P.L. 2021, CHAPTER 265, ***approved November 8, 2021***
Senate, No. 830 ***(First Reprint)***

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

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

1. As used in this act:

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

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

“Department” means the Department of Environmental Protection.

"Landlord" means the same as that term is defined in section 2 of P.L.1975, c.310 (C.46:8-44).**[1]**

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

[1]“Lead service line” means a water supply connection that is made of, or lined with a material consisting of, lead and connects a water main to a building inlet. A lead pigtail, lead gooseneck, or

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:
[1]Assembly floor amendments adopted June 24, 2021.

other lead fitting shall be considered a lead service line, regardless of the service line material. A galvanized service line or a service line of unknown material shall be considered a lead service line. A lead service line may be owned by a public water system, a property owner, or both.[1]

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

2. a. [1](1)[1] A public water system that exceeds the lead action level or the copper action level shall, upon request by a customer, test the customer's drinking water for the presence of lead and copper, [1]whichever level was exceeded, for the duration of the action level exceedance,[1] using a laboratory certified for that purpose by the department. [1]Within 60 days after the public water system is deemed not to exceed the lead action level or the copper action level, a public water system shall, upon request by a customer, test the customer's drinking water for the presence of lead and copper. If a test shows that the lead action level was exceeded, the public water system shall, upon request by a customer, test the customer's drinking water every 60 days for the presence of lead until the public water system is deemed not to exceed the lead action level or until two consecutive tests show that the lead action level was not exceeded.

(2)[1] The results of [1][the] every[1] test [1]authorized pursuant to this subsection[1] shall be provided to the customer.

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

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

(b) post the notice of the results, as soon as practicable, but no later than three business days after receipt, in a prominent location at the entrance of each rental premises that is owned by the landlord and served by the public water system, except that this requirement shall not apply in the case of single-family dwellings that do not have a common area.The requirements of this paragraph shall not apply to a landlord when a tenant is a direct customer of the public water system and is billed directly by the public water system.[1]

b. A customer who requests a test pursuant to this section shall not be charged a fee by the public water system for the test. A

public water system that is a "public utility," as defined in R.S.48:2-13, and that is regulated by the Board of Public Utilities pursuant to Title 48 of the Revised Statutes, may petition the board to include in the public water system's rate base the reasonable costs of testing it provides to customers pursuant to this section.

c. A public water system that exceeds the lead action level or the copper action level shall include a notification on each customer's water bill, which clearly states the availability of water testing pursuant to this section. [1]If a landlord receives a notification under this subsection, the landlord shall distribute and post the notification and any relevant information to every tenant who has entered into a lease agreement with the landlord and whose dwelling unit is served by the public water system in the same manner as provided in paragraph (2) of subsection a. of this section.[1]

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

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

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

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

4. This act shall take effect immediately.

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