



FAQs: Lead and Copper (PbCu) Sampling Plans

(Version 1, October 2020)

Introduction

This guidance is intended to assist public water systems with frequently asked questions (FAQs) associated with administrative and technical aspects of their Lead and Copper Sampling Plan (Plan). These FAQs tailor to details that may not be readily available in another New Jersey Department of Environmental Protection (NJDEP) resource.

- For questions related to reporting results, refer to the [E2 Guide](#).
- For questions related to forms, refer to the [Forms Guide](#).

NOTE: Additional Technical Fact Sheets, Guidance Documents, and Templates are available at:
<http://www.nj.gov/dep/watersupply/dwc-lead-public.html>

General

What do I need to submit?

The Plan [template](#) available on NJDEP's website must be used for both community and nontransient noncommunity water systems and must include a distribution system map that includes sample sites and the accompanying forms specified below. Any additional information needed can be added as an attachment or addendum. Refer to NJDEP's [Plan guidance](#) for instructions and additional information.

For community water systems the following forms must be submitted:

[Lead and Copper Sampling Pool Certification](#) (BWSE-14 form)

[Lead and Copper Sample Site Certifications](#) (BWSE-15 form) for each site sampled during the previous sampling event

[PbCu Sample Location Spreadsheet](#) (BWSE-18 form) - must be submitted electronically in Microsoft Excel format by either the water system or their licensed operator of record.

For non-transient non-community water systems the following forms must be submitted:

[Material Evaluation Survey](#) (BWSE-17 form)

[Lead and Copper Sample Site Certifications](#) (BWSE-15 form) for each site sampled during the previous sampling event

[PbCu Sample Location Spreadsheet](#) (BWSE-18 form) - must be submitted electronically in Microsoft Excel format by either the water system or their licensed operator of record.

Where do I send my submission?

All Plans and additional information must be submitted electronically to watersupply@dep.nj.gov.

My system has not received correspondence requiring a Plan submission. Am I still allowed to submit a Plan ahead of time?

Yes. However, review of the Plan will be of a lower priority compared to systems who were required to submit.

Will I be notified of any form updates?

No. It is the water system's responsibility to check NJDEP's website prior to submittal to ensure documents are up to date. For further questions on forms, refer to the [Forms Guide](#).

When should the Plan be updated?

The Plan must be updated within 30 days of any significant changes in, but not limited to, system size class (as defined at 40 CFR 141.86), a change in sampling site, change in source, or significant alteration of distribution system, interconnections, or other infrastructure. The water system is required to keep a copy of the Plan on site and made available for review upon request.

Who do I call with questions?

Water systems can contact the Bureau of Safe Drinking Water (Bureau) staff via phone, (609) 292-5550, or email, watersupply@dep.nj.gov.

Due Dates/Violations/Enforcement

Does the response due date mean business days or calendar days?

Calendar days.

Is there a grace period for the initial Plan submission?

There are no grace periods. If the system does not submit a Plan initially requested from the NJDEP, then the system will be referred to the administrative authority and returned to standard (six-month, semi-annual) lead and copper tap monitoring. [SDWA §1445 - §300j-4(b)]

Why was I sent a notice of violation (NOV)?

NOVs are issued by the administrative authority if a water system fails to submit a Plan per NJDEP's request or the system was referred to the administrative authority for failing to submit a required Plan either initially or due to a deficiency letter.

What happens after I miss the NOV due date?

Additional violations may be issued to the system, including a penalty assessment. For more information, contact the administrative authority at <https://www.nj.gov/dep/enforcement/dwlue.html> or <https://www.state.nj.us/health/lh/community/>.

What is the protocol after a deficiency letter?

If a Plan is deficient, then a water system is required to have either a conference call or in-person meeting at NJDEP.

If I receive a Notice of Non-Compliance (NONC) for missing a deficiency response due date will I be put back on standard?

No. The NONC will give the system 14 calendar days to submit the deficiency response. Failure to submit a revised Plan by the required due date, the system will be referred to the administrative authority.

What happens if a NONC is not addressed?

The system will be referred to the administrative authority and an NOV may be issued, as described above.

Technical

How do I report my lead and copper results to E2 if my Plan has not been approved?

Refer to the E2 guide at http://www.nj.gov/dep/watersupply/pdf/e2_quick_ref.pdf.

When completing the PbCu Sample Location Spreadsheet (BWSE-18 form), do I need to ensure customer participation?

No. Sites listed on the form do not need prior customer approval to be listed. However, the sampling pool must be sufficiently large to take lack of customer participation into account.

Technical

I am the new licensed operator, and I do not feel comfortable signing any forms for previous sampling sites. What should I do?

The licensed operator must consult with the water system owner, as the water system is required to maintain and keep all applicable records for not less than 12 years. On a case-by-case basis, the NJDEP may accept and approve a justification in lieu of the licensed operator's signature. The justification must adequately describe the rationale by including the licensed operator's effective start date, why the available records are not sufficient, and next steps planned to ensure adequate documentation is available and reliable.

Does the water system have to evaluate their entire water system?

Yes; however the Bureau understands that a complete evaluation may not be completed during the time the Plan is submitted. The water system is expected to have adequate information on the materials in its distribution system to identify a pool of targeted sites that meet the highest tier present and a strategy in place for continued evaluation and recording of the distribution system materials.

It is strongly recommended the water system takes steps and allocates adequate resources to begin evaluating its entire distribution system (not just those sample site locations used previously) and develop a detailed sampling pool based on the materials evaluation in accordance with the federal Lead and Copper Rule. Undertaking this evaluation now, will assist the water with being able to timely submit a complete Plan once required and will help ensure that appropriate sampling is being conducted.

Does the water system have to enter homes and verify interior plumbing?

No, inspection and/or verification of plumbing within homes is not required for inclusion of a site in the sampling pool. It may be listed as a site solely based on other means of investigation.

How does a water system select sites for its sampling pool?

Refer to NJDEP's [Fact Sheet – Material Evaluation and Sample Site Identification](#). This fact sheet provides a step-by-step process on how to select sites.

Does the distribution map need to be professionally done, or is a hand drawn map (or visual representation) acceptable?

A hand drawn map (or visual representation) is acceptable, as long as it is legible and contains all of the required information, as described in the guidance.

The water system replaced a lead service line (LSL) from the main up to the curb box. Is this home still classified as a tier 1 sampling location/site?

Yes. The location is still considered a tier 1 site because part of the LSL is still present from the curb box to the home. The replacement is considered to be "partial".

Does the presence of brass or galvanized pipe meet the tier criteria?

NJDEP considers galvanized pipe an LSL until documentation is provided from the water system demonstrating (e.g., through pipe scale analysis) the galvanized pipe does not contain lead (e.g., lead lined). Brass is not considered for meeting the tier criteria; however, because brass plumbing may contain lead, sites with these materials should be considered in selecting locations for the sampling pool when the tiered sites have been exhausted.

Is a lead gooseneck or lead-dipped pipe in the service connection considered a LSL?

Yes, lead goosenecks and lead-dipped/lined pipes as a part of the service connection are considered LSLs and meet tier 1 criteria.

There is a section of the distribution system that contains townhomes that are in close proximity, but they all have their own service lines. Are they still considered multifamily residences?

No. If the townhouse has its own service line, it is considered a single-family home.

I am unsure of how many LSLs are present within the distribution system. How should my Plan reflect this?

The Plan must identify the number of known LSLs and indicate that the total number is unknown. The Plan must detail a protocol moving forward to verify the number of LSLs present (e.g., during routine activities such as meter checks and water main breaks).

Is a dishwasher an acceptable sample site for a non-transient non-community water system?

No. A dishwasher is not considered a site used for consumption. Since only a small amount of water clings to smooth surfaces, washing dishes is considered safe when using water containing lead. For more information, refer to the following links: http://www.nj.gov/health/ceohs/documents/dw_lead_factsheet.pdf, <https://public.health.oregon.gov/HealthyEnvironments/DrinkingWater/Monitoring/Documents/health/lead.pdf>

Is a ice maker an acceptable sample site for a non-transient non-community water system?

The appropriate tap for compliance would be the bathroom tap. This is likely to be more representative of the building/home's plumbing. As an additional public health protective measure, the system could take samples at the ice maker to ensure there is not a lead or copper issue. [EPA's 3Ts guidance](#) has recommendations on how to sample at an ice maker. DEP also has instructions online at <http://www.nj.gov/dep/watersupply/pdf/leadfaq.pdf>.

Can the following sample sites still be in the water system's sampling pool if a customer indicates the following scenarios on the sampling instructions?

First, the water system should confirm with the customer that the information provided on the customer instructions is correct. If the information is correct, then refer to the guidance below and the NJDEP's [BWSE-18 form directions](#).

- **The LSL or interior lead plumbing has been replaced** – A system may only inactivate a sample site that has become a lower tier (e.g., service line replacement, plumbing changes, etc.) if the distribution system has been adequately evaluated and it is determined that there are enough higher tier sites to fulfill sampling requirements. In other words, the water system must determine if the remaining materials for that location meet any of the highest tier definitions available and revise the sampling pool accordingly.
- **The sample location has a point of entry treatment (POE) unit or there is a point of use (POU) treatment device on the kitchen sink** – Samples may not be taken from taps that have POU or POE (into a home or building) treatment devices designed to remove inorganic contaminants, unless the treatment device treats the entire water supply prior to entering the distribution system or every site within a community water system contains POE devices.
 - For a POU device on the kitchen sink, the customer must sample a different tap in the home/building (i.e. bathroom) without a POU treatment device.

What are some effective methods for obtaining customer participation?

- Get local health department to help advertise
- Use [NJDEP support letter](#) on our webpage
- Call customers
- Go door to door
- Offer assistance
- Consult with other water systems/licensed operators

How do I complete the table in the inventory section?

As explained and illustrated in NJDEP's [Plan guidance](#), all active sources and treatment facilities must be included. This includes both permanent and emergency interconnections.