the inventory response be in?

The Department has developed a lead service line inventory form, **DEP\_10-S\_00014** for water systems that is available along with instructions on the website at <https://www.state.nj.us/dep/watersupply/dws-sampreg.html> .

### 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 that 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 (DEP\_10-S\_00014) for water systems to confirm that their inventory has been made publicly accessible.

**Q: Is the inventory to be shared with the public or just the customers?**

The inventory is to be available to the public.

**Q: Will the Department be providing guidance or a template for the written notifications required to be sent to each customer and non-paying consumer served by a lead service line?**

These written notifications are required to be sent by certified mail 30 days after the submission of the initial service line inventory to the Department, i.e., no later than February 21, 2022. The Department will provide a template for the written notification of service line materials by early January 2022.

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

Progress reports will be required to be submitted to the Department beginning December 31<sup>st</sup> 2022. Additional guidance on this subject is forthcoming.

**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/dwq/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/dwq/mface\\_njeifp.htm](https://www.state.nj.us/dep/dwq/mface_njeifp.htm).