

## ***Frequently Asked Questions:*** **Lead Service Lines and the Unknown Materials**

*\*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.*

### **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 (CWSs) 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 a CWS identify areas that may have lead user service lines in use, and/or any areas within the CWS distribution system that the CWS cannot identify the material that is being used for the service line. CWSs that identified known lead user service lines and/or user service lines made of unknown materials are 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.*

## **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 or pigtails associated with the user service line on the water system side of the meter. The State Water Resources Control Board’s Division of Drinking Water (DDW) encourages water systems to notify their customers of the lead user service line.

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. If there is lead or galvanized pipe on the customer’s side, and if the water system only replaces the lead user service line on the water system side of the meter, this is called a partial replacement. There can be an increase in the levels of lead in drinking water to the customer tap after partial replacement, and this increase can persist for weeks or months. DDW strongly discourages partial lead service line replacements. Also, if a customer is replacing their portion of a lead service line, the water system needs to prioritize the water system portion of the lead service line for replacement at the same time.

## **If the CWS inventory contains a material labeled “non-lead” user service lines, is this consistent with the legislation?**

Section 116885(b)(2)(B) above states “...a timeline to the state board for replacement of the user service lines whose content cannot be determined.” Non-lead does not provide the state board with the necessary information to say the content of the user service line has been determined. Labeling user service lines with non-lead is not acceptable.

**If the CWS inventory contains a material labeled “copper or plastic” user service lines, is this consistent with the legislation?**

As stated above, the content of the user service lines needs to be determined. If a water system has determined based on review of records and field reviews, that in one area of their system, one of two types of lines are present, but the water system is not sure of the exact numbers of each, labeling user service lines with two options is acceptable.

**If the CWS inventory is complete and all User Service Line materials are identified, what should the CWS do?**

1. The CWS needs to complete the Lead User Service Line Inventory Section ([LSLR](#)) of the [electronic Annual Report \(eAR\)](#) for 2019; *and*
2. If the CWS lists no lead user service lines or fixtures, no further action is necessary.
3. If the CWS identifies lead user service lines or fixtures, the CWS will need to provide a timeline to the Division of Drinking Water (DDW) by July 1, 2020 for the replacement of all lead material. Within the timeline, DDW asks the water system to prioritize replacement of any lead user service lines connected to a school or licensed child care facility.

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

1. The CWS needs to complete the LSLR Section of the [eAR](#) for 2019.
2. The CWS will need to provide a timeline to the DDW by July 1, 2020 for the replacement of all unknown materials.

**Where is the timeline submitted?**

The timeline will be submitted using the [eAR](#) for 2019. An upload tab is available in the LSLR Section. The timeline which will include a spreadsheet and a letter or report will need to be uploaded by July 1, 2020 for review by DDW.

**What needs to be included in the timeline?**

The CWS will need to submit a timeline that includes a spreadsheet listing the address of all locations where user service lines will be replaced with the replacement date (month and year) and the type of line that is to be replaced. The type will be one of the following:

- lead user service line,
- lead fittings on user service lines not containing lead (pigtail or gooseneck),
- unknown material user service lines or fittings.

A [blank spreadsheet template](#) is located on our webpage, located at the below link. Please do not alter the columns of the spreadsheet. The timeline spreadsheet will be uploaded to the DDW Lead User Service Line webpage.

[https://www.waterboards.ca.gov/drinking\\_water/certlic/drinkingwater/lead\\_service\\_line\\_inventory\\_pws.html](https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/lead_service_line_inventory_pws.html)

## What needs to be included in the report or letter?

Along with the spreadsheet timeline, a letter or short report will need to be uploaded to the LSLR Section of the eAR for 2019. The letter or report will need to be signed by an authorized representative of the water system. The letter or report will need to contain the justification for the dates for replacement. The justification may include:

- The number of user service lines to be replaced per year,
- Prioritized replacements such as service lines located at schools or licensed child care centers (not including home day cares) identified on the spreadsheet;
- The annual cost estimate for user line replacement with percentage of total annual budget this amount represents;
- Anticipated rate adjustments necessary to fund user service line replacements, including details on the rate increase and effective date; and/or
- Relevant information regarding application(s) for funding from the State Board or another entity to replace user service lines.
- The State Board expects the identified user service lines to be replaced as soon as possible and depending on the number of lines to be replaced, should not take longer than 10 years.
- For proposed timelines exceeding 10 years, the State Water Board will also consider, among other factors listed above, the utility's demonstrated ability to minimize lead exposure, including customer-side lead sampling data (residential and school fixtures) and the utility's corrosion control program.

An equal number of user service lines should be replaced each year starting as soon as possible. Funding for replacements are available from the State Water Board Division of Financial Assistance.

## What is the timeline review process?

DDW has 30 days to review the timeline, and will either

- (a) approve the proposed timeline or
- (b) deny the proposed timeline and propose a revised timeline to the CWS.

If the revised timeline is not accepted by the CWS, the CWS and DDW shall develop a compromised timeline within 30 days.

## What occurs if the approved timeline cannot be followed by the CWS?

If the approved timeline for replacement is not achieved, DDW may take an enforcement action, such as issuing a compliance order or a citation, which may include a fine. .

If the CWS encounters a situation where the CWS cannot meet the approved timeline schedule, the CWS may request DDW extend the timeline, providing reasons that it needs the extension for the timeline.

*(These FAQs were last updated on January 10, 2020)*