

[First Reprint]

ASSEMBLY, No. 5343

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED FEBRUARY 22, 2021

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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 Assembly Special Committee on Infrastructure and Natural Resources Committee on March 15, 2021, with amendments.

(Sponsorship Updated As Of: 3/25/2021)

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.

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

32 “Public ¹community¹ water system” ¹or “system”¹ means a
33 ¹public 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] ¹or 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 ¹that
38 are used by year-round residents;¹ or regularly serves ¹[an average
39 of]¹ at least 25 ¹[individuals daily at least 60 days out of the year]
40 year-round residents¹. "Public ¹community¹ 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 category list identifying all service lines of
2 unknown composition.

3 d. The public community 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 area, as provided by this
8 section.

9 After e. Following the submission of the initial service line
10 inventory pursuant to subsection c. of this section, each public
11 community 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 the following:

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

17 (2) the solicitation and receipt of comments, complaints, and
18 other input that the public water system requests from its
19 customers and non-paying consumers in the service area.

20 d. f. (1) No later than one year after the effective date of
21 this act, a public community water system shall submit to the
22 department an updated inventory of service lines in its service
23 territory that meets the requirements of area. The updated
24 inventory shall contain the information required by subsection c. of
25 this section . The updated inventory shall also contain the
26 following information, and shall additionally include:

27 (1) (a) for each service line suspected of containing lead,
28 supporting information detailing the reasoning behind the
29 identification of the reasons why each such service line
30 identified as being suspected of containing is believed to
31 contain lead; and

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

35 (2) The public community water system shall keep the
36 department informed of its progress pursuant to this subsection
37 and shall continue to adhere, through the annual reports
38 submitted pursuant to the provisions of section 7 of this act. If a
39 public community 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 as
42 necessary, to identify the service line.

43 e. g. Beginning two years after the effective date of this act,
44 and 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)' be sent','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 water¹ 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; (c) a description of¹ the
14 health effects of lead exposure; and (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 case¹ c. If the recipient of notice provided pursuant to
18 this section is the owner or operator¹ of a¹ an apartment building,
19 group home, or other¹ multi-family or multi-unit¹ dwelling, until
20 the lead service line has been replaced or identified as a non-lead
21 service line, the landlord¹ 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 landlord¹ owner or operator¹ shall also inform each new
26 tenant of¹ 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 composition¹, and shall¹ provide
29 each new tenant¹ 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 in¹
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,¹
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~~¹
19 to¹ the public community¹ water system ~~submits~~ on the date¹
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 be¹
23 encouraged to complete the replacement of all lead service lines in¹
24 its service area within 10 years after the effective date of this act, as¹
25 provided in the system's lead service line replacement plan;¹
26 however, notwithstanding the provisions of this paragraph to the¹
27 contrary, the public community water system shall be authorized to¹
28 continue lead service line replacement activities for a maximum¹
29 period of 15 years if necessary to enable the system to fully comply¹
30 with the provisions of this act; and¹

31 (3) include any other¹ information¹, as it deems appropriate, to
32 be included in each lead service line replacement plan and annual
33 update thereto¹ or certifications required by the department¹.

34 c. ~~A~~ (1) Except during an emergency, such as a water¹
35 main or service line break, a¹ public community¹ water system
36 shall not¹, except during emergencies such as a water main or
37 service line break,¹ conduct a partial replacement of a lead service
38 line, and ~~the public water system~~¹ shall make a good faith effort
39 to replace the entire lead service line. A partial replacement of a
40 lead service line shall not count toward the public community¹
41 water system's replacement requirements pursuant to subsection b.
42 of this section.

43 (2) A public community water system shall not permanently¹
44 suspend the water service of a customer who denies access to the¹

1 property owner-side of a lead service line during an attempt to
2 replace a lead service line pursuant to this act.¹

3 d. ¹(1)¹ A public ¹community¹ water system may apply for,
4 and the department may approve, a reasonable extension of any
5 target or deadline set forth in this section ¹**【, provided that】** ¹if¹ the
6 public ¹community¹ water system demonstrates to the department
7 that the extension is necessary to meet a service reliability demand
8 or public health need, not related to lead abatement, within the
9 system.

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

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

29

30 6. a. ¹**【An investor-owned public water system may recoup the**
31 **costs of lead service line replacements from its customers, subject**
32 **to the provisions of this section. A proposal to recoup the costs of**
33 **lead service line replacements shall be considered in the context of**
34 **the investor-owned public water system's next general rate case**
35 **proceeding, initiated after the effective date of this act, during**
36 **which the board shall consider the rate impacts of the proposed lead**
37 **service line replacement plan prior to approving the proposal.】** (1)
38 Notwithstanding the provisions of any law, rule, regulation, or order
39 to the contrary, 100 percent of the costs associated with undertaking
40 and funding the replacement of lead service lines pursuant to this
41 act, excluding any portion funded by grants or other subsidies, shall
42 be borne by all of the customers, in the State, of an investor-owned
43 public community water system and shall be included in the
44 investor-owned public community water system's rate base or
45 otherwise be recoverable from the system's customers, in a manner
46 determined by the board. In making a determination under this
47 subsection, the board shall stipulate that:

1 (a) the proportionate share of project costs for the replacement
2 of the system side of a lead service line may be incorporated into
3 the rate base as capital assets of the investor-owned public
4 community water system or may be recovered through the use of a
5 Distributed System Improvement Charge or alternate recoupment
6 methodology approved by the board; and

7 (b) the proportionate share of project costs for the replacement
8 of the property-owner side of a lead service line shall be treated as
9 an operation and maintenance cost, with no profit additive, because
10 the property-owner side is, by definition, not a capital asset of the
11 investor-owned public community water system.

12 (2) Nothing in this section shall be construed to allow an
13 investor-owned public community water system to earn a return, in
14 rates, on any costs associated with property that is not used and
15 useful investor-owned public community water system property.

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

23 (1) the estimated total cost to replace both the property¹-¹owner
24 ¹[sides] side¹ and ¹[public water] the¹ system ¹[sides] side¹ of all
25 lead service lines ¹that lie¹ within, or ¹are¹ connected to, the
26 ¹[investor-owned public water]¹ system's service area¹, including,
27 but not limited to, the estimated total cost to evaluate service lines
28 of unknown composition and to replace both the property-owner
29 side and system side of any such lines that are determined to be lead
30 service lines,¹ and an estimated range for the annual cost to be
31 incurred by the system under the system's current lead service line
32 replacement plan;

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

35 (3)¹ the availability of grants or low interest loans and whether
36 the investor-owned public ¹community¹ water system plans to use
37 available grants or low interest loans to help the system finance or
38 reduce lead service line replacement costs, including a detailed
39 description of any efforts made by the system to secure such
40 financing;

41 ¹[(4)] (3)¹ the investor-owned public ¹community¹ water
42 system's proposed rate treatment of the replacement costs,
43 including:

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

45 (b) the proposed rate base treatment of the costs ¹, and whether
46 and how the system is planning to effectuate system side cost

1 recoupment through the use of a Distributed System Improvement
2 Charge or alternate recoupment methodology approved by the
3 board¹;

4 (c) the proposed operations and maintenance expense treatment
5 of the costs; and

6 (d) the average monthly residential bill impact of the proposed
7 rate treatment of the costs;

8 ¹~~[(5)]~~ (4)¹ a description of how the replacement of lead service
9 lines will be accomplished in conjunction with other replacement
10 projects in the ¹~~["investor-owned public water"]~~¹ system's service
11 area;

12 ¹~~[(6)]~~ (5)¹ the estimated savings^{1,1} per lead service line¹, that
13 will be¹ achieved by ¹requiring¹ the investor-owned public
14 ¹community¹ water system ¹~~["replacing"], and not the~~¹ property
15 owner¹, to replace the property-owner¹ sides of lead service lines
16 ¹~~["instead of the property owner"]~~ in the service area¹; and

17 ¹~~[(7)]~~ (6)¹ the ¹~~["investor-owned public water system's proposal~~
18 ~~for"]~~ means and methods that will be used by the system to¹:

19 (a) ¹~~["communicating the system's"]~~ inform all system customers
20 and non-paying consumers in the system's service area about the
21 system's lead service line replacement¹ plan ¹~~["to replace a lead~~
22 ~~service line to a property owner and customer"]~~¹; and

23 (b) ¹~~["documenting a property owner's or"]~~ document each¹
24 customer's consent^{1,1} or lack of consent^{1,1} to the replacement of a
25 lead service line.

26 ¹~~["b.]~~ c.¹ Before an investor-owned public ¹community¹ water
27 system may ¹be authorized by the board to¹ recoup the costs of lead
28 service line replacements from its customers^{1,1} pursuant to
29 ¹~~["subsection a. of"]~~¹ this section, the board shall ensure that the
30 department has ¹~~["approved"]~~ received¹ the ¹~~["investor-owned public~~
31 ~~water"]~~¹ system's ¹~~["plan for the replacement of the lead service lines~~
32 ~~required pursuant to section 5 of this act"]~~ inventory, as required by
33 section 3 of this act¹.

34
35 7. No later than December 31 of each year, a public
36 ¹community¹ water system shall submit to the department, in a form
37 and manner to be determined by the department, a report detailing
38 the public ¹community¹ water system's progress in replacing lead
39 service lines pursuant to this act. A public ¹community¹ water
40 system ¹~~["that serves more than 3,300 customers"]~~¹ shall make its
41 report available on its Internet website. ¹If an Internet website is
42 not available, the public community water system shall make its
43 report available in another publicly accessible location.¹ If the
44 department determines, based on the information provided by the
45 public ¹community¹ water system ¹pursuant to this section¹, that the

1 ¹【public water】¹ system has completed the replacement of all lead
2 service lines within the ¹【public water】¹ system’s service area, the
3 ¹【public water】¹ system shall no longer be required to submit a
4 report pursuant to this section.

5

6 8. a. The Department of Environmental Protection may adopt,
7 pursuant to the “Administrative Procedure Act,” P.L.1968, c.410
8 (C.52:14B-1 et seq.), any rules and regulations necessary to
9 implement the provisions of this act.

10 b. The Board of Public Utilities may adopt, pursuant to the
11 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
12 seq.), any rules and regulations necessary to implement the
13 provisions of this act.

14 ¹c. The Department of Environmental Protection and the Board
15 of Public Utilities shall consult with one another and with the
16 Division of Local Government Services in the Department of
17 Community Affairs when adopting rules and regulations pursuant to
18 this section.¹

19

20 9. This act shall take effect immediately.