SENATE, No. 1529

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 13, 2020

Sponsored by:
Senator SHIRLEY K. TURNER
District 15 (Hunterdon and Mercer)

SYNOPSIS

Requires boil water notices to be provided by certain public water systems via direct contact.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning boil water notices 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 shall provide notice to its affected customers that a boil water notice is in effect. The owner or operator of the public water system shall notify its affected customers of the boil water notice as soon as possible, but in no case later than 24 hours after the public water system learns of the emergency or other condition.

b. (1) Commencing on the 90th day after the effective date of P.L. , c. (C.) (pending before the Legislature as this bill), the owner or operator of the public water system shall notify its customers of a boil water notice via a direct means of contact determined by the Board of Public Utilities to reach the largest number of affected customers, in addition to any other notice required by State or federal law. If a customer does not return the solicitation provided for in paragraph (2) of this subsection or otherwise specify a direct means of 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 of a boil water notice via telephone or other means of direct contact, at the discretion of the owner or operator. The public water system shall also post notice of the boil water notice on any website that the public water system maintains for the public or its customers.

(2) Within 60 days after the effective date of P.L. , c. (C.) (pending before the Legislature as this bill), the owner or operator of the public water system shall include in the water bills issued by the system for each customer a solicitation for the direct means of contact chosen by the board pursuant to paragraph (3) of this subsection. 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 P.L. , c. (C.) (pending before the Legislature as this bill). It shall be the responsibility of the customer to notify the owner or operator of the public water system of a change in the direct means of contact provided pursuant to this paragraph. A public water system shall have or acquire the capability to notify its customers of a boil water notice by direct means of contact.

(3) Within 30 days after the effective date of P.L. , c. (C.) (pending before the Legislature as this bill), the board shall issue an order designating which direct means of contact reaches the largest number of affected customers.

c. The notice provided pursuant to this section shall 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, and a telephone number where 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. The owner or operator of the public water system shall be responsible for rescission of the boil water notice. Notice of the rescission of a boil water notice shall be provided in the manner prescribed for notice in paragraph (1) of subsection b. of this section.

e. As used in this section:

"Board" means the Board of Public Utilities.

"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.

"Public transient noncommunity water system" means a public water system that is not a public community water system or a public nontransient noncommunity water system and that serves at least 25 transient individuals for at least 60 days in any given calendar year.

"Public water system" means the same as the term is defined in section 3 of P.L.1977, c.224 (C.58:12A-3), except that it shall not include a public transient noncommunity water system.

2. This act shall take effect immediately.

STATEMENT

This bill would require public water systems to provide prompt public notice when a boil water notice is in effect. Under the bill, the owner or operator of a public water system would be required to notify its affected customers of a boil water notice as soon as possible, but no later than 24 hours after the public water system learns of the emergency or other condition.

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 a direct means of contact determined by the Board of Public Utilities (BPU) to reach the largest number of affected customers. The bill also requires each public water system to acquire the capability to notify its customers of a boil water notice via direct contact. The bill further requires that a boil water notice contain the following information: 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 corrective actions to be taken by consumers of the water; and a telephone number where customers may reach an appropriate party to address questions or other concerns. The bill also requires the owner or operator of the public water system to notify its customers of the rescission of a boil water notice in the same manner that the notice was issued.

Lastly, the bill provides that within 30 days after its effective date, the BPU is required to issue an order designating which direct means of contact reaches the largest number of customers.