

58:12A-12

LEGISLATIVE HISTORY CHECKLIST
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(Water--private sellers--require periodic testing for hazardous contaminants)

NJSA: 58:12A-12 et al; 40A:4-45.22, 54:30A-50

LAWS OF: 1983 **CHAPTER:** 443

BILL NO: A280

SPONSOR(S): Lesniak and Bennett

DATE INTRODUCED: Pre-filed

COMMITTEE: **ASSEMBLY:** Agriculture and Environment
SENATE: Revenue, Finance and Appropriations;
Energy & Environment

AMENDED DURING PASSAGE: Yes Assembly Committee substitute (OCR)

DATE OF PASSAGE: **ASSEMBLY:** July 8, 1983
SENATE: November 28, 1983

DATE OF APPROVAL: January 9, 1984

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes
SENATE: Yes 1-20-83 & 2-9-83

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: Yes

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

See newspaper clippings--attached:

"Kean signs law to ensure purity of water," 1-10-84, Bergen Record.

"Governor approves mandatory toxin testing...", 1-10-84, Star Ledger.

KBG:pp

443 83
1-9-84

[OFFICIAL COPY REPRINT]
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 280

STATE OF NEW JERSEY

ADOPTED JULY 1, 1982

AN ACT ***[to amend and supplement the "Safe Drinking Water Act," approved September 17, 1977 (P. L. 1977, c. 224, C. 58:12A-1 et seq.)]*** **concerning the periodic testing of public water supplies, establishing penalties for noncompliance, amending P. L. 1940, c. 5 and amending and supplementing P. L. 1977, c. 224 (C. 58:12A-1 et seq.),** and making an appropriation.

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

1 1. (New section) The owner or operator of each public **com-*
2 *munity** water system shall undertake the periodic testing of the
3 water provided to customers by the system in order to determine
4 the presence of hazardous contaminants, as identified pursuant to
5 section 2 of this amendatory and supplementary act. **A schedule*
6 *for the periodic testing shall be established by the commissioner*
7 *within six months of the effective date of this amendatory and*
8 *supplementary act and pursuant to the "Administrative Procedure*
9 *Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.).** The tests shall be
10 conducted during periods of ***[peak]** **representative** demand
11 by a laboratory certified by the department. The initial tests for
12 the substances identified in subsection a. of section 2 of this
13 amendatory and supplementary act shall be administered within
14 ***[six]** **12** months of the effective date of this amendatory and
15 supplementary act and ***[semiannually]** ***semiannually*** there-
16 after **pursuant to the schedule established by the commissioner**,
17 unless the commissioner shall determine, on a case-by-case basis,
18 that greater **or lesser** frequency of testing is necessary or suffi-
19 cient to ensure the public health and safety. The tests for the sub-
20 stances for which maximum contaminant levels will be established

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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:
*—Senate committee amendments adopted January 20, 1983.
**—Senate amendments adopted March 7, 1983.

21 pursuant to subsection b. of section 2 of this amendatory and sup-
 22 plementary act shall be conducted within one year of the effective
 23 date of this act and annually thereafter, unless the commissioner
 24 shall determine, on a case-by-case basis, that greater **or lesser**
 25 frequency of testing is necessary to ensure the public health and
 26 safety.

1 2. (New section) a. The commissioner, after considering the rec-
 2 ommendations of the Drinking Water Quality Institute created pur-
 3 suant to section 10 of this amendatory and supplementary act, shall,
 4 within 18 months of the effective date of this amendatory and sup-
 5 plementary act and pursuant to the "Administrative Procedure
 6 Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), adopt rules and regula-
 7 tions which establish a maximum contaminant level for each of the
 8 following organic compounds;

9 Trichloroethylene
 10 Tetrachlorethylene
 11 Carbon Tetrachloride
 12 1,1,1, Trichloroethane
 13 1,2 Dichloroethane
 14 Vinyl Chloride
 15 Methylene Chloride
 16 Benzene
 17 Chlorobenzene
 18 Dichlorobenzene (s)
 19 Trichlorobenzene (s)
 20 1,1—dichloroethylene
 21 ***[cris]*** **cis**—1,2-dichloroethylene
 22 ***[tans]*** **trans**—1,2-dichloroethylene
 23 polychlorinated biphenyls (PCBs)
 23A **xylenes**
 23B *ethylene glycol*
 23C *chlordane*
 23D *kerosene*
 23E *formaldehyde*
 23F *n-hexane*
 23G *methyl ethyl ketone**

24 b. The commissioner, after considering the recommendations of
 25 the Drinking Water Quality Institute, shall, within two years of the
 26 effective date of this amendatory and supplementary act and pur-
 27 suant to the "Administrative Procedure Act," P. L. 1968, c. 410 (C.
 28 52:14B1 et seq.), adopt rules and regulations which develop, within
 29 the limits of medical, scientific, and technological feasibility, a list
 30 of those pesticides and related compounds, metals, and base/neutral

31 extractable organic compounds and acid extractable organic com-
 32 pounds **which he believes may be found in drinking water and** the
 33 presence of which above maximum contaminants levels in drinking
 33A water, upon ingestion or assimilation, ***[will]*** **may**, on the basis
 34 of the best information available to the commissioner, cause death,
 35 disease, behavioral abnormalities, cancer, genetic mutations, physi-
 36 ological malfunction (including malfunctions in reproduction), or
 37 physical deformity; and establish, within the limits of medical
 38 scientific and technological feasibility, maximum contaminant levels
 39 for each chemical or chemical compound on the list which, with re-
 40 spect to carcinogens, permit cancer in no more than one in one
 41 million persons ingesting that chemical for a lifetime, and, with re-
 42 spect to other chemicals or chemical compounds on the list **and*
 43 *those carcinogens resulting from compounds with public health*
 44 *benefits**, eliminate within the limits of practicability and feasibility
 45 all adverse physiological effects which may result from ingestion;
 46 provided, however, that in no case shall the standard adopted by
 47 the commissioner for any chemical or chemical compound on the
 48 list, be less stringent than that established for the same chemical or
 49 chemical compound by the United States Environmental Protection
 50 Agency pursuant to the "Safe Drinking Water Act," Pub. L. 93-523
 50A (42 U. S. C. §§ 300f et seq.), or any other federal agency.

51 No maximum contaminant level need be established for any sub-
 52 stance identified pursuant to subsection a. or b. of this section until
 53 the presence of the substance in drinking water is established by any
 54 test required by this act.

1 3. (New section) ***[E]**Every certified laboratory conducting a pota-
 2 bility test required by this amendatory and supplementary act, and
 3 the**]** **The** water purveyor whose water was submitted for
 4 ***[the]*** **a potability** test **required by this amendatory and*
 5 *supplementary act**, shall forward to the department a copy of all
 6 test results. **The certified laboratory conducting the potability test*
 7 *may, upon written approval by the department, submit the test*
 8 *results on behalf of the water purveyor.** The department is
 9 authorized to conduct spot checks to assure compliance with this
 10 amendatory and supplementary act and the accuracy and integrity
 11 of the reported results.

1 4. (New section) a. The owner or operator of each public **com-*
 2 *munity** water system which has been determined to contain a
 3 chemical or chemical compound identified pursuant to section 2 of
 4 this amendatory and supplementary act at a level exceeding the
 5 maximum contaminant level shall, within a year **after receipt** of
 6 the test result, take any action required to bring the water into
 7 ***[full]*** compliance with the standard; provided, however, that the

8 commissioner may require compliance as promptly as necessary to
 9 abate an immediate public health threat, or extend the period of
 10 compliance if new construction is required therefor; provided,
 11 further however, that the extension shall be granted only upon a
 12 determination by the commissioner, after a public hearing, that
 12A the extension will not pose an imminent threat to public health.

13 b. In the event that the owner or operator of a public water sys-
 14 tem fails to bring the water supplied to consumers into compliance
 15 pursuant to subsection a. of this section, the commissioner ***[shall]***
 16 **may** enjoin the water purveyor from continuing to supply water
 17 to the public, and establish, in conjunction with the local board of
 18 health or county health department, or other appropriate agency a
 19 program to bring the water supply into compliance or provide an
 20 alternate potable water supply for the customers of the system.

1 5. (New section) ***[a.]*** Local health departments, in cooperation
 2 with the department, shall develop **voluntary** procedures **for the*
 3 *testing of water** for homeowners whose principal source of potable
 4 water is a well **to be paid by the homeowner**, or who are served by
 5 a **nonpublic** water system ***[with fewer than 15 service connec-**
 5A **tions or fewer than 25 customers, to have their water tested semi-**
 5B **annually]*** **or a public water system which is not a public com-*
 5C *munity water system to be paid for by the owner or operator*
 5D *thereof*.*

6 ***[b. Every owner or operator of a nonpublic water system shall,**
 7 **at least annually, notify the customers of that system that the water**
 8 **supplied is not tested for contamination by hazardous pollutants**
 9 **which may have adverse health effects, and informing them of the**
 10 **availability of the program established by the department or their**
 11 **local unit of government to provide this testing.]***

1 6. (New section) ***[The]*** **Within 90 days of the effective date*
 2 *of this amendatory and supplementary act, the** Board of Public
 3 Utilities shall issue appropriate orders increasing current tariffs
 4 established pursuant to law for the supplying of water service by
 5 an amount equal to the total increase in the relevant water supply
 6 service costs resulting from the testing of water required by the
 7 provisions of this amendatory and supplementary act and the tax
 8 levied pursuant to section 11 of this amendatory and supplementary
 9 act. In issuing this order, the board shall not be bound to find a
 10 rate base under the provisions of section 31 of P. L. 1962, c. 198
 11 (C. 48:2-21.2).

1 7. (New section) Any additional expenditures for the testing of
 2 water supplies pursuant to P. L., c. . . . (C.) (now
 3 pending before the Legislature as Assembly Committee Substitute

4 for Assembly Bill 280, of 1982) made by any county or municipality
 5 shall, for the purpose of P. L. 1976, c. 68 (C. 40A:4-45.1 et seq.),
 6 be considered an expenditure mandated by State law.

1 8. (New section) When the department orders a municipality,
 2 county, or agency thereof which operates a public water supply
 3 system to install treatment techniques **or other apparatus or*
 4 *equipment** for the purpose of achieving a maximum contaminant
 5 level established by the department, the Division of Local Govern-
 6 ment Services in the Department of Community Affairs shall, when
 7 reviewing the annual budget of the municipality, county or agency
 8 thereof, certify that an amount sufficient to cover the cost of the
 9 treatment technique specified in the order issued to the municipality,
 10 county, or agency thereof is included in the annual budget.

1 9. (New section) The commissioner shall make an annual report
 2 to the Legislature and the Governor and to the Chairmen of the
 3 Senate Energy and Environment Committee and General Assembly
 4 Agriculture and Environment Committee, or their successors, which
 5 shall summarize and analyze the results and effects of the testing
 6 program mandated by this amendatory and supplementary act,
 7 and make any recommendations concerning the "Safe Drinking
 8 Water Act" deemed appropriate. This report shall be due on
 9 October 1, 1984 and annually thereafter.

1 10. (New section) a. There is established in the department the
 2 Drinking Water Quality Institute. The institute shall comprise
 3 ***[13]*** **15** members as follows: The Commissioner of Environ-
 4 mental Protection, the Commissioner of Health, and the Chairman
 5 of the Water Supply Advisory Council **the Director of the Divi-*
 6 *sion of Water Resources in the department, the Director of the*
 7 ****[Division of Cancer and Toxic Substances]**** ***Office of Science*
 8 *and*** *Research in the department and the Director of the Office*
 9 *of Occupational and Environmental Health in the Department of*
 10 *Health,** all of whom shall serve ex officio; and ***[ten]*** **nine**
 11 appointed members, ***[one]*** **three** of whom shall represent the
 12 ***[major]*** water purveyors ***[to be appointed by the Governor,**
 13 **and]*** **at least one of which has as its primary water source an*
 14 *underground source,** three of whom shall represent the **academic**
 15 scientific community, ***[three of whom shall represent the academic**
 16 **community]***, and three of whom *, having backgrounds in environ-*
 17 *mental health issues** shall represent the ***[medical profession]***
 18 **public*, *with** one of each **group of three set forth hereinbefore**
 19 to be appointed by the Governor, the President of the Senate and
 20 the Speaker of the General Assembly. Of the members first ap-
 20A pointed, ***[four]*** **three** shall serve for terms of three years,

20B three for terms of two years and three for terms of one year. There-
 20C after, all terms shall be for three years. Each member shall serve
 20D for the term of his appointment and until his successors shall have
 20E been appointed and qualified. Any vacancy shall be filled in the
 20F same manner as the original appointment for the unexpired term
 20G only. Any member of the institute may be removed by the appoint-
 20H ing authority, for cause, after public hearing.

21 b. Members of the institute shall serve without compensation,
 22 but the institute may, within the limits of funds appropriated or
 23 otherwise made available to it for such purposes, reimburse its
 24 members for necessary expenses incurred in the discharge of
 25 their official duties.

26 c. The institute shall meet at such times and places as may be
 27 determined by its chairman, who shall be designated by the Gover-
 28 nor. A majority of the membership of the institute shall constitute a
 29 quorum for the transaction of business. Action may be taken and
 30 motions and resolutions adopted by the institute at any meeting
 31 by the affirmative vote of a majority of the full membership of
 32 the institute.

33 d. The institute shall make recommendations for the implementa-
 34 tion of the Drinking Water Quality Program by the department.
 35 These recommendations shall consist of:

36 (1) The development of a list of contaminants for which testing
 37 shall be required;

38 (2) The development of maximum contaminant levels;

39 **(3) The development of appropriate testing techniques to*
 40 *measure maximum contaminant levels;*

41 *(4) The development of testing frequencies;**

42 **[(3)]* (5)** The review of all activities undertaken pursuant to
 43 the "Safe Drinking Water Act" and any amendments or supple-
 44 ments thereto.

45 **e. The Drinking Water Quality Institute shall have the au-*
 46 *thority to call to its assistance and avail itself of the services of the*
 47 *employees of any State, county or municipal department, board,*
 48 *commission or agency that may be required and made available*
 49 *for such purposes.**

1 11. (New section) a. There is levied upon the owner or operator
 2 of every public **community** water system a water tax of
 3 **[\$0.0025]* *\$0.01** per 1,000 gallons of water delivered to a con-
 4 sumer **not including water purchased for resale** on or after
 4A **[January 1, 1983]* *first day of the first full fiscal quarter follow-*
 4B *ing enactment of this amendatory and supplementary act, and*
 4C *quarterly thereafter*.*

5 b. (1) The owner or operator of every public **community** water
6 system shall, on or before the 20th day of the month following the
7 close of each tax period, render a return under oath to the Director
8 of the Division of Taxation on such form as may be prescribed by
9 the director indicating the number of gallons of water delivered to a
10 consumer and at said time owner or operator shall pay the full
11 amount of tax due.

12 (2) The owner or operator of every public **community** water
13 system shall, within 20 days register with the director on forms
14 prescribed by him.

15 c. If a return required by this amendatory and supplementary
16 act is not filed, or if a return when filed is incorrect or insufficient
17 in the opinion of the director, the amount of tax due shall be deter-
18 mined by the director from such information as may be available.
19 Notice of such determination shall be given to the taxpayer liable
20 for the payment of the tax. Such determination shall finally and
21 irrevocably fix the tax unless the person against whom it is assessed,
22 within 30 days after receiving notice of such determination, shall
23 apply to the director for a hearing, or unless the director on his
24 own motion shall redetermine the same. After such hearing the
25 director shall give notice of his determination to the person to whom
26 the tax is assessed.

27 d. Any taxpayer who shall fail to file his return when due or
28 to pay any tax when the same becomes due, as herein provided, shall
29 be subject to such penalties and interest as provided in the "State
30 tax uniform procedure law," subtitle 9 of Title 54 of the Revised
31 Statutes. If the Division of Taxation determines that the failure
32 to comply with any provision of this section was excusable under
33 the circumstances, it may remit such part or all of the penalty as
34 shall be appropriate under such circumstances.

35 e. (1) Any person failing to file a return, failing to pay the tax,
36 or filing or causing to be filed, or making or causing to be made,
37 or giving or causing to be given any return, certificate, affidavit,
38 representation, information, testimony or statement required or
39 authorized by this amendatory and supplementary act, or rules or
40 regulations adopted hereunder which is willfully false, or failing
41 to keep any records required by this amendatory and supplementary
42 act or rules and regulations adopted hereunder, shall, in addition
43 to any other penalties herein or elsewhere prescribed, be guilty
44 of a crime of the fourth degree.

45 (2) The certificate of the director to the effect that a tax has
46 not been paid, that a return has not been filed, that information
47 has not been supplied or that inaccurate information has been sup-

48 plied pursuant to the provisions of this amendatory and supple-
 49 mentary act or rules or regulations adopted hereunder shall be
 50 presumptive evidence thereof.

51 f. In addition to the other powers granted to the director in
 52 this section, he is authorized:

53 (1) To delegate to any officer or employee of his division such of
 54 his powers and duties as he may deem necessary to carry out effi-
 55 ciently the provisions of this section, and the person to whom such
 56 power has been delegated shall possess and may exercise all of
 57 said powers and perform all of the duties delegated by the director;

58 (2) To prescribe and distribute all necessary forms for the im-
 59 plementation of this section.

60 g. The tax imposed by this section shall be governed in all re-
 61 spects by the provisions of the "State tax uniform procedure law,"
 62 subtitle 9 of Title 54 of the Revised Statutes, except only to the
 63 extent that a specific provision of this section may be in conflict
 64 therewith.

65 h. The "Safe Drinking Water Fund" (hereinafter referred to as
 66 the "fund") is established as a nonlapsing, revolving fund. The
 67 fund shall be administered by the department, and shall be credited
 68 with all tax revenue collected by the division pursuant to this sec-
 69 tion. Interest received on moneys in the fund shall be credited to
 70 the fund. Moneys in the fund shall be appropriated to the depart-
 71 ment for all costs associated with the department's administration
 72 of ***[this amendatory and supplementary act]*** *all aspects of the*
 73 *programs set forth in the "Safe Drinking Water Act," P. L. 1977,*
 74 *c. 224 (C. 58:12A-1 et seq.) in the annual budget request of the*
 75 *department*.*

1 12. Section 2 of P. L. 1977, c. 224 (C. 58:12A-2) is amended to
 2 read as follows:

3 2. The Legislature finds and declares that it is a paramount
 4 policy of the State to protect the purity of the water we drink and
 5 that the Department of Environmental Protection shall be em-
 6 powered to promulgate and enforce regulations to purify drinking
 7 water by filtration or such other treatment method as it may
 8 require, prior to the distribution of said drinking water to the
 9 public; that the maintenance of high-quality potable water is
 10 essential in order to safeguard the health and welfare of the people
 11 of the State; that the Federal Safe Drinking Water Act provides
 12 a comprehensive framework, *at a minimum, for establishing stand-*
 13 *ards, providing technical assistance, and* for regulating the collec-
 14 tion, treatment, *monitoring,* storage, and distribution of potable
 15 water, and for consolidating and improving existing State law

16 regarding potable water; and that it is in the best interests of the
 17 people of the State for the State, through its Department of En-
 18 vironmental Protection, to assume primary enforcement responsi-
 19 bility under the Federal Safe Drinking Water Act.

1 *13. Section 3 of P. L. 1977, c. 224 (C. 58:12A-3) is amended to
 2 read as follows:

3 3. As used in this act, unless the context clearly requires a differ-
 4 ent meaning, the following words and terms shall have the follow-
 5 ing meanings:

6 a. "Administrator" means the Administrator of the United
 7 States Environmental Protection Agency or his authorized repre-
 8 sentative;

9 b. "Contaminant" means any physical, chemical, biological or
 10 radiological substance or matter in water;

11 c. "Commissioner" means the Commissioner of Environmental
 12 Protection or his designated representative;

13 d. "County" means any county or any agency or instrumentality
 14 of one or more thereof;

15 e. "Department" means the Department of Environmental
 16 Protection;

17 f. "Federal act" means the Safe Drinking Water Act, P. L.
 18 93-523, 42 U. S. C. § 300 et al.;

19 g. "Federal agency" means any department, agency, or instru-
 20 mentality of the United States;

21 h. "Municipality" means any city, town, township, borough or
 22 village or any agency or instrumentality of one or more thereof;

23 i. "National primary drinking water regulations" means primary
 24 drinking water regulations promulgated by the administrator pur-
 25 suant to the federal act;

26 j. "Person" means any individual, corporation, company, firm,
 27 association, partnership, municipality, county, State agency or
 28 federal agency;

29 k. "Primary drinking water regulation" means a regulation
 30 which:

31 (1) Applies at a minimum to public water systems;

32 (2) Specifies contaminants which, in the judgment of the com-
 33 missioner, may have any adverse effect on the health of persons;

34 (3) Specifies for each such contaminant either (a) a maximum
 35 contaminant level if, in the judgment of the commissioner, it is
 36 economically and technologically feasible to ascertain the level of
 37 such contaminant in water in public water systems, or (b) if, in
 38 the judgment of the commissioner, it is not economically or tech-
 39 nologically feasible to ascertain the level of such contaminant, each

40 treatment technique known to the commissioner which leads to a
41 reduction in the level of such contaminant sufficient to satisfy the
42 requirements of section 4 of this act;

43 (4) Contains criteria and procedures to assure a supply of
44 drinking water which dependably complies with such maximum
45 contaminant levels, including quality control, sampling frequencies,
46 and testing procedures to insure compliance with such levels and to
47 insure proper operation and maintenance of the system, and re-
48 quirements as to: (a) the minimum quality of water which may be
49 taken into the system, and (b) siting for new facilities for public
50 water systems;

51 l. "Public water system" means a system for the provision to the
52 public of piped water for human consumption, if such system has
53 at least 15 service connections or regularly serves at least 25 in-
54 dividuals. Such term includes: (1) any collection, treatment,
55 storage and distribution facilities under control of the operator of
56 such system and used primarily in connection with such system,
57 and (2) any collection or pre-treatment storage facilities not under
58 such control which are used primarily in connection with such
59 system; "*Public community water system*" means a public water
60 system which serves at least 15 service connections used by year-
61 round residents or regularly serves at least 25 year-round residents;

62 m. "State agency" means any department, agency or instrumen-
63 tality of this State or of this State and any other state or states;

64 n. "Supplier of water" means any person who owns or operates
65 a public water system;

66 o. "Maximum contaminant level" means the maximum per-
67 missible level of a contaminant in water which is delivered to the
68 free-flowing outlet of the ultimate user of a public water system or
69 other water system to which State primary drinking water regula-
70 tions apply, except in the case of turbidity where the maximum
71 permissible level is measured at the point of entry to the distribu-
72 tion system. Contaminants added to the water under circumstances
73 controlled by the user, except those resulting from corrosion of
74 piping and plumbing caused by water quality, are excluded from
75 this definition;

76 p. "Nonpublic water system" means a water system that is not
77 a public water system;

78 q. "Sanitary survey" means an on-site review of the water
79 source, facilities, equipment, operation and maintenance of a public
80 or nonpublic water system for the purpose of evaluating the
81 adequacy of the source, facilities, equipment, operation and mainte-
82 nance for producing and distributing safe drinking water with
83 adequate pressure and volume;

84 r. "Secondary drinking water regulation" means a regulation
 85 applying to one or more water systems, and which specifies the
 86 maximum contaminant levels that are required to protect the public
 87 welfare; such regulations may apply to any contaminant in drink-
 88 ing water (1) which may adversely affect the taste, odor, or appear-
 89 ance of such water and consequently may cause a substantial
 90 number of persons served by such water systems to discontinue
 91 their use, or (2) which may otherwise adversely affect the public
 92 welfare;

93 s. "Water system" means a system for providing potable water
 94 to any person.*

1 ***[13.]*** *14.* Section 4 of P. L. 1977, c. 224 (C. 58:12A-4) is
 2 amended to read as follows:

3 4. a. The commissioner shall prepare, promulgate and enforce
 4 and may amend or repeal (1) State primary drinking water
 5 regulations that at any given time shall be no less stringent than
 6 *national* regulations in effect at that time; (2) State secondary
 7 drinking water regulations; and (3) other regulations to protect
 8 potable waters, regulate public and nonpublic water systems, and
 9 carry out the intent of this act in any one or more areas of the
 10 State requiring a particular safe drinking water program.

11 b. Subject to section 5 of this act, State primary drinking water
 12 regulations shall apply to each public water system in the State,
 13 except that such regulations shall not apply to a public water
 14 system:

15 (1) Which consists only of distribution and storage facilities
 16 and which does not have any collection and treatment facilities;

17 (2) Which obtains all of its water from, but is not owned or
 18 operated by, a public water system to which such regulations apply;

19 (3) Which does not sell water to any person; and

20 (4) Which does not provide water for potable purposes to any
 21 carrier which conveys passengers in interstate commerce.

22 c. The commissioner shall adopt and implement adequate pro-
 23 cedures, promulgate appropriate rules and regulations, and issue
 24 such orders as are necessary for the enforcement of State primary
 25 drinking water regulations and for the provision of potable water
 26 of adequate volume and pressure; such regulations and procedures
 27 to include but not be limited to:

28 (1) Monitoring and inspection procedures;

29 (2) Maintenance of an inventory of public water systems in the
 30 State;

31 (3) A systematic program for conducting sanitary surveys of
 32 public water systems throughout the State or in a part thereof

33 whenever the commissioner determines that such surveys are
34 necessary or advisable;

35 (4) The establishment and maintenance of a program for the
36 certification of laboratories conducting analytical measurements of
37 drinking water contaminants specified in the State primary and
38 secondary drinking water regulations; and the assurance of the
39 availability to the department of laboratory facilities certified by
40 the administrator and capable of performing analytic measure-
41 ments of all contaminants specified in the State primary and secon-
42 dary drinking water regulations;

43-44 (5) The establishment and maintenance of **[a program]** *pro-*
45 *grams* concerning plans and specifications for the design, **[and]**
46 *construction and operation* of **[new or substantially modified**
47 **public]** water systems, which **[program]** *programs* (a) **[requires]**
48 *require* all such plans and specifications**[, or either,]** to be first
49 approved by the department before any work thereunder shall be
50 commenced; **[and]** (b) assures that all *water systems* **[such proj-**
51 **ects, upon completion,]** will comply with any rules and regulations
52 of the department **[concerning their construction]**; *and (c) assures*
53 *and certifies* **[will be capable of]** compliance with the State pri-
54 mary drinking water regulations or such requirements of the
55 State secondary drinking water regulations as the commissioner
56 deems applicable, and will deliver water with sufficient *quality,*
56A *volume and pressure* to the users of such systems.

57 d. The commissioner shall keep such records and make such
58 reports with respect to his activities under subsections a. and c. of
59 this section as may be required by regulations established by the
60 administrator pursuant to the federal act;

61 e. The commissioner may require any public water system to
62 install, use, and maintain such monitoring equipment and methods,
63 to perform such sampling, to maintain and retain such records of
64 information from monitoring and sampling activities, to submit
65 such reports of monitoring and sampling results, and to provide
66 such other information as he may require to assist in the establish-
67 ment of regulations under this act, or to determine compliance or
68 noncompliance with this act or with regulations promulgated pur-
69 suant to this act;

70 f. The commissioner shall have the right to enter any premise
71 upon presentation of appropriate credentials during regular
72 business hours, in order to test, inspect or sample any feature of
73 a public water system and in order to inspect, copy or photograph
74 any monitoring equipment or records required to be kept under
75 provisions of this act.

76 g. The department shall further transmit copies of all rules and
 77 regulations proposed pursuant to this act to the Senate and
 78 General Assembly on a day on which both Houses shall be meeting
 79 in the course of a regular or special session. The provisions of the
 80 aforesaid "Administrative Procedure Act" or any other law to the
 81 contrary notwithstanding, no such rule or regulation shall take
 82 effect if, within 60 days of the date of its transmittal to the Senate
 83 and General Assembly, the Legislature shall pass a concurrent
 84 resolution stating in substance that the Legislature does not favor
 85 such proposed rule or regulation.

1 ***[14.]*** *15.* Section 6 of P. L. 1977, c. 224 (C. 58:12A-6) is
 2 amended to read as follows:

3 6. The commissioner, upon receipt of information that a contami-
 4 nant which is present in or is likely to enter a **[public]** water
 5 system may present an imminent and substantial endangerment to
 6 the health of persons, may take such actions as he may deem
 7 necessary in order to protect the health of such persons. Such
 8 actions may include, but shall not be limited to: a. issuing such
 9 orders as may be necessary to protect the health of persons who
 10 are or may be users of such system, including travelers; and, b.
 11 commencing a civil action for appropriate relief, including a
 12 restraining order or permanent or temporary injunction.

1 ***[15.]*** *16.* Section 9 of P. L. 1977, c. 224 (C. 58:12A-9) is
 2 amended to read as follows:

3 9. The commissioner is authorized **[and empowered]** in order to
 4 carry out the provisions and purposes of this act, to:

5 a. Perform any and all acts necessary to carry out the purposes
 6 and requirements of this act relating to the adoption and enforce-
 7 ment of any regulations authorized pursuant to this act;

8 b. Administer and enforce the provisions of this act and all rules,
 9 regulations, and orders promulgated, issued, or effective here-
 10 under;

11 c. Enter into agreements, contracts, or cooperative arrange-
 12 ments, under such terms and conditions as he deems appropriate
 13 ***[with]*** *the Department of Health and any* other state
 13A ***[agencies]*** *agency*, federal agencies, municipalities, counties,
 14 educational institutions, municipal or county health departments,
 15 or other organizations or individuals;

16 d. Receive financial and technical assistance from the federal
 17 government and other public or private agencies;

18 e. Participate in related programs of the federal government,
 19 other states, interstate agencies, or other public or private
 20 agencies or organizations;

- 21 f. Establish adequate fiscal controls and accounting procedures
22 to assure proper disbursement of and accounting for funds appro-
23 priated or otherwise provided for the purpose of carrying out the
24 provisions of this act;
- 25 g. Delegate those responsibilities and duties as deemed appro-
26 priate for the purpose of administering the requirements of this
27 act;
- 28 h. Establish and collect fees, in accordance with a fee schedule
29 adopted as a rule or regulation, for conducting inspections and
30 laboratory analyses and certifications as may be necessary;
- 31 i. Prescribe such regulations and issue such orders as are
32 necessary or appropriate to carry out his functions under this
33 act;
- 34 *j. Conduct research, investigations, experiments, demonstrations,*
35 *surveys, and studies relating to the causes, effects, extent, pre-*
36 *vention, and control of contaminants in drinking water.*
- 37 *k. Provide for the education of the public as to the causes, effects,*
38 *extent, prevention, and control of contaminants in drinking water.*
- 39 *l. Collect and make available, through publications, a data man-*
40 *agement system and other appropriate means, the results of and*
41 *other information, including appropriate recommendations by the*
42 *institute in connection therewith, pertaining to such research and*
43 *other activities;*
- 44 *m. Cooperate with and contract with other public and private*
45 *agencies, institutions, and organizations and with any industries*
46 *involved, in the preparation and conduct of such research and other*
47 *activities;*
- 48 *n. Review, treatment methods used for removal of contaminants*
49 *from drinking water;*
- 50 *o. Provide for the education and training of departmental per-*
51 *sonnel in those areas relating to the causes, effects, extent, pre-*
52 *vention and control of contaminants in drinking water***[.]*** *;*
- 53 **p. Establish and collect reasonable fees, in accordance with a*
54 *fee schedule adopted as a rule or regulation for the estimated costs*
55 *of administering and enforcing the programs pursuant to this*
56 *amendatory and supplementary act, to the extent that the costs are*
57 *not available from the fund, including but not limited to conducting*
58 *inspections, laboratory analyses and certifications as may be*
59 *necessary;*
- 60 *q. The authority to collect fees pursuant to this section may be*
61 *delegated by the commissioner to the appropriate county agency*
62 *consistent with a delegation, pursuant to the provisions of the*

63 “County Environmental Health Act,” P. L. 1977, c. 443 (C.
 64 26:3A2-21 et seq.), of any authority to administer the provisions
 65 of this act.*

1 *~~16.~~* ~~17.~~* Section 10 of P. L. 1977, c. 224 (C. 58:12A-10) is
 2 amended to read as follows:

3 10. a. If any person violates any of the provisions of this act or
 4 any rule, regulation or order promulgated or issued pursuant to the
 5 provisions of this act, the department may institute a civil action
 6 in a court of competent jurisdiction for injunctive **or any other*
 7 *appropriate** relief to prohibit and prevent such violation or viola-
 8 tions and the said court may proceed in the action in a summary
 8A manner.

9 b. Any person who violates the provisions of this act or any
 10 rule, regulation or order promulgated pursuant to this act shall be
 11 liable to a *civil administrative penalty of not ~~*[more than \$5,000.00~~*
 12 *for each offense or penalty of not [more than \$5,000.00 for each*
 13 *offense] less than \$1,000.00 nor* ~~]*~~ *more than \$5,000.00 for the first*
 14 *offense, not less than \$5,000.00 nor more than \$10,000.00 for the*
 15 *second offense, and up to \$25,000.00 for the third and each subse-*
 16 *quent offense** ~~],~~ to be collected in a civil action by a summary pro-
 17 ceeding under “the penalty enforcement law” (N. J. S. 2A:58-1
 18 et seq.), or in any case before a court of competent jurisdiction
 19 wherein injunctive relief had been requested. The Superior Court~~,~~
 20 County Court~~]~~ and county district court shall have jurisdiction
 21 to enforce said “penalty enforcement law”~~]*~~. If the violation is of a
 22 continuing nature, each day during which it continues **subsequent*
 23 *to receipt of an order to cease the violation** shall constitute an
 24 additional, separate and distinct offense. **No civil administrative*
 25 *penalty shall be levied except subsequent to the notification of the*
 26 *violator by certified mail or personal service. The notice shall*
 27 *include a reference to the section of the statute, regulation, order*
 28 *or permit condition violated; a concise statement of the facts*
 29 *alleged to constitute the violation; a statement of the amount of the*
 30 *civil penalties to be imposed; and a statement of the violator’s*
 31 *right to a hearing. The violator shall have 20 days from receipt of*
 32 *the notice within which to deliver to the commissioner a written*
 33 *request for a hearing. Subsequent to the hearing and upon a find-*
 34 *ing that a violation has occurred, the commissioner may issue a*
 35 *final order after assessing the amount of the fine specified in the*
 36 *notice. If no hearing is requested, the notice shall become a final*
 37 *order upon the expiration of the 20 day period. Payment of the*
 38 *penalty is due when a final order is issued or when the notice be-*
 39 *comes a final order. The authority to levy a civil administrative*

40 *penalty is in addition to all other enforcement provisions in this*
 41 *act, and the payment of a civil administrative penalty shall not be*
 42 *deemed to affect the availability of any other enforcement pro-*
 43 *vision in connection with the violation for which the penalty is*
 44 *levied.**

45 c. The department is hereby authorized and empowered to com-
 46 promise and settle any claim for a penalty under this section in
 47 such amount in the discretion of the department as may appear
 48 appropriate and equitable under all of the circumstances **including*
 49 *the posting of a performance bond by the violator*.*

50 **d. Any person who violates this act or an administrative order*
 51 *issued pursuant to subsection b. of this section or a court order*
 52 *issued pursuant to subsection a. of this section or who fails to pay*
 53 *a civil administrative penalty in full pursuant to subsection b. of*
 54 *this section shall be subject, upon order of the court, to a civil*
 55 *penalty not to exceed \$10,000.00 per day of the violation, and each*
 56 *day's continuance of the violation shall constitute a separate and*
 57 *distinct violation. Any penalty imposed under this subsection may*
 58 *be recovered with costs in a summary proceeding pursuant to "the*
 59 *penalty enforcement law" (N. J. S. 2A:58-1 et seq.). The Superior*
 60 *Court and county district court shall have jurisdiction to enforce*
 61 *"the penalty enforcement law."**

1 **18. Section 2 of P. L. 1940, c. 5 (C. 54:30A-50) is amended to*
 2 *read as follows:*

3 2. Definitions: As used in this act—unless the context otherwise
 4 requires:

5 (a) "Taxpayer" means any corporation subject to taxation under
 6 the provisions of this act. ***A person or business entity owning or*
 6A *operating a cogeneration facility as defined in subsection (j) of*
 6B *this section shall not be deemed a corporation subject to taxation*
 6C *under this act unless it shall be a public utility as specifically enu-*
 6D *merated in sections 1 and 6 of P. L. 1940, c. 5 (C. 54:30A-49 [et*
 6E *seq.] and C. 54:30A-54).***

7 (b) "Real estate" means lands and buildings, but it does not
 8 include railways, tracks, ties, lines, wires, cables, poles, pipes,
 9 conduits, bridges, viaducts, dams and reservoirs (except that the
 10 lands upon which dams and reservoirs are situated are real estate),
 11 machinery, apparatus and equipment, notwithstanding any attach-
 12 ment thereof to lands or buildings.

13 (c) "Gross receipts" means all receipts from the taxpayer's
 14 business over, in, through or from the whole of its lines or mains
 15 but does not include any sum or sums of money received by the
 16 taxpayer in payment for gas or electrical energy or water sold

17 and furnished to another public utility which is also subject to the
 18 payment of a tax based upon its gross receipts, **nor any sum or
 18A sums of money received by the taxpayer from a cogenerator in
 18B payment for cogenerated electrical energy resold by the taxpayer
 18C to the producing cogenerator where produced,** nor in the case of
 19 a street railway or traction corporation the receipts from the opera-
 20 tion of autobuses or vehicles of the character described in **[Title
 21 48, chapter 15, section 41 to the end of the chapter, of the Revised
 22 Statutes (Revised Statutes, section 48:15-41, et seq.)]** **R. S.
 23 48:15-41 through R. S. 48:15-56, inclusive**, nor in the case of a
 24 sewerage corporation an amount equal to any sum or sums of
 24A money payable by such sewerage corporation to any board,
 25 commission, department, branch, agency or authority of the State
 26 or of any county or municipality, for the treatment, purification or
 27 disposal of sewage or other wastes, *nor in the case of a water*
 28 *purveyor, the amount which represents the water tax imposed by*
 29 *section 11 of P. L. 1983, c. . . . (C.) (now pending before*
 30 *the Legislature as Assembly Committee Substitute for Assembly*
 31 *Bill No. 280 of 1982) and which is included in the tariff altered*
 32 *pursuant to section 6 of P. L. 1983, c. . . . (C.) (now*
 33 *pending before the Legislature as Assembly Committee Substitute*
 34 *for Assembly Bill No. 280 of 1982).*

35 (d) "Scheduled property" means only those classes or types of
 36 property of a taxpayer set forth in section 10 of this act and which
 37 are to be used in computing the apportionment value as herein
 38 defined.

39 (e) "Unit value" means the value set forth in section 10 of this
 40 act to be uniformly applied to each of the several classes or types
 41 of scheduled property in computing the apportionment value.

42 (f) "Apportionment value" or "apportionment valuation" means
 43 the result obtained by multiplying the quantities of each class or
 44 type of scheduled property of a taxpayer by the applicable unit
 45 value, and the addition of such results.

46 (g) "Public street, highway, road or other public place," in-
 47 cludes any street, highway, road or other public place which is open
 48 and used by the public, even though the same has not been formally
 49 accepted as a public street, highway, road, or other public place.

50 (h) "Service connections" means the wires or pipes connecting
 51 the building or place where the service or commodity supplied by
 52 the taxpayer is used or delivered, or is made available for use or
 53 delivery, with a supply line or supply main in the street, highway,
 54 road, or other public place, or with such supply line or supply main
 55 on private property.

56 (i) "State Tax Commissioner" or "director" means the Director
57 of the Division of Taxation in the Department of the Treasury*.

58 ** (j) "Cogenerator" means a person or business entity which
59 owns or operates a cogeneration facility in the State of New Jersey
60 which facility is a plant, installation or other structure whose
61 primary purpose is the sequential production of electricity and
62 steam or other forms of useful energy which are used for industrial,
63 commercial, heating or cooling purposes; and which is designated
64 by the Federal Energy Regulatory Commission, or its successor,
65 as a "qualifying facility" pursuant to the provisions of the "Public
66 Utilities Regulatory Policies Act of 1978," Pub. L. 95-617.**

1 ***[17.]*** *19.* There is appropriated from the General Fund the
2 sum of \$500,000.00 to the Department of Environmental Protection
3 to carry out the purposes of this amendatory and supplementary
4 act. This appropriation shall be repaid to the General Fund as soon
5 as practicable from the assessments made pursuant to section 11
6 of this amendatory and supplementary act.

1 ***[18.]*** *20.* This act shall take effect immediately.

ASSEMBLY AGRICULTURE AND ENVIRONMENT
COMMITTEE

STATEMENT TO
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 280

STATE OF NEW JERSEY

DATED: JULY 8, 1982

The Assembly Committee Substitute for Assembly Bill No. 280 represents an attempt to address, in a systematic and comprehensive way, the threats to public health posed by the presence of toxic substances in the drinking water. The scope and severity of this problem were defined and analyzed, and the bill developed and refined, at several public hearings conducted by the committee, at three committee meetings and at several independent discussions with departmental officials, industry representatives, and private citizens.

Specifically, the Committee Substitute for Assembly Bill No. 280 requires all water purveyors who serve 25 or more customers or have 15 or more service connections to submit samples of their water for testing on a regular periodic basis to certified laboratories. Tests for volatile organics and polychlorinated biphenyls (PCB's), which an already substantial body of evidence suggests pose risks to public health, are to be conducted on a semiannual basis; tests for those pesticides and related compounds, metals, and other organic compounds determined to represent a health risk are to be conducted on a biannual basis.

The identification of the toxic substances to be tested for biannually, and the determination of acceptable contaminant levels for all toxic substances are to be made by a Drinking Water Quality Institute created in this act. This institute shall comprise 13 members—the Commissioners of Environmental Protection and Health and the Chairman of the Water Supply Advisory Council, all of whom shall serve ex officio; one representative of the major water purveyors; and nine representatives of the scientific, medical, or academic communities, to be appointed in equal numbers by the Governor, the Speaker of the General Assembly, and the President of the Senate. The work of the institute shall be funded by tax of one-quarter of one cent per 1,000 gallons of water purveyed.

Water purveyors whose water is determined to violate the standards adopted by the Commissioner of Environmental Protection in accor-

dance with the recommendations of the institute shall have one year to bring their water supplies into compliance. The commissioner shall enjoin water purveyors who fail to bring their water up to standard in one year, except under those circumstances where compliance requires an extensive construction project and delay would not pose an imminent threat to public health. In the event of an injunction, the commissioner, in cooperation with local officials, shall establish a program to provide an alternate source of water for customers of the system.

The bill also requires local health officials, in conjunction with the department, to develop procedures whereby homeowners whose principal source of potable water is a well or a water company with fewer than 25 customers or 15 service connections, can have their water tested. It also requires water purveyors not subject to the testing requirements of this bill to notify their customers that their water is not tested for toxic contamination and inform them of the availability of any local testing programs.

The Board of Public Utilities is specifically authorized to allow water purveyors to pass along to their customers any additional costs imposed on them by this amendatory and supplementary act. Any additional costs to local governments imposed by this act are exempt from the "cap" law.

This bill also tightens up and supplements existing sections of the "Safe Drinking Water Act" to make it consistent with the purposes and provisions of the new testing and reporting requirements provided for in this act.

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SENATE ENERGY AND ENVIRONMENT COMMITTEE

STATEMENT TO
ASSEMBLY COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 280
with Assembly committee amendment

STATE OF NEW JERSEY

DATED: JANUARY 20, 1983

The Assembly Committee Substitute for Assembly Bill No. 280 represents an attempt to address, in a systematic and comprehensive way, the threats to public health posed by the presence of toxic substances in the drinking water. The scope and severity of this problem were defined and analyzed, and the bill developed and refined, at several public hearings conducted by the committee, at three committee meetings and at several independent discussions with departmental officials, industry representatives, and private citizens.

Specifically, the Committee Substitute for Assembly Bill No. 280, as amended by the Senate Energy and Environment Committee, would require all water purveyors who serve 25 or more customers who are year-round residents or have 15 or more service connections used by year-round residents to submit samples of their water for testing on a regular periodic basis to certified laboratories. Tests for volatile organics and polychlorinated biphenyls (PCB's) and other chemical compounds, which an already substantial body of evidence suggests pose risks to public health would be conducted on a semiannual basis; tests for those pesticides and related compounds, metals, and other organic compounds determined to represent a health risk are to be conducted on a biannual basis.

The identification of the toxic substances to be tested for biannually, and the determination of acceptable contaminant levels for all toxic substances would be made by a Drinking Water Quality Institute created in the act. The institute would comprise 15 members—the Commissioners of Environmental Protection and Health, the Directors of the Division of Water Resources and Cancer and Toxic Substances Research in the Department of Environmental Protection, the Director of the Office of Occupational Health in the Department of Health and the Chairman of the Water Supply Advisory Council, all of whom shall serve ex officio; and nine appointed members representing the major water purveyors, the academic scientific community and the members of the general public with backgrounds in environmental health issues,

to be appointed in equal numbers by the Governor, the Speaker of the General Assembly, and the President of the Senate. The work of the institute would be funded by a tax of one cent per 1,000 gallons of water purveyed, not including water which will be resold.

Water purveyors whose water is determined to violate the standards adopted by the Commissioner of Environmental Protection in accordance with the recommendations of the institute would have one year to bring their water supplies into compliance. The commissioner is directed to enjoin water purveyors who fail to bring their water up to standard in one year, except under those circumstances where compliance requires an extensive construction project and delay would not pose an imminent threat to public health. In the event of an injunction, the commissioner is directed to, in cooperation with local officials, establish a program to provide an alternate source of water for customers of the system.

The bill would also require local health officials, in conjunction with the department, to develop procedures whereby homeowners whose principal source of potable water is not covered by the testing requirements of this bill can have their water tested.

The Board of Public Utilities is specifically authorized to issue, within 90 days of the effective date of the act, appropriate orders to allow water purveyors to pass along to their customers any additional costs imposed on them by the act. Any additional costs to local governments imposed by the act would be exempt from the "cap" law.

This bill would also amend existing sections of the "Safe Drinking Water Act" to make it consistent with the purposes and provisions of the new testing and reporting requirements provided for in the act.

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SENATE REVENUE, FINANCE AND APPROPRIATIONS
COMMITTEE

STATEMENT TO

SENATE REPRINT OF

ASSEMBLY COMMITTEE SUBSTITUTE FOR

ASSEMBLY, No. 280

STATE OF NEW JERSEY

DATED: FEBRUARY 9, 1983

Assembly Committee Substitute for Assembly Bill No. 280, as amended by the Senate Energy and Environment Committee, would require all water purveyors who serve 25 or more customers who are year-round residents, or have 15 or more service connections used by year-round residents to submit samples of their water for testing on a regular periodic basis to certified laboratories. Tests for volatile organics and polychlorinated biphenyls (PCB's) and other chemical compounds, which an already substantial body of evidence suggests pose risks to public health, would be conducted pursuant to a schedule established by the Commissioner of Environmental Protection and tests for those pesticides and related compounds, metals, and other organic compounds determined to represent a health risk are to be conducted on an annual basis.

The identification of the toxic substances to be tested for and the determination of acceptable contaminant levels for all toxic substances would be made by the Commissioner, after considering recommendations made by a Drinking Water Quality Institute created in the act. The Institute would comprise 15 members—the Commissioners of Environmental Protection and Health, the Directors of the Division of Water Resources and Cancer and Toxic Substances Research in the Department of Environmental Protection, the Director of the Office of Occupational Health in the Department of Health and the Chairman of the Water Supply Advisory Council, all of whom shall serve ex officio; and nine appointed members representing the major water purveyors, the academic scientific community and the members of the general public with backgrounds in environmental health issues, to be appointed in equal numbers by the Governor, the Speaker of the General Assembly, and the President of the Senate.

Water purveyors whose water is determined to violate the standards adopted by the Commissioner of Environmental Protection in accor-

dance with the recommendations of the institute would have one year to bring their water supplies into compliance.

The bill would also require local health officials, in conjunction with the department, to develop procedures whereby homeowners, whose principal source of potable water is not covered by the testing requirements of this bill, can have their water tested.

The Board of Public Utilities is specifically authorized to issue, within 90 days of the effective date of the act, appropriate orders to allow water purveyors to pass along to their customers any additional costs imposed on them by the act. Any additional costs to local governments imposed by the act would be exempt from the "cap" law.

This bill would also amend existing sections of the "Safe Drinking Water Act" to make it consistent with the purposes and provisions of the new testing and reporting requirements provided for in the act.

There is also imposed a tax a \$.01 per 1,000 gallons of water sold, not including the sale of water for resale. The revenues from the fund are to be maintained in the "Safe Drinking Water Fund," a non-lapsing revolving fund established by section 11h. of the act. The funds shall be appropriated to the Department of Environmental Protection for the administration of the "Safe Drinking Water Act." Also, the tax is excluded from the definition of gross receipts under the provisions of the gross receipts and franchise tax.

An appropriation of \$500,000.00 is provided to the Department of Environmental Protection to administer the program. The appropriation is to be repaid to the General Fund from the moneys generated by the tax.

The committee understands that revenue raised by this bill will approximate \$1.5 to \$2 million annually with a maximum potential, according to the Department of Environmental Protection, of \$3.5 million.

ASSEMBLY, No. 280

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1982 SESSION

By Assemblymen LESNIAK and BENNETT

A SUPPLEMENT to the "Safe Drinking Water Act," approved September 17, 1977 (P. L. 1977, c. 224, C. 58:12A-1 et seq.).

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

1 1. As used in this act:

2 a. Hazardous contaminants" means selected toxic and carcino-
3 genic compounds previously identified by the Department of
4 Environmental Protection or by any agency of the Federal Govern-
5 ment as potential hazards to human health and the environment.
6 these substances may be divided into subgroups, as follows:

7 (1) Purgeable organics, including Methylene Chloride, Methyl-
8 Chloride, Methyl Bromide, Chloroform, Bromoform, 1, 1, 2-Tri-
9 chlorethylene, 1, 1, 2, 2-Tetrachloroethane, Dibromochloromethane,
10 Trifluoromethane, 1, 1, 2-Trichloroethane, Carbon Tetrachloride, 1,
11 2-Dibromoethane, 1, 2-Dichloroethane, 1, 1, 1-Trichloroethane,
12 Vinyl Chloride, 1, 1, 2, 2-Tetrachloroethylene, o, m, p-Dichloro-
13 benzene, Trichlorobenzene, Diiodomethane;

14 (2) Pesticides and related compounds, and Polychlorinated Bi-
15 phenyls (PCBs), including but not necessarily limited to Hepta-
16 chlor, Methoxychlor, Toxaphene, DDT and associated compounds,
17 alpha-BHC, beta-BHC, gamma-BHC, and delta-BHC, Endrin,
18 Lindane, Aldrin, Dieldrin, Heptachlor Epoxide, Mirex;

19 (3) Metals, including but not necessarily limited to Arsenic and
20 compounds, Beryllium and compounds, Cadmium and compounds,
21 Chromium and compounds, Copper and compounds, Lead and
22 compounds, Mercury, Nickel and compounds, Selenium and com-
23 pounds, Zinc and compounds;

24 (4) Base/neutral extractable organic compounds and acid ex-
25 tractable organic compounds.

26 b. "Aggressivity index" means a calculated number representing
27 the capacity of water to corrode piping;

28 c. "Water supply system" means a system, whether privately or
 29 publicly owned, comprising structures which, operating alone or
 30 with other structures, result in the derivation, conveyance, trans-
 31 mission, or distribution of water for potable or domestic purposes,
 32 and which serves 1,000 or more customers.

1 2. The owner or operator of each water supply system in this
 2 State shall undertake the periodic testing of the water provided
 3 to customers by the system in order to determine the presence of
 4 hazardous contaminants, and the nitrite/nitrate content and the
 5 aggressivity index of that water. The tests shall be conducted in
 6 accordance with standards and procedures established by the
 7 department pursuant to section 3 of this act. The tests for pur-
 8 geable organics, enumerated in subsection a. (1) of section 1, and
 9 for determining the aggressivity index shall be conducted within
 10 6 months of the effective date of this act and at least semi-annually
 11 thereafter. All other tests required by this act shall be conducted
 12 within 6 months of the effective date of this act and at least annually
 13 thereafter. The superintendent or operator of each water supply
 14 system shall retain for public inspection all test results and main-
 15 tenance records of all systems under his charge.

1 3. Within 30 days of the effective date of this act, the department
 2 shall establish, by regulation, standards and procedures for the
 3 testing of water for hazardous contaminants, nitrite/nitrate con-
 4 tent, and aggressivity index required by this act.

1 4. a. Any person who fails to comply with the provisions of this
 2 act shall be liable to a penalty of \$1,000.00 to be adjudged,
 3 collected, and enforced pursuant to the provisions of "the penalty
 4 enforcement law" (N. J. S. 2A:58-1 et seq.). If the violation is of
 5 a continuing nature, each day during which it continues shall con-
 6 stitute an additional, separate and distinct offense.

7 b. The penalties provided in subsection a. of this section shall
 9 be in addition to the penalties provided in section 10 of P. L. 1977,
 10 c. 224 (C. 58:12A-10).

1 5. This act shall take effect immediately.

STATEMENT

The potable water supplies of this State are being threatened
 by the leaching of hazardous substances at more than four hundred
 dump sites, by the widespread application of chemical fertilizers
 and insecticides to farmlands, and from countless other industrial
 disposal practices.

Accordingly, this bill requires the water purveyors who serve at least 1,000 customers to undertake the periodic testing of their water supplies in order to determine the presence of certain hazardous contaminants and other potentially dangerous circumstances. The tests are to be conducted in accordance with standards and procedures adopted by the Department of Environmental Protection, and the results are to be made available to the public upon request.

OFFICE OF THE GOVERNOR

RELEASE: IMMEDIATE

CONTACT: CARL GOLDEN

MONDAY, JANUARY 9, 1984

Governor Thomas H. Kean today signed legislation requiring periodic testing of water supplies to determine if any hazardous contaminants are present and to require the toxic materials to be eliminated from the water.

"The legislation is a response by the Department of Environmental Protection to the increasing peril posed by organic contamination of wells," Kean said. "New Jersey will, once again, lead the way for the rest of the nation in addressing the problem of toxic contamination of ground water."

"We know of no other State in the country which has enacted such a major and far-reaching program to assure water purity," the Governor said.

The legislation creates a Drinking Water Quality Institute within the State DEP, a panel which will be responsible for identifying contaminants and for development of standards which must be met by water companies.

It has been estimated by the DEP that the overall cost to the consumer of all aspects of the bill --- the cost of the Drinking Water Quality Institute, the cost of the testing procedures and the cost associated with necessary clean-up --- will be between \$1 and \$2 per year for about 90 percent of New Jersey's households. For customers of small water companies, the cost could range from \$10 to \$100 per year.

- more -

WATER BILL

PAGE TWO

JANUARY 9, 1984

"The extent of the ground water contamination problem in New Jersey is significant," Kean said. "In the past several years, some 20 public community water systems and individual wells in some 30 municipalities have been found to contain substantial levels of contamination."

The legislation sets a risk rate of one part per million as acceptable in water supplies in the State, a rate which means that no more than one person in a million would contract cancer if exposed to that level of contamination for a lifetime.

The bill requires that water suppliers operating a system which serves at least 15 service connections or at least 25 residents must test for contamination according to a schedule to be established by the DEP.

The bill, A-280, was sponsored by Assemblyman Raymond Lesniak, D-Union.

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