

[First Reprint]

ASSEMBLY, No. 2134

STATE OF NEW JERSEY
219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman P. CHRISTOPHER TULLY

District 38 (Bergen and Passaic)

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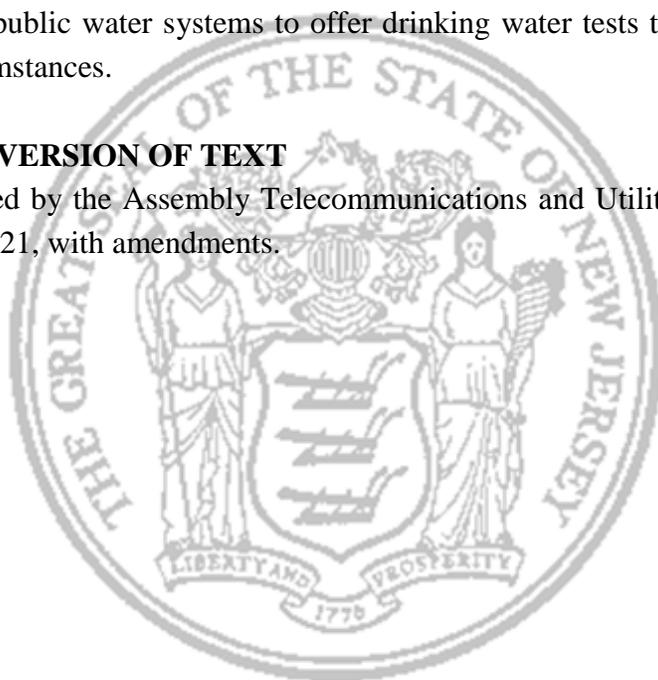
Assemblyman Johnson, Assemblywoman Vainieri Huttle, Assemblyman Karabinchak, Assemblywoman Mosquera, Assemblyman Calabrese and Assemblywoman Murphy

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Assembly Telecommunications and Utilities Committee on June 2, 2021, with amendments.



(Sponsorship Updated As Of: 6/24/2021)

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 ¹**[al.]** seq.¹).

13 ¹"Customer" means a residential or commercial customer of
14 record and, if known to the public water system, any residential
15 tenant of a multifamily residence having two or more units where
16 the landlord of that residence is a non-residential customer of
17 record. "Customer" shall include all schools, daycare centers, and
18 facilities serving young children, all public and private hospitals,
19 medical clinics, and doctor's offices serving pregnant women and
20 young children, all local health and welfare agencies in the public
21 water system's service area, and the offices of the chief executive
22 officer of each municipality in the public water system's service
23 area.

24 "Department" means the Department of Environmental
25 Protection. "Landlord" means the same as that term is defined in
26 section 2 of P.L.1975, c.310 (C.46:8-44).¹

27 "Lead action level" means the standard for lead in drinking water
28 established by the United States Environmental Protection Agency,
29 or a more stringent standard adopted by the department pursuant to
30 the "Safe Drinking Water Act," P.L.1977, c.224 (C.58:12A-
31 1 et ¹**[al.]** seq.¹).

32 ¹"Lead service line" means a water supply connection that is
33 made of, or lined with a material consisting of, lead and connects a
34 water main to a building inlet. A lead pigtail, lead gooseneck, or
35 other lead fitting shall be considered a lead service line, regardless
36 of the service line material. A galvanized service line or a service
37 line of unknown material shall be considered a lead service line. A
38 lead service line may be owned by a public water system, a property
39 owner, or both.¹

40 "Partial service line replacement" means the replacement of
41 some, but not all, of the ¹lead service line, including any portion of
42 the¹ pipe ¹**[**, tubing, and fittings¹**]**¹ connecting a water main to an
43 individual water meter or service connection.

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly ATU committee amendments adopted June 2, 2021.

1 2. a. ¹(1)¹ A public water system that exceeds the lead action
2 level or the copper action level shall, upon request by a customer,
3 test the customer's drinking water for the presence of lead and
4 copper, ¹whichever level was exceeded, for the duration of the
5 action level exceedance,¹ using a laboratory certified for that
6 purpose by the department. ¹Within 60 days after the public water
7 system is deemed not to exceed the lead action level or the copper
8 action level, a public water system shall, upon request by a
9 customer, test the customer's drinking water for the presence of lead
10 and copper. If a test shows that the lead action level was exceeded,
11 the public water system shall, upon request by a customer, test the
12 customer's drinking water every 60 days for the presence of lead
13 until the public water system is deemed not to exceed the lead
14 action level or until two consecutive tests show that the lead action
15 level was not exceeded.

16 (2)¹ The results of ¹【the】 every¹ test ¹authorized pursuant to
17 this subsection¹ shall be provided to the customer.

18 ¹(3) When a landlord receives the results of test provided
19 pursuant to paragraph (2) of this subsection, the landlord shall:

20 (a) distribute, by any means including by electronic mail, the
21 notice of the results as soon as practicable, but no later than three
22 business days after receipt, to every tenant who has entered into a
23 lease agreement with the landlord and whose dwelling unit is served
24 by the public water system; and

25 (b) post the notice of the results, as soon as practicable, but no
26 later than three business days after receipt, in a prominent location
27 at the entrance of each rental premises that is owned by the landlord
28 and served by the public water system, except that this requirement
29 shall not apply in the case of single-family dwellings that do not
30 have a common area.

31 The requirements of this paragraph shall not apply to a landlord
32 when a tenant is a direct customer of the public water system and is
33 billed directly by the public water system.¹

34 b. A customer who requests a test pursuant to this section shall
35 not be charged a fee by the public water system for the test. A
36 public water system that is a “public utility,” as defined in
37 R.S.48:2-13, and that is regulated by the Board of Public Utilities
38 pursuant to Title 48 of the Revised Statutes, may petition the board
39 to include in the public water system’s rate base the reasonable
40 costs of testing it provides to customers pursuant to this section.

41 c. A public water system that exceeds the lead action level or
42 the copper action level shall include a notification on each
43 customer's water bill, which clearly states the availability of water
44 testing pursuant to this section. ¹If a landlord receives a notification
45 under this subsection, the landlord shall distribute and post the
46 notification and any relevant information to every tenant who has
47 entered into a lease agreement with the landlord and whose

1 dwelling unit is served by the public water system in the same
2 manner as provided in paragraph (2) of subsection a. of this
3 section.¹
4

5 3. a. A public water system that carries out a partial service
6 line replacement of a lead service line serving a customer shall,
7 upon receiving a request no later than six months after the
8 completion of the replacement, test the customer's drinking water
9 for the presence of lead, using a laboratory that has been certified
10 for that purpose by the department. The results of the test shall be
11 provided to the customer and to the public water system.

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

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

23 d. If a test carried out on a property pursuant to this section
24 reveals that the water exceeds the lead action level, the public water
25 system shall provide a written notice by mail of this fact to the chief
26 executive of the municipality in which the property is located and
27 all local health agencies in the municipality in which the property is
28 located.

29

30 4. This act shall take effect immediately.