

**SENATE, No. 2468**

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**STATE OF NEW JERSEY**  
**217th LEGISLATURE**

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INTRODUCED JULY 29, 2016

**Sponsored by:**

**Senator RAYMOND J. LESNIAK**

**District 20 (Union)**

**SYNOPSIS**

Directs DEP to adopt standards for certain drinking water contaminants as recommended by Drinking Water Quality Institute.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning standards for certain drinking water  
2 contaminants and supplementing P.L.1977, c.224 (C.58:12A-1 et  
3 seq.).

4  
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*

7  
8 1. The Legislature finds and declares that the maintenance of  
9 high quality potable water is essential in order to safeguard the  
10 health and welfare of the people of the State. Recognizing this, in  
11 1977, the Legislature passed the "Safe Drinking Water Act," which,  
12 among other things, directed the New Jersey Department of  
13 Environmental Protection to adopt and enforce State primary  
14 drinking water regulations. In 1983, amendments to the act created  
15 the Drinking Water Quality Institute, a panel of experts tasked with  
16 developing standards for hazardous contaminants in drinking water  
17 and recommending those standards for adoption by the department.  
18 The 1983 amendments also directed the department, after  
19 considering the recommendations of the institute, to establish  
20 standards for 22 listed organic compounds and any other  
21 contaminants that are present in New Jersey drinking water and may  
22 be harmful to human health.

23 The Legislature further finds and declares that, despite the  
24 State's strides in improving the quality of drinking water, today,  
25 many contaminants remain unregulated, including several specified  
26 in the 1983 amendments. Since at least 2005, the department has  
27 failed to adopt new or more stringent standards for approximately  
28 16 contaminants, even though the institute has made  
29 recommendations concerning those contaminants. The institute's  
30 recommendations include new or more stringent standards for:  
31 perchlorate, a hazardous industrial chemical used in the production  
32 of explosives; radon-222, a radioactive gas and known human  
33 carcinogen; and formaldehyde, an organic compound used in  
34 embalming to temporarily preserve human and animal remains.  
35 Most recently, the institute recommended a standard for  
36 perfluorononanoic acid (PFNA), a hazardous organic chemical  
37 recently detected in the drinking water supplies of several  
38 townships in southern New Jersey.

39 The Legislature further finds and declares that, as the agency  
40 responsible for ensuring the safety of the State's drinking water  
41 supply, the department has a duty to adopt new and more stringent  
42 drinking water standards when doing so would protect the health  
43 and welfare of New Jersey residents and visitors. The institute's  
44 recommendations are based on the latest scientific information  
45 concerning the health effects of, and testing and treatment methods  
46 for, various contaminants. As such, the recommendations of the  
47 institute should be swiftly considered and adopted by the  
48 department.

1 2. a. Notwithstanding the provisions of section 2 of P.L.1983,  
2 c.443 (C.58:12A-13) or the requirements of the “Administrative  
3 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.) to the  
4 contrary, the commissioner shall adopt, within 180 days after the  
5 effective date of P.L. , c. (C. ) (pending before the  
6 Legislature as this bill), the standards for the following drinking  
7 water contaminants, as recommended by the Drinking Water  
8 Quality Institute:

- 9 (1) Perchlorate, recommended in October 2005;
- 10 (2) Radon-222, recommended in February 2009;
- 11 (3) Benzene, recommended in March 2009;
- 12 (4) Carbon tetrachloride, recommended in March 2009;
- 13 (5) 1,3-dichlorobenzene, recommended in March 2009;
- 14 (6) 1,4-dichlorobenzene, recommended in March 2009;
- 15 (7) 1,2-dichloroethane, recommended in March 2009;
- 16 (8) Formaldehyde, recommended in March 2009;
- 17 (9) n-Hexane, recommended in March 2009;
- 18 (10) Methyl ethyl ketone, recommended in March 2009;
- 19 (11) Vinyl chloride, recommended in March 2009;
- 20 (12) DCPA and degradates, as recommended in March 2009;
- 21 (13) 1,1-dichloroethane, recommended in March 2009;
- 22 (14) 1,1,2-trichloroethane, recommended in March 2009;
- 23 (15) 1,2,3-trichloropropane, recommended in March 2009; and
- 24 (16) perfluorononanoic acid, recommended in July 2015.

25 b. The commissioner may adopt more stringent standards for  
26 the drinking water contaminants listed in subsection a. of this  
27 section, upon recommendation of the Drinking Water Quality  
28 Institute and in accordance with the provisions of section 2 of  
29 P.L.1983, c.443 (C.58:12A-13).

30  
31 3. This act shall take effect immediately.

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34 STATEMENT

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36 This bill would direct the Department of Environmental  
37 Protection (DEP) to adopt standards for 16 hazardous drinking  
38 water contaminants, as recommended by the Drinking Water  
39 Quality Institute (DWQI). The bill would also permit the DEP to  
40 establish more stringent standards for those contaminants upon  
41 recommendation of the DWQI, and in accordance with the  
42 provisions of existing law.

43 In 1977, the Legislature passed the “Safe Drinking Water Act,”  
44 which, among other things, directed the DEP to adopt and enforce  
45 State primary drinking water regulations. Amendments to that act  
46 in 1983 created the DWQI, a panel of experts tasked with  
47 developing standards for hazardous contaminants in drinking water  
48 and recommending those standards to the DEP. The 1983

1 amendments also directed the DEP, after considering the  
2 recommendations of the DWQI, to establish standards for 22 listed  
3 organic compounds and any other contaminants that are present in  
4 New Jersey drinking water and which may be harmful to human  
5 health.

6 Despite the State's strides in improving the quality of drinking  
7 water, today many contaminants remain unregulated, including  
8 several specified in the 1983 amendments. Since at least 2005, the  
9 DEP has failed to adopt new or more stringent standards for  
10 approximately 16 contaminants, even though the DWQI has made  
11 recommendations concerning those contaminants. The DWQI's  
12 recommendations include new or more stringent standards for:  
13 perchlorate, a hazardous industrial chemical used in the production  
14 of explosives; radon-222, a radioactive gas and known human  
15 carcinogen; and formaldehyde, an organic compound used in  
16 embalming to temporarily preserve human and animal remains.  
17 More recently, the DWQI has recommended a standard for  
18 perfluorononanoic acid, a hazardous organic chemical recently  
19 detected in the drinking water supplies of several townships in  
20 southern New Jersey.

21 As the agency responsible for ensuring the safety of the State's  
22 drinking water supply, the DEP has a duty to adopt new and more  
23 stringent drinking water standards when doing so would protect the  
24 health and welfare of New Jersey residents and visitors. The  
25 DWQI's recommendations are based on the latest scientific  
26 information concerning the health effects of, and testing and  
27 treatment methods for, various contaminants. As such, the  
28 recommendations of the DWQI should be swiftly considered and  
29 adopted by the DEP.