



## State of New Jersey

Department of Environmental Protection  
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Division of Water Supply & Geoscience

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December 28, 2020

Sent via email to: [adeemk@ci.newark.nj.us](mailto:adeemk@ci.newark.nj.us)

Kareem Adeem  
Newark Water Department  
920 Broad Street  
Room B31-F  
Newark, New Jersey 07102

**Re: Lead and Copper Sample Results Verification  
Newark Water Department  
PWSID No. NJ0714001**

Dear Mr. Adeem:

The New Jersey Department of Environmental Protection, Bureau of Safe Drinking Water (Bureau) has conducted multiple bi-annual reviews of lead and copper sample results submitted electronically via E2 and supporting data including laboratory chains of custody (COC), customer request forms, information submitted on *PbCu Sample Location Spreadsheets* (BWSE-18) requesting changes to the sampling pool for Newark Water Department (Newark) and data submitted on *Non-Compliance Lead and Copper Tap Monitoring Forms* (BWSE-16) in order to confirm compliance with the Federal Lead and Copper Rule (LCR), 40 CFR 141 Subpart I. The latest review was for the monitoring period covering the first half of 2020. The COCs and customer request forms were submitted by Newark on July 9, 2020 in response to the Bureau's request sent via email on July 2, 2020.

As you know, Newark is required to collect and submit, via E2, 100 lead and copper tap samples for compliance with the LCR. 40 C.F.R. 141.86 (c); 40 C.F.R. 141.90(a). Any additional samples beyond the lead and copper sampling pool that are collected from tier 1 locations using the correct procedures, whether served by a lead service line, those with lead solder installed after 1982, or containing lead pipes, must also be submitted for compliance via E2.<sup>1</sup> See 141.86(e).

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<sup>1</sup> The LCR states that "The sampling sites selected for a community water system's sampling pool ("tier 1 sampling sites") shall consist of single family structures that: (i) Contain copper pipes with lead solder installed after 1982 or contain lead pipes; and/or (ii) Are served by a lead service line. When multiple-family residences compromise at least 20% of the structures served by the water systems, the system may include these types of structures in its sampling pool" (40 CFR

Any additional samples that do not meet the requirements for compliance determinations and are therefore not considered to be for the purposes of determining compliance must be submitted to the Bureau via the BWSE-16 forms instead of through E2. See 40 C.F.R. 141.90(g).

The Bureau has found multiple errors in the data submitted by Newark. The most common discrepancies the Bureau has noted include, but are not limited to those listed below:

- samples collected after lead service lines (LSL) were replaced have been submitted as compliance samples via E2 instead of as non-compliance samples on a BWSE-16 form,
- samples that customers collected incorrectly, e.g. after less than the required 6-hour stagnation period, after treatment, after flushing, etc., or where the customer request form was not filled out entirely, were still sent to the lab for analysis, and
- samples collected from residences assumed to have LSL that do not, in fact, have LSLs and which are therefore not tier 1.

The Bureau recognizes the corrections Newark has made to the sample results submitted for compliance for the first half of 2020 and no additional action is required at this time in regard to the first half 2020 data set.

Discrepancies such as these result in the need for further verification, data rejections, and/or data resubmissions, and creates an additional workload for Newark, the Bureau, and associated laboratories. **The Bureau is therefore requiring that all data be verified prior to submission or corrected as appropriate by the end of the monitoring period.**

Newark must conduct a thorough data verification process for lead and copper sample results, both for compliance and non-compliance samples. Verifications that must be performed include:

- Prior to laboratory analysis of compliance samples, it must be verified that the customer request form was completed correctly, and the below conditions met:
  - the form is signed and dated,
  - the 6-hour minimum stagnation time was met,
  - the sample was collected from a kitchen or bathroom sink without a point of use filtration device,
  - the residence does not have a whole house filtration system, and
  - there were no substantial plumbing changes made.
- Samples collected incorrectly should be discarded and a new sample collected, if possible.

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141.86(a)(3)). The *EPA Lead and Copper Rule Monitoring and Reporting Guidance for Public Water Systems* (March 2010) further clarifies that “Tier 1 sampling sites are single family structures: with copper pipes with lead solder installed after 1982 (*but before the effective date of your State’s lead ban*) or contain lead pipes; and/or that are served by a lead service line.” The effective date of the lead ban in New Jersey was February 2, 1987 (19 N.J.R. 289(d)).

- **All samples collected from tier 1 locations using the correct procedures, whether served by a lead service line, those with lead solder installed after 1982, or containing lead pipes, must be submitted for compliance.**
- For samples collected from the sampling pool, the tier of the location must be verified. Any relevant information regarding the tier must be reviewed, including inspection reports, lead service line replacement records, and any other pertinent documentation, to determine whether the sample may be submitted for compliance.
- A good faith effort is expected regarding the tier determination of customer requested samples. If it is determined that the residence would satisfy the requirements to be considered a tier 1 location, the sample results must be submitted for compliance.
- All results from locations found to not meet tier 1 requirements, or where the tier is unable to be verified, are required to be submitted on BWSE-16 forms.

The Bureau encourages Newark to perform all data verification prior to submitting any lead and copper sample results. As per the LCR, sample results must be submitted within the first 10 days following the end of each applicable monitoring period (40 CFR 141.90). **As such, Newark must verify that all data that has already been submitted for the second half of 2020 monitoring period (June 1 – December 31), and all data yet to be submitted, meet the requirements of the LCR.**

Beginning in 2021, the Bureau strongly encourages *sample results be held until the end of the monitoring period to allow for all applicable information to be gathered and reviewed*. Submitting verified data all at once will also allow for an accurate 90<sup>th</sup> percentile value to be calculated that is reflective of the entire data set. This will allow Newark to ensure the accuracy of results and allow the Bureau to make timely and accurate regulatory determinations. The Bureau notes that during a conference call on December 8, 2020, Newark acknowledged that they have begun implementing data verification processes as noted above.

If you have any questions or need additional information regarding the above, please contact Angie Corino at [angela.corino@dep.nj.gov](mailto:angela.corino@dep.nj.gov). When contacting the Department please reference the PWSID No. NJ0714001 and Letter No. LCR200005.

Sincerely,



Felicia Fieo, Section Chief  
Bureau of Safe Drinking Water

cc: Northern Bureau of Water Compliance and Enforcement (via Email)  
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