

[First Reprint]

**SENATE, No. 830**

**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

**Sponsored by:**

**Senator JOSEPH A. LAGANA**

**District 38 (Bergen and Passaic)**

**Senator LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

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**District 38 (Bergen and Passaic)**

**Assemblywoman LISA SWAIN**

**District 38 (Bergen and Passaic)**

**Assemblyman HERB CONAWAY, JR.**

**District 7 (Burlington)**

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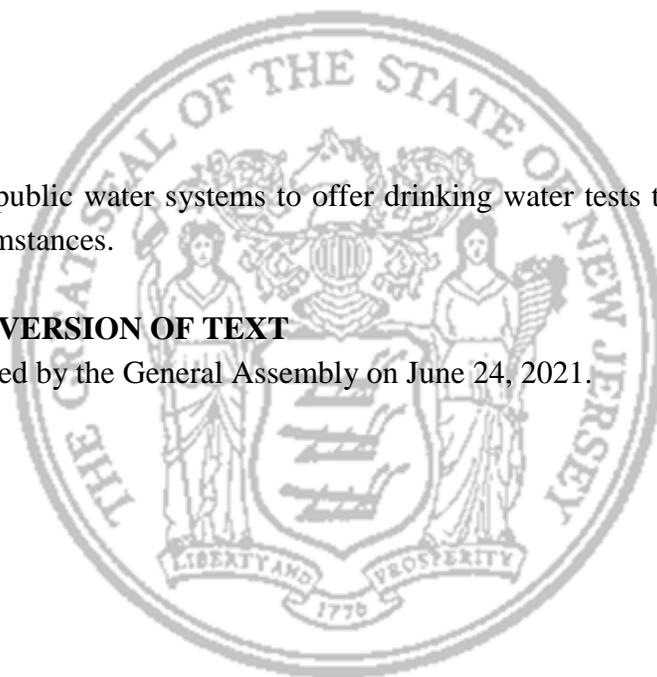
**Senator Pou, Assemblyman Johnson, Assemblywoman Vainieri Huttie,  
Assemblyman Karabinchak, Assemblywoman Mosquera, Assemblyman  
Calabrese and Assemblywoman Murphy**

**SYNOPSIS**

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

**CURRENT VERSION OF TEXT**

As amended by the General Assembly on June 24, 2021.



(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 <sup>1</sup>**[al.]** seq.<sup>1</sup>).

13 <sup>1</sup>"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.

26 "Landlord" means the same as that term is defined in section 2  
27 of P.L.1975, c.310 (C.46:8-44).<sup>1</sup>

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

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

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:

<sup>1</sup>Assembly floor amendments adopted June 24, 2021.

1 "Partial service line replacement" means the replacement of  
2 some, but not all, of the 'lead service line, including any portion of  
3 the' pipe '[, tubing, and fittings]' connecting a water main to an  
4 individual water meter or service connection.  
5

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

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

23 '(3) When a landlord receives the results of test provided  
24 pursuant to paragraph (2) of this subsection, the landlord shall:

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

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

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

1 c. A public water system that exceeds the lead action level or  
2 the copper action level shall include a notification on each  
3 customer's water bill, which clearly states the availability of water  
4 testing pursuant to this section. <sup>1</sup>If a landlord receives a notification  
5 under this subsection, the landlord shall distribute and post the  
6 notification and any relevant information to every tenant who has  
7 entered into a lease agreement with the landlord and whose  
8 dwelling unit is served by the public water system in the same  
9 manner as provided in paragraph (2) of subsection a. of this  
10 section.<sup>1</sup>  
11

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

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

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

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

36  
37 4. This act shall take effect immediately.