

[Second Reprint]

ASSEMBLY, No. 5343

STATE OF NEW JERSEY
219th LEGISLATURE

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SYNOPSIS

Requires public community water systems to inventory and replace lead service lines within 10 years; provides for recoupment of costs by investor-owned public water systems.

CURRENT VERSION OF TEXT

As reported by the Senate Budget and Appropriations Committee on June 17, 2021, with amendments.

(Sponsorship Updated As Of: 6/21/2021)

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. The Legislature finds that the presence of lead in drinking
8 water represents a threat to the public health, especially the health
9 and development of New Jersey’s children; that pipes containing
10 lead that connect water mains to homes and other buildings, often
11 called lead service lines, are a primary source of lead in drinking
12 water; and that, due in part to the age of New Jersey’s housing,
13 there does not exist a full and complete inventory of all lead service
14 lines in the State.

15 The Legislature therefore declares that public water systems
16 should fully inventory all service lines and gradually replace all
17 lead services lines, portions of which may exist on private property;
18 and that, given the risk to public health and the resulting social
19 costs that lead exposure imposes upon society as a whole, it is in the
20 public interest that each public water system be obligated to replace
21 lead service lines, including those that exist on private property, and
22 be authorized to recoup the costs of lead service line replacements
23 from all subscribers of the public water system.

24

25 2. As used in this act:

26 “Board” means the Board of Public Utilities or any successor
27 agency.

28 ¹“Customer” means a property owner or lessee who receives, and
29 is required to pay, a water utility bill for water being supplied to the
30 property.

31 “Distributed System Improvement Charge” means a surcharge
32 that is imposed by an investor-owned public community water
33 system on its customers, with the approval of the board, to enable
34 the system to recoup the costs of non-revenue producing
35 infrastructure improvements outside the context of a base rate case.¹

36 “Gooseneck, pigtail, or connector” means the short section of
37 flexible piping, usually one to two feet long, which is used to
38 connect rigid sections of service line piping.

39 ¹“Government-owned public community water system” means a
40 public community water system established, pursuant to law, by a
41 political subdivision of this State or an agency or instrumentality of
42 one or more thereof.¹

43 “Investor-owned public ¹community¹ water system” means a
44 public ¹community¹ water system that is a public utility, as defined

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ANR committee amendments adopted March 15, 2021.

²Senate SBA committee amendments adopted June 17, 2021.

1 in R.S.48:2-13, and which is subject to the jurisdiction of the board
2 pursuant to Title 48 of the Revised Statutes.

3 “Lead service line” means a ¹ service line water supply
4 connection¹ that is made of, or lined with, ¹ materials containing a
5 material consisting of¹ lead ¹, and which connects a water main to a
6 building inlet¹. ¹ “Lead service line” shall include a A¹ lead
7 pigtail, lead¹ gooseneck, ¹ pigtail,¹ or ¹ connector other lead
8 fitting shall be considered to be a lead service line¹, regardless of
9 the composition of the ¹ rigid sections of¹ service line ¹ or other
10 portions of¹ piping to which ¹ they are such piece is¹ attached.
11 ¹ “Lead service line” shall also include a A galvanized¹ service
12 line ¹ composed of galvanized steel shall be considered to be a
13 lead service line. A lead service line may be owned by the public
14 community water system, a property owner, or both¹.

15 ¹ “Non-paying consumer” means the lessee or primary occupant
16 of institutional, commercial, or residential space in a system’s
17 service area, who does not receive, and is not required to pay, a
18 water utility bill for water supplied to the property.

19 “Off-site owner” means the owner of residential, commercial, or
20 institutional property located within the service area of a public
21 community water system, who resides at another property, outside
22 the service area, and who does not receive, and is not required to
23 pay, a water utility bill for water being supplied to the owner’s
24 property in the service area.¹

25 “Partial replacement” means the act of replacing any service line
26 component without replacing the entire service line.

27 ¹ “Property owner” means the owner of residential, commercial,
28 or educational institution property located within the service area of
29 a public community water system.¹

30 “Property¹ owner side” means the portion of a service line ¹ that
31 is¹ owned by a property owner.

32 “Public ¹ community¹ water system” ¹ or “system”¹ means a
33 ¹ public water¹ system ¹ for the provision to the public of water for
34 human consumption through pipes or other constructed
35 conveyances, if the system ¹ or the owner of a public water system,
36 as that term is defined by section 3 of P.L.1977, c.224 (C.58:12A-
37 3), which system either:¹ has at least 15 service connections ¹ that
38 are used by year-round residents;¹ or regularly serves ¹ an average
39 of¹ at least 25 ¹ individuals daily at least 60 days out of the year
40 year-round residents¹. “Public ¹ community¹ water system” ¹ shall
41 include: (1) any collection, treatment, storage and distribution
42 facilities under control of the operator of the system and used
43 primarily in connection with the system; and (2) any collection or
44 pre-treatment storage facilities not under control of the operator
45 which are used primarily in connection with the system. “Public
46 water system” shall also include the operator of the system. “Public

1 water system" shall not include transient, non-community systems]
 2 includes an investor-owned public community water system¹.

3 ¹["Public water system side" means the portion of a service line
 4 owned by a public water system.]¹

5 "Service line" means any piping, tubing, and fittings connecting
 6 a water main to a building that serves a customer of a public water
 7 system. "Service line" ¹[shall include] includes¹ the property¹-
 8 ¹owner side and the ¹[public water]¹ system side of a service line.

9 ¹"System side" means the portion of a service line that is owned
 10 by a public community water system.¹

11

12 3. a. Each public ¹community¹ water system in the State shall
 13 develop a service line inventory^{1,1} in accordance with the
 14 requirements of this section, in order to determine the existence or
 15 absence of a lead service line at each service connection in its
 16 service area. The service line inventory shall include information
 17 about service line locations and the composition of service lines at
 18 each location. The department may prescribe data management
 19 means and methods to provide for the receipt of uniform
 20 submissions of the service line inventory by public ¹community¹
 21 water systems.

22 b. No later than ¹[30] 60¹ days after the effective date of this
 23 act, a public ¹community¹ water system shall compile and submit^{1,1}
 24 to the department^{1,1} an initial count ¹[of] showing¹ the number of
 25 lead service lines and the number of service lines of unknown
 26 composition that are known to be present in the ¹system's¹ service
 27 area ¹[of the public water system], as well as the number of lead
 28 service lines that are to be replaced annually, based on the
 29 replacement rate established pursuant to paragraph (1) of subsection
 30 b. of section 5 of this act¹.

31 c. No later than six months after the effective date of this act, a
 32 public ¹community¹ water system shall submit to the department an
 33 initial service line inventory. The inventory shall include:

34 (1) the locations of ¹all¹ identified lead service lines;

35 (2) an indication ¹[of] as to¹ whether ¹[the] each¹ identified
 36 lead service ¹[lines are] line is¹ completely composed of lead or
 37 otherwise ¹[meet] meets¹ the definition of ¹a¹ lead service line;

38 (3) the ¹[locations] location¹ of ¹each¹ service ¹[lines] line that
 39 is¹ suspected to be lead;

40 (4) for each identified and suspected lead service line, ¹an
 41 indication as to¹ whether the line is owned by the public
 42 ¹community¹ water system, ¹the¹ property owner, or both;

43 (5) the locations and compositions of ¹all¹ non-lead service
 44 lines; and

1 (6) a separate **1[category] list¹** identifying all service lines of
2 unknown composition.

3 **1d.¹** The public **1community¹** water system shall use historical
4 building records and other available information, including data
5 from the American Water Works Association or other industry
6 research groups, to determine the likelihood of the presence of lead
7 service lines in all portions of its service area¹, as provided by this
8 section¹.

9 **1[After] e. Following¹** the submission of the initial service line
10 inventory **1pursuant to subsection c. of this section¹**, each public
11 **1community¹** water system in the State shall continue the inventory
12 process and utilize every reasonable method available to locate all
13 lead service lines within its service area. This process shall include,
14 but shall not be limited to **1[,]:**

15 **(1)¹** visual inspection during planned maintenance, meter
16 replacement, and main replacement projects **1[,]:¹** and

17 **1(2)¹** the solicitation and receipt of comments, complaints, and
18 **other¹** input **1[that the public water system requests]¹** from **1[its]¹**
19 customers **1and non-paying consumers in the service area¹**.

20 **1[d.] f. (1)¹** No later than one year after the effective date of
21 this act, a public **1community¹** water system shall submit^{1,1} to the
22 department^{1,1} an updated inventory of **1service lines in¹** its service
23 **1[territory that meets the requirements of] area. The updated**
24 **inventory shall contain the information required by¹** subsection c. of
25 this section¹**1[. The updated inventory shall also contain the**
26 **following information], and shall additionally include¹:**

27 **1[(1)] (a) for each service line suspected of containing lead,¹**
28 supporting information detailing the **1[reasoning behind the**
29 **identification of] the reasons why¹** each **1such¹** service line
30 **1[identified as being suspected of containing] is believed to**
31 **contain¹** lead; and

32 **1[(2)] (b)¹** for each service line identified as being of unknown
33 composition, a description detailing the steps undertaken to
34 determine **1[if] whether¹** the line contains lead.

35 **1(2)¹** The public **1community¹** water system shall keep the
36 department informed of its progress pursuant to this subsection
37 **1[and shall continue to adhere], through the annual reports**
38 **submitted pursuant¹** to the provisions of section 7 of this act. If a
39 public **1community¹** water system exhausts all other methods of
40 identifying a service line, including the use of new technologies that
41 become available, the department may require excavation^{1,1} as
42 necessary, to identify the service line.

43 **1[e.] g.¹** Beginning two years after the effective date of this act,
44 **1and until such time as all lead service lines have been replaced in**

1 accordance with this act,¹ a public 'community'¹ water system shall
2 annually submit to the department:

3 (1) an updated service line inventory that meets the
4 requirements of ~~'[subsections c. and d.] subsection f.'~~¹ of this
5 section; and

6 (2) a ~~'[certification] statement certifying'~~¹ that the public
7 'community'¹ water system is in compliance with the provisions of
8 this act.

9 ~~'[f.] h.'~~¹ A public 'community'¹ water system shall provide its
10 most recent service line inventory, upon request and at no cost, to
11 appropriate State officials or to the local government officials of a
12 municipality served by the public 'community'¹ water system. A
13 public 'community'¹ water system ~~'[that serves more than 3,300~~
14 ~~customers]'~~ shall make its most recent service line inventory
15 available on its Internet website. 'For public community water
16 systems serving fewer than 3,300 customers, whenever an Internet
17 website is not available, the public community water system shall
18 make its most recent service line inventory available in another
19 publicly accessible location.'¹

20
21 4. a. No later than 30 days after submitting an initial service
22 line inventory to the department pursuant to subsection c. of section
23 3 of this act, and periodically thereafter as the department may
24 require, a public 'community'¹ water system shall send, to each
25 ~~'[property owner and]'~~¹ customer 'and non-paying consumer'¹
26 served by a lead service line ~~'[or service line of unknown~~
27 ~~composition]'~~ in the service area, and to any off-site owner of
28 property served by a lead service line in the service area'¹, written
29 notice of the composition of the service line. ~~'[The public water~~
30 ~~system shall determine if a landlord-tenant relationship exists at the~~
31 ~~premises being notified. The public water system shall determine~~
32 ~~the names and addresses of each tenant, in order to provide the~~
33 ~~notice, by methods that shall include, but not be limited to, mailings~~
34 ~~to landlords requesting a list of tenants. The utility shall provide~~
35 ~~copies of the notice to each head of household tenant. The]'~~

36 b. A ¹ notice 'provided pursuant to this section'¹ shall ¹:

37 (1)¹ be sent¹,¹ by certified mail, ~~'[in a separate mailing]'~~¹ to each
38 residential, commercial, or institutional address affected by the
39 known lead service line and addressed to the primary resident or
40 commercial or institutional occupant thereof, as appropriate. Notice
41 shall be sent to all affected addresses, as provided in this paragraph,
42 regardless of whether the resident or occupant is a system customer
43 or is a non-paying consumer;

44 (2) be sent, by certified mail, to each off-site owner of property
45 affected by the known lead service line and addressed to the

1 property owner's last known address, as determined through the
2 review of local property tax and other available records;

3 (3) be included in a mailing that is separate and distinct¹ from
4 the ~~the water~~¹ bill that is issued for the property¹. The notice¹
5 shall be in a form and manner as determined by the department, and
6 shall ~~notice shall contain large, easily readable text and be~~
7 presented on distinctly colored paper or other paper that is easily
8 distinguishable from the water billing statement; and

9 (4)¹ include, ~~but not be limited to:~~ information about¹ at a
10 minimum: (a) a list of the lead service lines that are being used to
11 serve the customer or non-paying consumer; (b) information
12 describing¹ the sources of lead in drinking water, including lead
13 service lines and household plumbing; ¹(c) a description of¹ the
14 health effects of lead exposure; and ¹(d) the¹ steps that system¹
15 customers and non-paying consumers in the service area¹ can take
16 to reduce their exposure to lead in drinking water.

17 ~~In the case~~¹ c. If the recipient of notice provided pursuant to
18 this section is the owner or operator¹ of ~~a~~¹ an apartment building,
19 group home, or other¹ multi-family or multi-unit¹ dwelling, ~~until~~¹
20 the lead service line has been replaced or identified as a non-lead
21 service line, the landlord ~~such owner or operator shall provide a~~
22 hard copy of the notice to each existing resident of the multi-family
23 or multi-unit dwelling and¹ shall additionally¹ post a copy of¹ the
24 notice in a conspicuous location in a common area of the dwelling.
25 The ~~landlord~~¹ owner or operator¹ shall also inform each new
26 ~~tenant of~~¹ resident of the multi-family or multi-unit dwelling,
27 prior to their residence, about¹ the existence of the lead service line
28 ~~or service line of unknown composition~~¹,¹ and shall¹ provide
29 each new ~~tenant~~¹ resident¹ with a hard¹ copy of the notice
30 received pursuant to this section, upon the commencement of their
31 residence. A notice posted in a common area of a multi-family or
32 multi-unit dwelling, pursuant to this subsection, may be removed
33 only after all of the lead service lines identified in the notice have
34 been replaced and determined to be non-lead service lines¹.

35 ~~b.~~¹ d.¹ If a public community¹ water system serves a
36 municipality in which the primary language of 10 percent or more
37 of the residents is a language other than English, the public
38 community¹ water system shall provide the notice required
39 pursuant to subsection a. of this section in both English and the
40 other language ~~to the applicable property owners and customers~~
41 in that municipality¹ spoken by residents¹.

42
43 5. a. No later than 12 months after the effective date of this
44 act, each public community¹ water system shall submit^{1,1} to the
45 department^{1,1} an initial plan for replacing all lead service lines

1 within its service area. The plan shall be annually¹ updated
2 ~~annually and made~~ to be¹ consistent with the annual updates to
3 the ~~public water~~¹ system's service line inventory¹, which are¹
4 required pursuant to section 3 of this act, and shall remain in
5 effect¹ until all lead services lines within the ~~public water~~¹
6 system's service area have been identified and¹ replaced.

7 b. Each lead service line replacement plan and annual update
8 thereto shall¹:

9 (1)¹ provide for the average¹ annual replacement of at least
10 ~~seven~~ 10¹ percent of all lead service lines that were known to,
11 and¹ identified by¹, the public community¹ water system on the
12 date it ~~submits~~ submitted¹ its initial service line replacement¹
13 plan to the department ¹. In addition, each plan and update thereto
14 shall¹, pursuant to subsection a. of this section;

15 (2)¹ provide for the replacement of all lead service lines within
16 the system's¹ service area ~~of the public water system~~¹, no later
17 than ~~20~~ 10¹ years after the effective date of this act, regardless
18 of whether the lines ~~are~~ were¹ known or unknown ~~on the date~~
19 to¹ the public community¹ water system ~~submits~~ on the date
20 that it submitted¹ its initial plan to the department ¹. The
21 department may require additional¹ pursuant to subsection a. of this
22 section. Each public community water system in the State shall be
23 encouraged to complete the replacement of all lead service lines in
24 its service area within 10 years after the effective date of this act, as
25 provided in the system's lead service line replacement plan;
26 however, notwithstanding the provisions of this paragraph to the
27 contrary, the public community water system shall be authorized to
28 continue lead service line replacement activities for a maximum
29 period of 15 years if necessary to enable the system to fully comply
30 with the provisions of this act;² ~~and~~²

31 (3) include² a plan for notifying consumers of health effects and
32 steps they may take to reduce their exposure to lead before and after
33 any lead service line replacement; and

34 (4) include² any other¹ information¹, as it deems appropriate, to
35 be included in each lead service line replacement plan and annual
36 update thereto¹ or certifications required by the department¹.

37 c. ~~A~~ (1) Except during an emergency, such as a water
38 main or service line break,² or during a water main replacement,² a¹
39 public community¹ water system shall not¹, except during
40 emergencies such as a water main or service line break,¹ conduct a
41 partial replacement of a lead service line ², and¹ . In all instances,
42 the public community water system² ~~the public water system~~¹
43 shall make a good faith effort to replace the entire lead service line
44 and shall conduct a partial replacement only as a last resort² . A
45 partial replacement of a lead service line shall not count toward the

1 public ¹community¹ water system's replacement requirements
2 pursuant to subsection b. of this section.

3 ¹(2) A public community water system shall not
4 ²[permanently]² suspend the water service of a customer ²[who
5 denies] solely because of a denial of² access to the property owner-
6 side of a lead service line ²[during an attempt to replace] for the
7 replacement of² a lead service line pursuant to this act.¹

8 d. ¹(1)¹ A public ¹community¹ water system may apply for,
9 and the department may approve, a reasonable extension of any
10 target or deadline set forth in this section ¹[, provided that] ¹if¹ the
11 public ¹community¹ water system demonstrates to the department
12 that the extension is necessary to meet a service reliability demand
13 or public health need, not related to lead abatement, within the
14 system.

15 ¹[e. In the event of fiscal distress, a municipally owned] (2) A
16 government entity that owns a¹ public ¹community¹ water system
17 may apply for^{1,1} and the department, in consultation with Division
18 of Local Government Services in the Department of Community
19 Affairs, may approve^{1,1} a reasonable extension of any target or
20 deadline set forth in this section ¹if the government-owned system
21 demonstrates to the department that the extension is necessary
22 because the system or the municipality is experiencing financial
23 distress.

24 e. Notwithstanding the provisions of R.S.40:56-1 to the
25 contrary, any costs incurred by a government-owned public
26 community water system to assess or replace a lead service line
27 pursuant to this act, excluding any portion funded by grants or other
28 subsidies, may be borne by all of the customers of the government-
29 owned public water system or may be assessed to a property of a
30 property owner in the same manner as provided for the assessment
31 of local improvements, pursuant to R.S.40:56-1 et seq., upon notice
32 to the Director of the Division of Local Government Services in the
33 Department of Community Affairs¹.

34
35 6. a. ¹[An investor-owned public water system may recoup the
36 costs of lead service line replacements from its customers, subject
37 to the provisions of this section. A proposal to recoup the costs of
38 lead service line replacements shall be considered in the context of
39 the investor-owned public water system's next general rate case
40 proceeding, initiated after the effective date of this act, during
41 which the board shall consider the rate impacts of the proposed lead
42 service line replacement plan prior to approving the proposal.]
43 ²[(1)]² Notwithstanding the provisions of any law, rule, regulation,
44 or order to the contrary, 100 percent of the costs associated with
45 undertaking and funding the replacement of lead service lines
46 pursuant to this act, excluding any portion funded by grants or other

1 subsidies, shall be borne by all of the customers, in the State, of an
 2 investor-owned public community water system and shall be
 3 included in the investor-owned public community water system's
 4 rate base or otherwise be recoverable from the system's customers,
 5 in a manner determined by the board. In making a determination
 6 under this subsection, the board shall stipulate that:

7 ²[(a)] (1)² the proportionate share of project costs for the
 8 replacement of the system side of a lead service line may be
 9 incorporated into the rate base as capital assets of the investor-
 10 owned public community water system or may be recovered
 11 through the use of a Distributed System Improvement Charge ²[or
 12 alternate recoupment methodology approved by the board] as
 13 allowed under existing law² ; and

14 ²[(b)] (2)² the proportionate share of project costs for the
 15 replacement of the property-owner side of a lead service line ²,
 16 including the investor-owned public community water system's
 17 embedded cost of debt, as authorized in its most recent base rate
 18 case,² shall be treated as an operation and maintenance cost, with
 19 no ²[profit] cost of equity² additive ²[, because the property-owner
 20 side is, by definition, not a capital asset of the investor-owned
 21 public community water system.] . Costs for the replacement of
 22 property-owner side lead service lines incurred since the investor-
 23 owned public community water system's last base rate case and
 24 incurred until all property-owner side lead service lines have been
 25 eliminated from the investor-owned public community water system
 26 shall be recoverable on a semi-annual basis through a separate lead
 27 service line expense surcharge and not imbedded into base rates.²

28 ²[(2) Nothing in this section shall be construed to allow an
 29 investor-owned public community water system to earn a return, in
 30 rates, on any costs associated with property that is not used and
 31 useful investor-owned public community water system property.]²

32 b.¹ In order to recoup the costs of lead service line replacements
 33 from its customers, ¹as provided by subsection a. of this section,¹ an
 34 investor-owned public ¹community¹ water system shall submit
 35 ¹[the] to the board, for approval at its next general rate case
 36 proceeding, a petition that includes a¹ proposal ¹[within a petition
 37 to the board that addresses] for cost recoupment. The proposal
 38 shall contain¹ the following ¹information¹:

39 (1) the estimated total cost to replace both the property¹-¹owner
 40 ¹[sides] side¹ and ¹[public water] the¹ system ¹[sides] side¹ of all
 41 lead service lines ¹that lie¹ within, or ¹are¹ connected to, the
 42 ¹[investor-owned public water]¹ system's service area¹, including,
 43 but not limited to, the estimated total cost to evaluate service lines
 44 of unknown composition and to replace both the property-owner
 45 side and system side of any such lines that are determined to be lead
 46 service lines,¹ and an estimated range for the annual cost to be

1 incurred by the system under the system's current lead service line
2 replacement plan;

3 (2) ¹ **[**a quantification of the shareholder contribution to be made
4 in order to meet the requirements of this act;

5 (3) ¹ **]** the availability of grants or low interest loans and whether
6 the investor-owned public ¹ community¹ water system plans to use
7 available grants or low interest loans to help the system finance or
8 reduce lead service line replacement costs, including a detailed
9 description of any efforts made by the system to secure such
10 financing;

11 ¹ **[(4)]** (3) ¹ the investor-owned public ¹ community¹ water
12 system's proposed rate treatment of the replacement costs,
13 including:

14 (a) any proposed deferred accounting treatment of the costs;

15 (b) the proposed rate base treatment of the costs ¹, and whether
16 and how the system is planning to effectuate system side cost
17 recoupment through the use of a Distributed System Improvement
18 Charge or alternate recoupment methodology approved by the
19 board¹;

20 (c) the proposed operations and maintenance expense treatment
21 of the costs; and

22 (d) the average monthly residential bill impact of the proposed
23 rate treatment of the costs;

24 ¹ **[(5)]** (4) ¹ a description of how the replacement of lead service
25 lines will be accomplished in conjunction with other replacement
26 projects in the ¹ **[**investor-owned public water¹**]** system's service
27 area;

28 ¹ **[(6)]** (5) ¹ the estimated savings^{1, 1} per lead service line¹, that
29 will be¹ achieved by ¹ requiring¹ the investor-owned public
30 ¹ community¹ water system ¹ **[**replacing¹, and not the¹ property
31 owner¹, to replace the property-owner¹ sides of lead service lines
32 ¹ **[**instead of the property owner¹ in the service area¹; and

33 ¹ **[(7)]** (6) ¹ the ¹ **[**investor-owned public water system's proposal
34 for¹ means and methods that will be used by the system to¹:

35 (a) ¹ **[**communicating the system's¹ inform all system customers
36 and non-paying consumers in the system's service area about the
37 system's lead service line replacement¹ plan ¹ **[**to replace a lead
38 service line to a property owner and customer¹**]**; and

39 (b) ¹ **[**documenting a property owner's or¹ document each¹
40 customer's consent^{1, 1} or lack of consent^{1, 1} to the replacement of a
41 lead service line.

42 ¹ **[**b.] c. ¹ Before an investor-owned public ¹ community¹ water
43 system may ¹ be authorized by the board to¹ recoup the costs of lead
44 service line replacements from its customers^{1, 1} pursuant to
45 ¹ **[**subsection a. of¹**]** this section, the board shall ensure that the

1 department has ¹~~approved~~ received¹ the ¹~~investor-owned public~~
2 ~~water~~¹ system's ¹~~plan for the replacement of the lead service lines~~
3 ~~required pursuant to section 5 of this act~~ inventory, as required by
4 section 3 of this act¹.

5
6 7. No later than December 31 of each year, a public
7 ¹community¹ water system shall submit to the department, in a form
8 and manner to be determined by the department, a report detailing
9 the public ¹community¹ water system's progress in replacing lead
10 service lines pursuant to this act. A public ¹community¹ water
11 system ¹~~that serves more than 3,300 customers~~¹ shall make its
12 report available on its Internet website. ¹If an Internet website is
13 not available, the public community water system shall make its
14 report available in another publicly accessible location.¹ If the
15 department determines, based on the information provided by the
16 public ¹community¹ water system ¹pursuant to this section¹, that the
17 ¹~~public water~~¹ system has completed the replacement of all lead
18 service lines within the ¹~~public water~~¹ system's service area, the
19 ¹~~public water~~¹ system shall no longer be required to submit a
20 report pursuant to this section.

21
22 8. a. The Department of Environmental Protection may adopt,
23 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
24 (C.52:14B-1 et seq.), any rules and regulations necessary to
25 implement the provisions of this act.

26 b. The Board of Public Utilities may adopt, pursuant to the
27 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-
28 1 et seq.), any rules and regulations necessary to implement the
29 provisions of this act.

30 ¹c. The Department of Environmental Protection and the Board
31 of Public Utilities shall consult with one another and with the
32 Division of Local Government Services in the Department of
33 Community Affairs when adopting rules and regulations pursuant to
34 this section.¹

35
36 9. This act shall take effect immediately.