

ASSEMBLY, No. 4773

STATE OF NEW JERSEY

218th LEGISLATURE

INTRODUCED DECEMBER 6, 2018

Sponsored by:

Assemblyman GARY S. SCHAER

District 36 (Bergen and Passaic)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblywoman VALERIE VAINIERI HUTTLE

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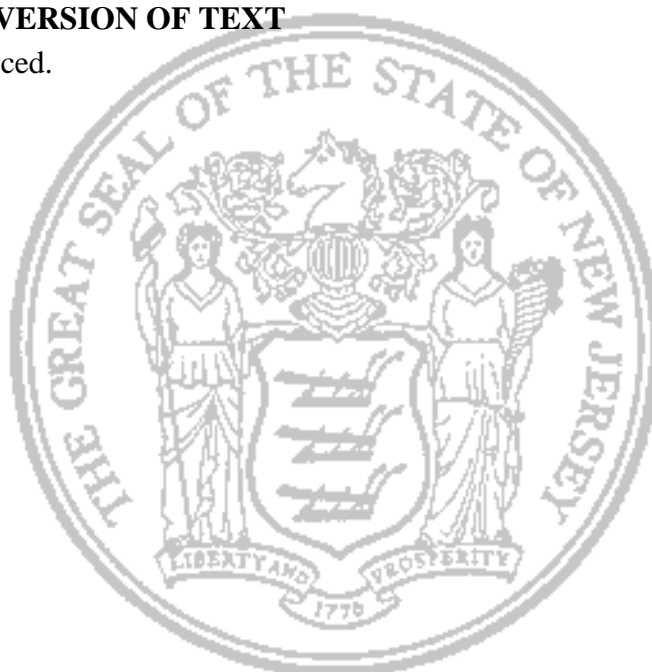
**Assemblymen DeAngelo, Calabrese, Karabinchak and Assemblywoman
Timberlake**

SYNOPSIS

Requires public water systems to develop lead service line inventories and schedules for replacement of lead service lines.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 11/8/2019)

1 AN ACT concerning the replacement of lead service lines and
2 supplementing Title 58 of the Revised Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. As used in this act:

8 “Department” means the Department of Environmental
9 Protection.

10 “Public water system” means the same as that term is defined in
11 section 3 of P.L.1977, c.224 (C.58:12A-3).

12 “Service line” means the pipe, tubing, and fittings connecting a
13 water main to an individual water meter or service connection.

14
15 2. a. No later than 18 months after the effective date of this
16 act, each public water system in the State shall compile, and submit
17 to the department, an inventory of all known lead service lines in
18 use in its distribution system. In compiling the lead service line
19 inventory pursuant to this section, the public water system shall
20 make a reasonable effort to determine the existence or absence of a
21 lead service line at each service connection in its distribution
22 system. The department may require a public water system to
23 update its lead service line inventory periodically until the
24 department determines that the lead service line inventory is
25 complete.

26 b. No later than 90 days after the effective date of this act, the
27 department shall develop, and publish on its Internet website, a
28 guidance document to assist public water systems in compiling the
29 lead service line inventories required pursuant to this section. The
30 guidance document shall reference industry best practices and
31 standards for identifying lead service lines.

32 c. A public water system shall make its lead service line
33 inventory available, upon request, and at no cost, to appropriate
34 State and local government officials, and to residents served by the
35 public water system.

36
37 3. a. No later than 90 days after submission of its lead service
38 line inventory pursuant to section 2 of this act, and periodically
39 thereafter as the department may require, a public water system
40 shall send to each customer that is served by a lead service line a
41 notice, in a form and manner as determined by the department, of
42 the existence of a lead service line serving the customer’s property.
43 The notice shall include, but need not be limited to, information
44 about the sources of lead in drinking water, including lead service
45 lines, the health effects of lead, and steps customers can take to
46 reduce their exposure to lead in drinking water.

47 b. If a public water system serves a municipality in which the
48 primary language of 10 percent or more of the residents is a

1 language other than English, the public water system shall provide
2 the notice required pursuant to subsection a. of this section in both
3 English and that other language to residents of that municipality.

4
5 4. a. If a public water system determines that a customer in its
6 distribution system is served by a lead service line, the public water
7 system shall:

8 (1) in the case of a lead service line that is owned by the public
9 water system, replace the entire lead service line at the public water
10 system's expense;

11 (2) in the case of a lead service line that is owned by the
12 customer, offer to replace the entire lead service line at the
13 customer's expense; or

14 (3) in the case of a lead service line that is owned by both the
15 public water system and the customer, replace the entire lead
16 service line, provided the customer agrees to pay the customer's
17 proportionate share of the cost of replacement.

18 b. A public water system shall not be required to pay the cost
19 of replacing the customer's portion of a lead service line, or to
20 replace a lead service line where the customer chooses not to pay
21 the customer's proportionate share of the cost of replacement. A
22 public water system shall not conduct a partial lead service line
23 replacement.

24 c. A public water system that undertakes the replacement of a
25 lead service line owned in whole or in part by a customer shall
26 make a reasonable effort to obtain grants, low interest loans, or
27 other financial assistance that may be available from the State or
28 federal government, including, but not limited to, the New Jersey
29 Infrastructure Bank. A public water system shall use any State
30 grant funds or other financial assistance, to the greatest extent
31 practicable, to assist low-income households with lead service line
32 replacement. The department shall publish information on its
33 Internet website about the availability of such financial assistance.

34 d. If a lead service line is owned in whole or in part by a
35 customer, a public water system shall offer to replace the entire lead
36 service line, and permit the customer to reimburse the public water
37 system for the customer's proportionate share of the cost of
38 replacement via periodic installment payments, made over a
39 reasonable period of time, and added to the customer's periodic
40 water bills.

41
42 5. a. No later than one year after submission of the lead
43 service line inventory pursuant to subsection a. of section 2 of this
44 act, each public water system shall submit to the department a
45 schedule for the replacement of known lead service lines in use in
46 its distribution system. The department may, in its discretion,
47 establish requirements or standards for the number or percentage of

1 lead service lines that must be replaced by a public water system
2 each year.

3 b. No later than 30 days after submission of a lead service line
4 replacement schedule pursuant to subsection a. of this section, the
5 department shall approve or deny the schedule, based on any
6 requirements or standards it establishes pursuant to subsection a. of
7 this section. If the department fails to act within 30 days of
8 submission of a schedule, the schedule shall be deemed approved.
9 If the department denies a schedule, it shall provide a written
10 explanation for why the schedule was denied, and propose a revised
11 schedule to the public water system. If a public water system
12 rejects the department's proposed revised schedule, the public water
13 system and the department shall develop a compromise schedule
14 within 30 days.

15 c. No later than December 31 of each year, a public water
16 system shall submit to the department, and publish on its Internet
17 website, a report, in a form and manner as may be determined by
18 the department, on the public water system's progress in replacing
19 lead service lines pursuant to this act.

20

21 6. The department may adopt, pursuant to the "Administrative
22 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), any rules and
23 regulations necessary to implement this act.

24

25 7. This act shall take effect immediately.

26

27

28 STATEMENT

29

30 This bill would require public water systems (PWSs) to develop
31 lead service line inventories and schedules for the replacement of
32 lead service lines in their distribution systems.

33 Specifically, within 18 months after the effective date of the bill,
34 each PWS in the State would be required to compile, and submit to
35 the Department of Environmental Protection (DEP), an inventory of
36 known lead service lines in use in its distribution system. In
37 compiling the lead service line inventory, the PWS would be
38 required to make a reasonable effort to determine the existence or
39 absence of a lead service line at each service connection in the
40 distribution system. The DEP would publish guidance on its
41 Internet website to assist PWSs in compiling lead service line
42 inventories. PWSs would be required to make their inventories
43 available, upon request, and at no cost, to State and local
44 government officials and residents served by the PWS.

45 Within 90 days after submission of its lead service line inventory
46 to the DEP, a PWS would be required to send to each customer that
47 is served by a lead service line a notice of the existence of the lead
48 service line serving the customer's property. The notice would

1 include, but not be limited to, information about the sources of lead
2 in drinking water, including lead service lines, the health effects of
3 lead, and steps customers can take to reduce their exposure to lead
4 in drinking water.

5 Under the bill, if a PWS determines that a customer in its
6 distribution system is served by a lead service line, the PWS would
7 be required to:

8 (1) in the case of a lead service line that is owned by the PWS,
9 replace the entire lead service line at the PWS's expense;

10 (2) in the case of a lead service line that is owned by the
11 customer, offer to replace the entire lead service line, at the
12 customer's expense; or

13 (3) in the case of a lead service line that is owned by both the
14 PWS and the customer, replace the entire lead service line, provided
15 the customer agrees to pay the customer's proportionate share of the
16 cost of replacement.

17 A PWS would not be required to pay the cost of replacing the
18 customer's portion of a lead service line, or to replace a lead service
19 line where the customer chooses not to pay the customer's
20 proportionate share of the cost of replacement. A PWS would be
21 prohibited from conducting a partial lead service line replacement.
22 A PWS would also be required to make a reasonable effort to obtain
23 any State or federal financial assistance that may be available for
24 lead service line replacements, and prioritize low-income
25 households in the disbursement of any State funds.

26 Under the bill, within one year after submission of its lead
27 service line inventory, each PWS would be required to submit to the
28 DEP a schedule for the replacement of known lead service lines in
29 use in its distribution system for the DEP's approval. The DEP
30 would have the authority to establish requirements for the number
31 or percentage of lead service lines that must be replaced annually.
32 Finally, no later than December 31 of each year, a PWS would be
33 required to submit to the DEP, and publish on its Internet website, a
34 report on the PWS's progress in replacing lead service lines under
35 this bill.