SENATE, No. 650

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:
Senator LINDA R. GREENSTEIN
District 14 (Mercer and Middlesex)

SYNOPSIS

Requires public water systems to provide certain notice of boil water notices and violations of drinking water quality standards.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.

AN ACT concerning certain notifications by public water systems regarding boil water notices and violations of drinking water quality standards, 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. a. Whenever any public water system experiences an emergency or other condition that requires the issuance of a boil water notice, the owner or operator of the public water system shall provide notice that a boil water notice is in effect to:

(1) the mayor and municipal clerk of each municipality that receives water from the public water system; and

(2) the affected customers.

b. (1) The notice required to be given to a mayor and municipal clerk pursuant to paragraph (1) of subsection a. of this section shall be provided as soon as possible, but in no case later than one hour after the public water system learns of the emergency or other condition that required the issuance of a boil water notice.

(2) The notice required to be given to affected customers pursuant to paragraph (2) of subsection a. of this section shall be given as soon as possible, but in no case later than 24 hours after the public water system learns of the emergency or other condition that required the issuance of a boil water notice. Commencing on the 90th day after the effective date of this act, the owner or operator of the public water system shall notify its customers of a boil water notice via the preferred means of direct contact for each customer as provided pursuant to section 2 of this act.

(3) The notice required to be given pursuant to subsection a. of this section shall be issued in addition to any other notice required by State or federal law.

c. The notice required to be given pursuant to subsection a. of this section shall contain the following information:

(1) the name of the public water system affected;

(2) the geographical area affected;

(3) the date of the occurrence;

(4) the consumer corrective measures to be taken by consumers of the water from the public water system; and

(5) a telephone number where the mayor, the municipal clerk, and customers may reach an appropriate party to address questions or other concerns about the boil water notice or the situation necessitating issuance of the notice.

d. Upon rescission of the boil water notice, the owner or operator of the public water system shall provide notice of the rescission to (1) the mayor and municipal clerk of each municipality that receives water from the public water system, and (2) the affected customers.

e. The public water system shall also post notice of the boil water notice on any website and social media accounts that the public water system maintains for the public or its customers.

f. As used in this section, "boil water notice" means a Tier 1 Public Notice required pursuant to the United States Environmental Protection Agency's National Primary Drinking Water Regulations at Section 141, subpart Q of title 40, Code of Federal Regulations.

2. a. Within 60 days after the effective date of this act, the owner or operator each the public water system shall include in the water bills issued by the system for each customer a solicitation for the customer's preferred means of direct contact, from the options made available to each customer by the owner or operator. If the system issues its water bills less frequently than every two months, the solicitation shall be included in the bill next issued following the effective date of this act. It shall be the responsibility of the customer to notify the owner or operator of the public water system of a change in the preferred method of direct contact provided pursuant to this subsection.

b. If a customer does not return the solicitation provided for in subsection a. of this section or otherwise specify a preferred means of direct contact, and the public water system has a telephone number on file for the account, the owner or operator of the public water system shall attempt to notify the customer via telephone or other means of direct contact, at the discretion of the owner or operator.

c. A public water system shall have or acquire the capability to notify its customers by direct contact, which may include telephone, electronic mail, or text message.

3. a. In addition to any other notice required by State or federal law, the owner or operator of a public water system shall immediately notify, by telephone and electronic mail, the governing body and municipal clerk of a municipality and the chief administrator of every school district, charter school, and nonpublic school located within the municipality whenever the public water system violates any drinking water quality standard for drinking water supplied by the public water system within the municipality.

b. The notification required pursuant to this section shall provide:

(1) the name of any contaminant that exceeds a drinking water quality standard;

(2) the maximum contaminant level or the action level, as appropriate, for the contaminant;

(3) the dates when the tests were performed;

(4) the level of the contaminant found on each date;

(5) the location of each sample tested; and

(6) information on suggested remedies that a customer may take to address the violation.

4. This act shall take effect immediately.

STATEMENT

This bill would require a public water system to provide notice to the mayor and municipal clerk of each municipality that receives water from the public water system and the affected customers when a boil water notice is in effect. The notice required by this bill would be in addition to any other notice required by State or federal law.

Under the bill, the owner or operator of the public water system would be required to provide notice to the mayor and municipal clerk via telephone and electronic mail as soon as possible, but in no case later than one hour after the public water system learns of the emergency or other condition requiring a boil water notice to be issued. The notice to be given to affected customers is to be given as soon as possible, but no later than 24 hours after the public water system learns of the emergency or other condition requiring a boil water notice to be issued.

The bill requires this notice to contain: the name of the public water system affected; the geographical area affected; the date of the occurrence giving rise to the boil water notice; the consumer corrective measures to be taken by consumers of the water; and a telephone number where the mayor, the municipal clerk, and customers may reach an appropriate party to whom questions or other concerns about the boil water notice or the situation necessitating issuance of the notice may be addressed.

The bill also requires the owner or operator of the public water system to provide notice to the mayor and municipal clerk of each municipality that receives water from the public water system and the affected customers when the boil water notice has been rescinded.

The bill would require notice be provided to the mayor and municipal clerk of each municipality that receives water from the public water system, regardless of whether the boil water notice is in effect for the municipality. This bill will ensure that the mayor and municipal clerk are given prompt notice of the conditions of the public water system providing water to the municipality. The bill would also require a public water system to post notice of the boil water notice on any website and social media accounts that the public water system maintains for the public or its customers.

Beginning 90 days after the bill is enacted into law, a public water system would be required to notify its customers of a boil water notice via the preferred means of direct contact of each

customer of the public water system. A public water system would be required to acquire the capability to notify its customers by telephone, electronic mail, or text message.

Lastly, the bill would require the owner or operator of a public water system to immediately notify, by telephone and electronic mail, the governing body and municipal clerk of a municipality and the chief administrator of every school district, charter school, and nonpublic school located within the municipality whenever the public water system violates any drinking water quality standard for drinking water supplied by the public water system within the municipality. The notification is to contain the following information: the name of any contaminant that exceeds a drinking water quality standard; the maximum contaminant level or the action level, as appropriate, for the contaminant; the dates when the tests were performed; the level of the contaminant found on each date; the location of each sample tested; the location of each sample tested that exceeds a maximum contaminant level or action level; and information on suggested remedies that a customer may take to address the violation.