

# ASSEMBLY, No. 5653

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED JUNE 24, 2019

**Sponsored by:**

**Assemblyman P. CHRISTOPHER TULLY**

**District 38 (Bergen and Passaic)**

**Assemblywoman LISA SWAIN**

**District 38 (Bergen and Passaic)**

**Assemblyman HERB CONAWAY, JR.**

**District 7 (Burlington)**

**Co-Sponsored by:**

**Assemblyman Johnson, Assemblywoman Vainieri Huttle, Assemblyman  
Karabinchak and Assemblywoman Mosquera**

**SYNOPSIS**

Requires public water systems to offer drinking water tests to customers in certain circumstances.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 8/26/2019)**

A5653 TULLY, SWAIN

2

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

3

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

6

7 1. As used in this act:

8 "Copper action level" means the standard for copper in drinking  
9 water established by the United States Environmental Protection  
10 Agency, or a more stringent standard adopted by the department  
11 pursuant to the "Safe Drinking Water Act," P.L.1977, c.224  
12 (C.58:12A-1 et al.).

13 "Lead action level" means the standard for lead in drinking water  
14 established by the United States Environmental Protection Agency,  
15 or a more stringent standard adopted by the department pursuant to  
16 the "Safe Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et al.).

17 "Partial service line replacement" means the replacement of  
18 some, but not all, of the pipe, tubing, and fittings connecting a  
19 water main to an individual water meter or service connection.

20

21 2. a. A public water system that exceeds the lead action level  
22 or the copper action level shall, upon request by a customer, test the  
23 customer's drinking water for the presence of lead and copper, using  
24 a laboratory certified for that purpose by the department. The  
25 results of the test shall be provided to the customer.

26 b. A customer who requests a test pursuant to this section shall  
27 not be charged a fee by the public water system for the test. A  
28 public water system that is a "public utility," as defined in  
29 R.S.48:2-13, and that is regulated by the Board of Public Utilities  
30 pursuant to Title 48 of the Revised Statutes, may petition the board  
31 to include in the public water system's rate base the reasonable  
32 costs of testing it provides to customers pursuant to this section.

33 c. A public water system that exceeds the lead action level or  
34 the copper action level shall include a notification on each  
35 customer's water bill, which clearly states the availability of water  
36 testing pursuant to this section.

37

38 3. a. A public water system that carries out a partial service  
39 line replacement of a lead service line serving a customer shall,  
40 upon receiving a request no later than six months after the  
41 completion of the replacement, test the customer's drinking water  
42 for the presence of lead, using a laboratory that has been certified  
43 for that purpose by the department. The results of the test shall be  
44 provided to the customer and to the public water system.

45 b. A customer who requests a test pursuant to this section shall  
46 not be charged a fee by the public water system for this test. A  
47 public water system that is a "public utility," as defined in  
48 R.S.48:2-13, and that is regulated by the Board of Public Utilities

1 pursuant to Title 48 of the Revised Statutes, may petition the board  
2 to include in the public water system's rate base the reasonable  
3 costs of testing it provides to customers pursuant to this section.

4 c. A public water system that carries out a partial service line  
5 replacement of a lead service line serving a customer shall include a  
6 notification on the customer's water bill, which clearly states the  
7 availability of water testing pursuant to subsection a. of this section.

8 d. If a test carried out on a property pursuant to this section  
9 reveals that the water exceeds the lead action level, the public water  
10 system shall provide a written notice by mail of this fact to the chief  
11 executive of the municipality in which the property is located and  
12 all local health agencies in the municipality in which the property is  
13 located.

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15 4. This act shall take effect immediately.

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#### STATEMENT

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20 This bill would supplement the "Safe Drinking Water Act,"  
21 P.L.1977, c.224 (C.58:12A-1 et seq.), to allow customers of a  
22 public water system that has exceeded the action level for lead or  
23 copper to request to have their drinking water tested for the  
24 presence of lead and copper by the public water system. The public  
25 water system would be required to include a notice on its customers'  
26 bills that advertises the availability of the water tests.

27 The bill would also allow customers to request to have their  
28 drinking water tested when a public water system carries out a  
29 partial service line replacement on their lead service line. The  
30 customer would have six months after the completion of the partial  
31 service line replacement to make the request. The public water  
32 system would be required to include a notice on the customer's bill  
33 that advertises the availability of the water tests. If the test reveals  
34 an elevated lead level, the public water system would be required to  
35 notify local health officials and the municipality.