# ASSEMBLY, No. 1253

# STATE OF NEW JERSEY

## 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**
**Assemblyman GARY S. SCHAER**
**District 36 (Bergen and Passaic)**
**Assemblyman RAJ MUKHERJI**
**District 33 (Hudson)**
**Assemblywoman VALERIE VAINIERI HUTTLE**
**District 37 (Bergen)**

**Co-Sponsored by:**
**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**

Introduced Pending Technical Review by Legislative Counsel.

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

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

1. As used in this act:

"Department" means the Department of Environmental Protection.

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

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

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

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

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

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

b. If a public 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 public water system shall provide the notice required pursuant to subsection a. of this section in both English and that other language to residents of that municipality.

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

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

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

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

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

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

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

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

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

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

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

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

7. This act shall take effect immediately.

STATEMENT

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

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

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

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

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

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

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

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

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

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