SOURCE/TREATMENT CHANGE

Please provide the state's change in source water or treatment process, including actions the public water system needs to take and documentation provided before, during and after.

- Under the New Jersey Safe Drinking Water Act regulations, N.J.A.C. 7:10, a public community water system cannot be constructed or modified prior to obtaining a permit or, in some cases, a Temporary Treatment Approval, from DEP. This includes the construction and operation of a new source of water or the addition or alteration of existing treatment. The water system is required to submit a Construction Completion form when the work is completed.

Is there written documentation of this decision between the primacy agency and the PWS?

- Yes, in the form of a permit or Temporary Treatment Approval.

What documentation does the primacy agency request of the PWS before making this change?

- The PWS is required to fill out a permit application and provide details on construction and, in the case of new treatment, documentation on effectiveness of treatment.

Does the primacy agency evaluate or require evaluation of potential impacts from the change*?*

- Consistent with recent guidance from EPA, DEP will be conducting evaluation of potential impacts from all source and treatment changes.

How does the response above change when implementing LCR requirements for consecutive distribution systems?

- Consecutive systems are also required to submit a permit application and obtain a permit from DEP for any new sources or changes in treatment at any of their own sources. As with wholesale systems, and consistent with the recent guidance from EPA, DEP will be conducting an evaluation of any new sources and treatment changes or additions at consecutive systems.

Describe the combined sampling plan.

- PWSs in New Jersey are considered individual water systems and, therefore, each tests individually tested for lead and copper.

When the wholesaler exceeds ALE, is PE required for the wholesaler and all the consecutive systems?

- DEP has treated consecutive systems as stand-alone systems. Only if the consecutive system itself has an ALE, would it be required to conduct PE.

How is the primacy agency establishing WQP for the PWSs in a combined distribution system?

- If the consecutive system did not have an Action Level Exceedance based upon the lead and copper results from its own system, DEP does not require the establishment of WQP.

SAMPLING PLAN

What is the primacy agency protocol for sampling?

- DEP follows EPA guidance for sampling protocols.

Does the primacy agency have any regulation or policy that addresses pre-stagnation flushing? If so, what is it?

- DEP follows EPA's guidance on pre-stagnation flushing.

Did the primacy agency approve initial plans and what process is used for systems to notify states and states to review any modifications to sampling plans?

- Most of the initial sampling plans were created in the 1990s. DEP believes that they were reviewed at that time.
- Since 2009 DEP has required systems to notify DEP whenever their sampling locations changed from the previous sampling period, in accordance with 40 CFR 141.90(a)(1)(v). The water system must complete and submit a form within 10 days of the end of the monitoring period. Sample sites may only be changed in accordance with 40 CFR 141.86(b)(4). When our Compliance and Enforcement teams visit PWSs, they verify, as part of their inspection, that the PWS has an appropriate sampling pool identified. In addition, DEP will be putting a renewed focus on the review of sampling plans.

What protocol does the primacy agency use to review sampling locations and ensure the sites meet the highest Tier classification possible?

- As part of the Sanitary Survey (which is required by EPA), water systems are required to affirm that its sampling pool is consistent with current regulations.

What type of documentation did the State review, if any, to confirm Tier 1 sampling sites identified by the PWS?

- Most of the initial sampling plans were created in the 1990s. DEP believes that they were reviewed at that time.
- When our Compliance and Enforcement teams visit PWSs, they verify, as part of their inspection, that the PWS has an appropriate sampling pool identified. In addition, DEP will be putting a renewed focus on the review of sampling plans.

Does the state require sampling plans to be submitted to the state? What do those plans contain (site locations, sampling schedule, sampling instructions, etc.)?

Sampling plans are not required to be submitted, but historically they have been reviewed during inspections. As stated above, when DEP Compliance and Enforcement inspects the sites, they focus on whether the PWS's sample sites are in compliance with federal regulations. DEP has been working with EPA Region 2 over the past two years to improve review of and compliance with the LCR for public water companies. As stated previously, we are putting a renewed focus on sampling plans.

How often does the primacy agency review sampling plans? Does the primacy agency require approval of sampling plan?

- See responses above.

Does the state require that systems submit sampling instructions, especially if samples are being collected by customers?

- See responses above.

What guidance does the primacy agency provide regarding sampling pools and retaining samples in the initial monitoring pool vs. new sites?

- DEP provides the guidance recommended by EPA.

What protocol does the primacy agency provide to PWS in regards to changing or "dropping" sites?

- DEP refers water systems to EPA's guidance document *Lead and Copper Rule Monitoring and Reporting Guidance for Public Water Systems* when water systems have questions regarding where they should collect their lead and copper samples.

What actions do states take if a system removes a site from their sampling pool that had tested high in previous monitoring periods?

- Since 2009 DEP has required systems to notify DEP whenever their sampling locations changed from the previous sampling period, in accordance with 40 CFR 141.90(a)(1)(v). The water system must complete and submit a form within 10 days of the end of the monitoring period. Sample sites may only be changed in accordance with 40 CFR 141.86(b)(4).

Has the primacy agency approved systems on reduced monitoring to take their samples during different times than the required months of June-September?

- DEP requires approved systems on reduced monitoring to take their samples during the required months of June-September.

INVALIDATION OF SAMPLES

What criteria does the state use to invalidate samples? What documentation is required of public water systems to make this decision?

- DEP adheres to the criteria **of** 40 CFR 141.86(f)

Does the primacy agency keep a record of written justifications for invalidated samples?

- New Jersey documents the lead and copper sample invalidations in a letter to the water system and, if applicable, the laboratory, which includes the justification for the decision. DEP retains a copy of the letter.

MONITORING WAIVERS FOR SMALL SYSTEMS

Is the primacy agency approving waivers for lead sampling?

- DEP does not approve waivers and requires all systems to test at least every three years.

If so, what is the protocol for such waivers to be approved?

- N/A

PUBLIC EDUCATION AND OUTREACH

Describe, if anything, what the state requires over and above the Federal LCR requirements for public education, sampling instructions to homeowners or consumer notification to homeowners who sampled?

- DEP follows the Federal LCR requirements for public education, sampling instructions to homeowners and consumer notification to homeowners who sampled.

What kind of resources does the state invest in the voluntary effort of taking any actions when an individual home sample is higher than the action level and if so, what actions are taken?

- Consistent with the Federal LCR, regulations requiring additional actions, including follow-up sampling for water systems when an individual home sample is greater than the AL, are not required.

What does the state do when a complaint is received with samples results they have taken and the number is higher than the AL number? What is the state protocol for addressing citizen complaints?

- DEP educates the customer about the parameter, its possible health effects, possible sources, and possible remedies.

Describe any mechanisms by which the primacy agency coordinates with children's health programs that track elevated blood lead levels?

- Most elevated blood levels in children result from the ingestion of lead from paint. The New Jersey Department of Health (DOH) addresses the tracking of elevated blood levels in children in New Jersey. DOH and DEP (the primacy agency) have an excellent working relationship, including staffing a person at DOH that focuses on drinking water issues exclusively. There is not a formal mechanism for tracking blood levels and drinking water results, but as specific incidences arise regarding lead in water, DEP and DOH coordinate very closely.

OTHERS

What information on LCR is posted on the web or otherwise made available to the public, such as sampling protocols, sampling instructions, lead service line locations, or individual sample results?

- A water system's monitoring schedule, individual lead and copper sample results, and the 90th percentile value are available on DEP's Drinking Water Watch website at. www.nj.gov/dep/watersupply/waterwatch. DEP has information related to sampling protocols, sampling instructions, or lead service line locations (when known) available on request.

What additional steps does the state or public water system take to inform the public, such as press release, press conference, etc.?

- As required, DEP tracks actions the water system takes to meet the regulatory requirements for Public Education. In the recent case of lead in water in Newark Public Schools, for example, DEP supported Newark in its public outreach. DEP also has extensive information on its website relative to lead in water, including linking to EPA's 3T program. And, when issuing a Notice of Non-compliance, we are encouraging systems to initiate PE earlier than required. Our water resources staff is always available to respond to inquiries from the media and others.

Are there PWSs of concern in the state? What steps are being taken to provide assistance?

- Any public water system with lead action levels exceedances has an action plan in place and DEP is working with those systems to make sure the plan is being carried out.

<u>QUESTONS RELATED TO SYSTEMS WITH ALEs</u>

What follow-up action(s) was taken by the public water system?

- This information was provided previously to EPA Region 2. In general, following an action level exceedance, a public water system is required to conduct initial WQP and source water monitoring; submit a Corrosion Control Treatment Recommendation and Source Water Treatment Recommendation (if appropriate) and if approved by DEP, install treatment. Lead Public Education must be completed within 60 days of the monitoring period. The water system's lead and copper monitoring schedule is then returned to standard monitoring.

If system had corrosion control, did state look at re-optimization? If not currently in place – was it now required?

- DEP looks at re-optimization as needed.

Does the state enter PE violations into SDWIS if a PWS fails to issue PE or fails to do it timely?

- DEP enters the public education information into SDWIS upon receipt. DEP is enhancing its actions in running compliance to ensure that all have been submitted to DEP as required.

    - ***If a PWS did not do PE within 60 days, it would be a violation and if that is entered into SDWIS by the state, we can get that information directly from SDWIS rather than asking the states to go back and do a file review to get***

the exact date, unless the state database has this information where the individual results from homes that exceeded the AL.

- DEP will provide to EPA Region 2 a list of systems with lead Action Level Exceedance that did not conduct public education based upon a review of the SDWIS compliance schedules.

What were the individual results from homes that exceeded the AL? Did the public water system return to standard monitoring with appropriate number of samples?

- This information was provided previously to EPA Region 2.

Need to make sure SDWIS can handle the results and need to decide how we pick a number of PWSs per state to look at.

- No response needed from DEP.

Did the public water system certify that they notified homeowners with lead results?

- All public water systems are required to provide a consumer notice to those customers sampled as part of the system's lead and copper sampling and DEP reviews the information that is sent in by the public water systems.

Sample of instructions provided to homeowners.

- DEP will provide water systems with standardized language that includes EPA's most recent guidance for water systems to use to instruct customers on sample collection.