



Frequently Asked Questions about Lead Service Lines in Public Water Systems

DISCLAIMER: This document is intended to provide answers to questions that may arise regarding lead service lines in public water systems. Nothing in this document supersedes any statutory or regulatory requirements or permit provisions for public water systems.

Also, this document has been updated to contain changes made by Senate Bill 427 (2017), which added additional provisions regarding lead service lines and made various changes to Section 116885 as added to the Health and Safety Code by SB 1398 (2016). The changes were made to FAQ #1, #2, #5 and #8.

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General Requirements of Health and Safety Code (HSC) Section 116885 - Public Water Systems: Lead User Service Lines

1. What are the new general requirements in 116885?

Section 116885 of the California Health and Safety Code, Lead Service Lines in Public Water Systems, added to the Health and Safety Code by Senate Bill 1398 (2016) and amended by Senate Bill 427 (2017), requires all community water systems (CWS) to compile an inventory of known partial or total lead user service lines in use in its distribution system by July 1, 2018. The inventory must include all user service lines that are active and those that are reasonably expected to become active in the future. Also, Section 116885 requires that CWS identify areas that may have lead user service lines in use, and/or identify any areas within the CWS distribution system that the CWS cannot identify the material that is being used for the service line. CWS will be required to propose a schedule to replace all the known lead user service lines and user service lines constructed of unknown material by July 1, 2020. A portion of Section 116885 is below:

116885. (a) By July 1, 2018, a community water system shall compile an inventory of known lead user service lines in use in its distribution system and identify areas that may have lead user service lines in use in its distribution system.

(b) (1) By July 1, 2020, a community water system that has identified known lead user service lines in use in its distribution system as provided in subdivision (a) shall provide a timeline for replacement of known lead user service lines in use in its distribution system to the state board.

(2) By July 1, 2020, a community water system that has identified areas that may have lead user service lines in use in its distributions system as provided for in subdivision (a) shall do both of the following:

- (A) Provide to the state board its determination as to whether there are any lead user service lines in use in those areas of its distribution system and provide a timeline to the state board for replacement of those lead user service lines that the community water system has identified.*
- (B) Provide its findings as to whether there are any areas for which it cannot determine the content of the user service lines and a timeline to the state board for replacement of the user service lines whose content cannot be determined.*

2. Who is required to comply with Section 116885?

All CWS are required to compile an inventory. A CWS “means a public water system that serves at least 15 service connections used by yearlong residents or regularly serves at least 25 yearlong residents of the area served by the system.”

A CWS should have a domestic water supply permit issued by the Division of Drinking Water (DDW) or one of our Local Primacy Agency (LPA) partners.

3. What is a user service line?

Section 116885 adopts the definition of user service line found in Section 64551.60 of Title 22 of the California Code of Regulations which is “the pipe, tubing, and fittings connecting a water main to an individual water meter or service connection.” Thus, the requirements of section 116885 do not apply to water lines on the customer’s side of the meter or the meter itself, but would include, for example, lead goose necks associated with the user service line on the water system side of the meter.

However, if the water system determines that a lead service line is also on the customer side of the meter, DDW highly recommends that the water system notify the customer of the lead service line and if possible, assist in the replacement.

4. What does a water system have to report to DDW or the LPA?

The DDW is requiring the water system pursuant to Health and Safety Code section 116530 (Technical Report) to submit correspondence and documentation in form of a letter using DDW prepared templates located on the DDW webpage as described below to verify the water system’s compliance with Section 116885. All submissions described in Paragraphs 5 through 15, except timelines, must be certified under penalty of perjury, and sample language for that certification is provided on the DDW webpage.

At this time, DDW has not determined the best method of submitting the inventory letter or timeline. DDW anticipates having instructions by October 15, 2017. You will be notified when the FAQ and webpage are updated on the submission process.

Section 116530. Technical report. - "A public water system shall submit a technical report to the department as part of the permit application or when otherwise required by the department. This report may include, but not be limited to, detailed plans and specifications, water quality information, and physical descriptions of the existing or proposed system, and financial assurance information."

5. What if my system is a Transient Non Community (TNC) or a Non Transient Non Community (NTNC) water system?

A TNC or NTNC water system does not have to compile an inventory. SB 427 provides that the requirements of section 116885 do not apply to TNC nor to NTNC.

6. When does the CWS need to complete the inventory of known lead user service lines and the identification of areas that may have lead user service lines?

The CWS needs to complete the inventory of known lines and identify areas that may have lead user service lines in use by July 1, 2018.

7. If the CWS inventory is complete and no lead user service lines or user service lines with unknown materials are identified, what should the CWS do?

If the inventory does not identify any lead user service lines or identify areas of user service lines made of unknown materials, the CWS needs to submit a letter certified under penalty of perjury stating that the inventory was completed and the date it was completed. Included in the letter should be a description of how the inventory was completed with specific examples of records searched, field investigations, operator interviews, and maps of the distribution system that correspond to the survey. A template letter will be located on the DDW website.

8. If the CWS inventory is complete and all Lead User Service Lines are identified, what should the CWS do?

The CWS needs to submit a letter to the applicable DDW or LPA by July 1, 2018 certifying that the inventory has been completed and all lead user service lines have been identified. The letter will need to include a general map showing areas where lead user service lines are located and a description of how the inventory was completed with specific examples such as records search, field investigation, operator interviews, etc.

By July 1, 2020, the CWS will need to submit to the DDW a timeline to replace all lead user service lines. The DDW will review and respond to the CWS's proposed timeline within 30 days.

9. If the CWS inventory is complete and the CWS has identified areas of user service lines with unknown materials, what should the CWS do?

The CWS needs to identify areas that may have lead user service lines by July 1, 2018, and the CWS will need to submit a letter to DDW by August 1, 2018 certifying that it has completed identifying the areas with unknown materials and also provide a description and general map of the areas where user service lines with unknown materials are located. Prior to submitting a timeline for replacement of the user service lines with unknown material, the CWS may conduct field inspections to determine the material content of these user service lines. The CWS will need to submit a timeline to the DDW by July 1, 2020 for replacement of the user service lines containing unknown materials, which is the same deadline for submission of the timeline for replacing known service lines. The DDW will review and respond to the CWS's proposed timeline within 30 days.

10. What can the CWS do with areas of unknown user service lines between July 1, 2018 and July 1, 2020?

During this time period, the water system should continue to investigate unknown service lines. If a water system finds service lines that are lead, they need to add those service lines to their inventory and timeline for replacement of known lead user service lines. If a water system concludes that some service lines whose content was previously unknown are, in fact, not lead, it needs to notify DDW of that fact. And, if there are service lines the water system still can't determine the content of, the water system needs to include those in a separate timeline for replacement.

11. How does a CWS submit the inventory letter or timeline?

The CWS needs to submit the inventory letter or timeline electronically. Maps need to be in GIS layer or PDF format.

DDW is in the process of developing a web portal to receive these documents electronically. DDW anticipates the web portal will be ready by November 15, 2017. Once the web portal is ready, DDW will notify CWSs. The FAQ will also be updated.

12. What happens to the CWS timelines after they are submitted?

The submitted timelines will be reviewed by DDW. It is recommended that an initial cost estimate for user service line replacement be included in the timeline proposal.

The final timeline for replacement of lead user service lines and/or user service lines with unknown materials will be posted on the DDW website. The State Board, therefore, requests that the final approved timeline be submitted to DDW electronically for posting.

Lead User Service Line Inventory

13. Where can a CWS find useful information on how to compile an inventory?

The Lead Service Line Replacement Collaborative (LSLR) has a website to assist PWS with developing an inventory of their distribution system user service lines and replacement of lead user service lines. AWWA also has document titled "Innovative Techniques for Locating Lead Service Line". The links to these documents are provided below.

<http://www.lslr-collaborative.org/>

http://www.waterrf.org/PublicReportLibrary/RFR90678_1995_813.pdf

14. How does a CWS investigate unknown user service lines?

The CWS will need to evaluate and determine the best way to identify unknown user service line material. The Lead Service Line Replacement Collaborative (LSLR) website has information on how to conduct the investigation along with the AWWA Research Foundation provides some innovative techniques.

15. A CWS has copper user service lines installed prior to 1986, which were constructed with leaded solder. Do these copper user service lines have to be replaced?

The intent of SB 1398, SB 427 and other lead free legislation is to eliminate lead from drinking water infrastructure. Any lead within a water system's distribution infrastructure will face ongoing corrosion control optimization. The "user service line" definition used in Section 116885 says "the pipe, tubing and fittings connecting a water main to an individual water meter or service connection". Thus, the lead portion of the user service line refers to the pipe, tubing and fittings. The state board does not consider solder to be a fitting. But, if specific water systems have shown that lead solder in copper pipe installed before 1986 has increased lead levels in drinking water, the water system should consider replacing those lines.

16. Does the CWS have to submit the user service line inventory documents that were reviewed to DDW?

No, however, the CWS must provide a summary letter to DDW that the inventory was completed and the results of the inventory, as described above, specifically in #11. The CWS does not have to submit the supporting inventory documents used in the analysis unless requested by DDW. Applicable documents can date back decades and include master plans, building records, various maps, historic inventory documents, etc. The CWS must retain all the supporting inventory documents summarized in the letter.

17. What if I am a member of the public and I want to obtain information concerning what my water system is doing to comply with Section 116885??

A customer of a water system and other members of the public should contact their water system for information on how it is complying with Section 116885 or visit the DDW website.

Outreach

18. Where can a CWS find examples of outreach and communication?

The LSLR website contains information and examples to assist utilities with communication and outreach to their customers.

American Water Works Association also has communication guidance document.
<https://www.awwa.org/portals/0/files/resources/publicaffairs/pdfs/finaleadservicelinecommguide.pdf>

19. Should a CWS include information concerning the implementation of SB 1398, LSL in Community Water System, in their next Consumer Confidence Report?

DDW recommends CWSs include information in the annual Consumer Confidence Report (CCR) describing how customers may request access to results of the survey, but CWS are not required to include the information in the CCR.

Examples are provided below:

Example language to include in CCR

Scenario 1: Lead service lines were identified

Existing law requires that by July 1, 2018, all community water systems compile an inventory of known lead user service lines in use in its distribution system and identify areas that may have lead user service lines. Community water systems are also required to provide a timeline for replacement of known lead user service lines. For areas that may have lead user service lines, public water systems must determine the existence or absence of lead in the user service lines. After further investigation, the water system must provide a timeline for replacement of service lines containing lead. And, if there are service lines the water system still can't determine the content of, the water system needs to include those in a separate timeline for replacement.

We have completed a survey of user service lines in the distribution system and identified <____> service lines that contain lead. A timeline for replacement of these service lines has been submitted to the Division of Drinking Water for review. (If applicable – The timeline was approved on [date].) We plan to begin replacement of these service lines in <month, year>. Please contact us at <phone number> to learn more about the user service line inventory and timeline for replacement, or visit our website at website address.

Scenario 2: No lead service lines or service lines containing unknown materials were identified within the distribution system.

Existing law requires that by July 1, 2018, all community water systems compile an inventory of known lead user service lines in use in its distribution system and identify areas that may have lead user service lines. Public water systems are also required to provide a timeline for replacement of known lead user service lines. For

areas that may have lead user service lines, public water systems must determine the existence or absence of lead in the user service lines. After further investigation, the water system must provide a timeline for replacement of service lines containing lead. And, if there are service lines the water system still can't determine the content of, the water system needs to include those in a separate timeline for replacement.

We have completed a survey of user service lines in the distribution system. There are no known user service lines containing lead in the service area or that are constructed of unknown materials. Please contact us at <phone number>_to learn more about the_user service line inventory survey, or visit our website at website address.

Scenario 3: No lead service lines were identified but there are service lines constructed of unknown materials.

Existing law requires that by July 1, 2018, all community water systems compile an inventory of known lead user service lines in use in its distribution system and identify areas that may have lead user service lines. Public water systems are also required to provide a timeline for replacement of known lead user service lines. For areas that may have lead user service lines, public water systems must determine the existence or absence of lead in the user service lines. After further investigation, the water system must provide a timeline for replacement of service lines containing lead. And, if there are service lines the water system still can't determine the content of, the water system needs to include those in a separate timeline for replacement.

We have completed a survey of user service lines in the distribution system and identified <____> service lines that are constructed of unknown materials. We will begin field investigations to determine the material content of these service lines beginning <date>. If any service lines contain lead or the material content cannot be determined, the user service line will be replaced. A timeline for replacement will be submitted to the Division of Drinking Water (or LPA) for review prior to replacement. Please contact us at <phone number> to learn more about the user service line inventory and timeline for replacement, or visit our website at website address.

20. Will there be Financial Assistance from the State Water Board available for CWS to comply with the possible LSL replacement costs of SB1398

The State Water Board's Division of Financial Assistance (DFA) has determined that lead user service line replacement is eligible for funding through DFA. The applicant will need to contact DFA for more specific information.

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