

# 58:12A-12.1

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 1999                    **CHAPTER:** 362

**NJSA:** 58:12A-12.1    (Drinking water—testing)

**BILL NO:** A2965                (Substituted for S978)

**SPONSOR(S):** Bodine and Gregg

**DATE INTRODUCED:** March 15, 1999

**COMMITTEE:**                    **ASSEMBLY:** Environment

**SENATE:** Environment

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**            **ASSEMBLY:** January 10, 2000

**SENATE:** December 13, 1999

**DATE OF APPROVAL:** January 14, 2000

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

[FINAL TEXT OF BILL](#): 4<sup>th</sup> Reprint  
(Amendments during passage denoted by superscript number)

### **A2965**

[SPONSORS STATEMENT](#): (Begins on page 2 of original bill)                    [Yes](#)

**COMMITTEE STATEMENT:**                    **ASSEMBLY:**                    [Yes](#)

**SENATE:**                    [Yes](#)

**FLOOR AMENDMENT STATEMENTS:**                    [Yes](#)    [6-14-99](#)  
[Yes](#)    [6-17-99](#)

**LEGISLATIVE FISCAL ESTIMATE:**                    No

### **S978**

[SPONSORS STATEMENT](#): (Begins on page 2 of original bill)                    [Yes](#)

**COMMITTEE STATEMENT:**                    **ASSEMBLY:**                    No

**SENATE:**                    [Yes](#)  
Identical to Senate Statement for A2965

**FLOOR AMENDMENT STATEMENTS:**                    No

**LEGISLATIVE FISCAL ESTIMATE:**                    No

**VETO MESSAGE:**                    No

**GOVERNOR'S PRESS RELEASE ON SIGNING:**

Yes

**FOLLOWING WERE PRINTED:**

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**REPORTS:**

No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

No

§§1, 2, 9  
C.58:12A-12.1  
to  
58:12A-12.3  
§§3-4  
C.26:2H-12.13 &  
26:2H-12.14  
§5  
C.30:5B-5.5  
§§6, 7  
C.18A:33-7  
& 18A:33-8  
§8  
C.55:13A-7.18  
§10  
Repealer  
§11  
Note to §§3-8

P.L. 1999, CHAPTER 362, *approved January 14, 2000*  
Assembly, No. 2965 (*Fourth Reprint*)

1 AN ACT concerning the testing of drinking water <sup>4</sup>[and amending  
2 <sup>2</sup>[<sup>1</sup>section 3 of] <sup>2</sup>P.L.1977, c.224 and <sup>1</sup> <sup>2</sup>[section 1 of] <sup>2</sup>  
3 P.L.<sup>1</sup>[1998] 1997<sup>1</sup>, c.314 <sup>1</sup>[(C.58:12A-8.1)]<sup>1</sup>], supplementing  
4 P.L.1983, c.443 (C.58:12A-12 et seq.), P.L.1971, c.136 (C.26:2H-  
5 1 et seq.), P.L.1983, c.492 (C.30:5B-1 et seq.), Title 18A of the  
6 New Jersey Statutes, and P.L.1967, c.76 (C.55:13A-1 et seq.), and  
7 repealing P.L.1997, c.314<sup>4</sup>.  
8

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

11  
12 <sup>4</sup>[<sup>1</sup>1. Section 3 of P.L.1977, c.224 (C.58:12A-3) is amended  
13 to read as follows:

14 3. As used in **[this act]** P.L.1977, c.224 (C.58:12A-1 et seq.):

15 a. "Administrator" means the Administrator of the United States  
16 Environmental Protection Agency or his authorized representative;

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

19 c. "Commissioner" means the Commissioner of Environmental  
20 Protection or his designated representative;

21 d. "County" means any county or any agency or instrumentality of  
22 one or more thereof;

23 e. "Department" means the Department of Environmental  
24 Protection;

**EXPLANATION** - Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and 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 AEN committee amendments adopted March 25, 1999.

<sup>2</sup> Assembly floor amendments adopted June 14, 1999.

<sup>3</sup> Assembly floor amendments adopted June 17, 1999.

<sup>4</sup> Senate SEN committee amendments adopted December 6, 1999.

- 1 f. "Federal act" means the Safe Drinking Water Act, P.L.93-523,  
2 42 U.S.C. s.300 et al.;
- 3 g. "Federal agency" means any department, agency, or  
4 instrumentality of the United States;
- 5 h. "Municipality" means any city, town, township, borough or  
6 village or any agency or instrumentality of one or more thereof;
- 7 i. "National primary drinking water regulations" means primary  
8 drinking water regulations promulgated by the administrator pursuant  
9 to the federal act;
- 10 j. "Person" means any individual, corporation, company, firm,  
11 association, partnership, municipality, county, State agency or federal  
12 agency;
- 13 k. "Primary drinking water regulation" means a regulation which:  
14 (1) Applies at a minimum to public water systems;  
15 (2) Specifies contaminants which, in the judgment of the  
16 commissioner, may have any adverse effect on the health of persons;  
17 (3) Specifies for each such contaminant either: (a) a maximum  
18 contaminant level if, in the judgment of the commissioner, it is  
19 economically and technologically feasible to ascertain the level of such  
20 contaminant in water in public water systems, or (b) if, in the judgment  
21 of the commissioner, it is not economically or technologically feasible  
22 to ascertain the level of such contaminant, each treatment technique  
23 known to the commissioner which leads to a reduction in the level of  
24 such contaminant sufficient to satisfy the requirements of section 4 of  
25 **[this act]** P.L.1977, c.224 (C.58:12A-4);
- 26 (4) Contains criteria and procedures to assure a supply of drinking  
27 water which dependably complies with such maximum contaminant  
28 levels, including quality control, sampling frequencies, and testing  
29 procedures to insure compliance with such levels and to insure proper  
30 operation and maintenance of the system, and requirements as to: (a)  
31 the minimum quality of water which may be taken into the system, and  
32 (b) siting for new facilities for public water systems;
- 33 1. "Public water system" means a system for the provision to the  
34 public of **[piped]** water for human consumption through pipes or  
35 other constructed conveyances, if such system has at least 15 service  
36 connections or regularly serves an average of at least 25 individuals  
37 daily at least 60 days out of the year. Such term includes: (1) any  
38 collection, treatment, storage and distribution facilities under control  
39 of the operator of such system and used primarily in connection with  
40 such system, and (2) any collection or pre-treatment storage facilities  
41 not under such control which are used primarily in connection with  
42 such system. "Public community water system" means a public water  
43 system which serves at least 15 service connections used by  
44 year-round residents or regularly serves at least 25 year-round  
45 residents <sup>3</sup>. "Public non-community water system" means a public  
46 water system which serves at least 15 service connections used by

1 individuals other than year-round residents for at least 60 days out of  
2 the year or serves 25 or more people at least 60 days out of the year<sup>3</sup>;

3 m. "State agency" means any department, agency or instrumentality  
4 of this State or of this State and any other state or states;

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

7 o. "Maximum contaminant level" means the maximum permissible  
8 level of a contaminant in water which is delivered to the free-flowing  
9 outlet of the ultimate user of a public water system or other water  
10 system to which State primary drinking water regulations apply,  
11 except in the case of turbidity, where the maximum permissible level  
12 is measured at the point of entry to the distribution system.  
13 Contaminants added to the water under circumstances controlled by  
14 the user, except those resulting from corrosion of piping and  
15 plumbing caused by water quality, are excluded from this definition;

16 p. "Nonpublic water system" means a water system that is not a  
17 public water system;

18 q. "Sanitary survey" means an on-site review of the water source,  
19 facilities, equipment, operation and maintenance of a public or  
20 nonpublic water system for the purpose of evaluating the adequacy of  
21 the source, facilities, equipment, operation and maintenance for  
22 producing and distributing safe drinking water with adequate pressure  
23 and volume;

24 r. "Secondary drinking water regulation" means a regulation  
25 applying to one or more water systems, and which specifies the  
26 maximum contaminant levels that are required to protect the public  
27 welfare; such regulations may apply to any contaminant in drinking  
28 water: (1) which may adversely affect the taste, odor, or appearance  
29 of such water and consequently may cause a substantial number of  
30 persons served by such water systems to discontinue their use, or (2)  
31 which may otherwise adversely affect the public welfare;

32 s. "Water system" means a system for providing potable water to  
33 any person.<sup>1</sup>

34 (cf: P.L.1983, c.443, s.13)]<sup>4</sup>

35

36 <sup>4</sup>[<sup>1</sup>[1.]2.<sup>1</sup> Section 1 of P.L.<sup>1</sup>[1998] 1997<sup>1</sup>, c.314 (C.58:12A-8.1)  
37 is amended to read as follows:

38 1. <sup>2</sup>a.<sup>2</sup> Any supplier of water required to test the water supplied  
39 from a public community water system pursuant to federal or State law  
40 shall annually notify in writing by mail each of the customers that  
41 receive water from the supplier of the results of the required water  
42 testing. The document reporting the results of the tests shall also  
43 include a list of contaminants found in the water <sup>2</sup>, potential health  
44 effects of these contaminants on children, pregnant women, nursing  
45 mothers, and others.<sup>2</sup> and acceptable levels of these contaminants.

46 <sup>2</sup>b. Any public or private hospital, public or private health care

1 facility, public or private school, or public or private day care center  
2 that <sup>3</sup>is a supplier of water supplied from a public non-community  
3 water system and which is required to test the water pursuant to  
4 federal or State law, or<sup>3</sup> is a customer of a supplier of water from a  
5 public community water system and which receives a notice and test  
6 results as provided pursuant to subsection a. of this section <sup>3</sup>,<sup>3</sup> shall  
7 post a copy <sup>3</sup>**[thereof]**of the test results<sup>3</sup>, including the list of  
8 contaminants found in the water, potential health effects of these  
9 contaminants on children, pregnant women, nursing mothers, and  
10 others, and acceptable levels of these contaminants, in at least one  
11 conspicuous location in the hospital, health care facility, school, or day  
12 care center.<sup>2</sup>

13 (cf: P.L.1997, c.314, s.1)<sup>4</sup>

14

15 <sup>4</sup>**[<sup>1</sup>[2.] 3.<sup>1</sup> This act shall take effect immediately.]<sup>4</sup>**

16

17 <sup>4</sup>1. a. The owner or operator of every public community water  
18 system required to prepare a Consumer Confidence Report pursuant  
19 to the "Safe Drinking Water Act Amendments of 1996," 42 U.S.C.s.  
20 300f et al., shall include in the Consumer Confidence Report such  
21 additional information as required by the Department of Environmental  
22 Protection pursuant to rules and regulations adopted, in consultation  
23 with the Drinking Water Quality Institute established pursuant to  
24 section 10 of P.L.1983, c.443 (C.58:12A-20), pursuant to section 2 of  
25 this act.

26 b. The provisions of subsection a. of this section shall apply to the  
27 first Consumer Confidence Report required to be prepared after the  
28 adoption of rules and regulations by the Department of Environmental  
29 Protection, in consultation with the Drinking Water Quality Institute,  
30 pursuant to section 2 of this act.<sup>4</sup>

31

32 <sup>4</sup>2. The Department of Environmental Protection, in consultation  
33 with the Drinking Water Quality Institute, shall adopt, pursuant to the  
34 "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
35 seq.), rules and regulations that shall provide that the Consumer  
36 Confidence Report, in addition to meeting the specific requirements of  
37 the "Safe Drinking Water Act Amendments of 1996," shall set forth  
38 the environmental and health information concerning the drinking  
39 water provided by the public community water system in a format  
40 designed to make this information easily accessible and understandable  
41 to all customers of the public community water system. These rules  
42 and regulations shall include, but need not be limited to, provisions  
43 requiring the Consumer Confidence Report to be formatted in such a  
44 way that the statement required pursuant to 40 CFR s.141.154(a) shall  
45 be included in bold print within the header of any chart displaying  
46 levels of detection and maximum contaminant levels for contaminants

1 included in the Consumer Confidence Report.<sup>4</sup>

2

3 <sup>43.</sup> a. The owner or operator of a general hospital who is required  
4 to prepare a Consumer Confidence Report pursuant to the "Safe  
5 Drinking Water Act Amendments of 1996,"42 U.S.C.s.300f et al., or  
6 who receives a Consumer Confidence Report from the owner or  
7 operator of a public community water system, shall post each  
8 Consumer Confidence Report it prepares or receives in the area of  
9 each major entrance and in each admitting room in the hospital.

10 b. The owner or operator of a general hospital who is a supplier of  
11 water but is not required to prepare a Consumer Confidence Report  
12 pursuant to the "Safe Drinking Water Act Amendments of 1996," and  
13 who is required to conduct tests of its drinking water by the  
14 Department of Environmental Protection, shall post a chart setting  
15 forth the results of the water tests, including the level of detection  
16 and, as appropriate for each contaminant, the maximum contaminant  
17 level, highest level allowed, action level, treatment technique, or other  
18 expression of an acceptable level, for each contaminant, in the area of  
19 each major entrance and in each admitting room in the general  
20 hospital. The chart also shall include in bold print the statement  
21 required to be included in a Consumer Confidence Report pursuant to  
22 40 CFR s.141.154(a). The chart shall not include contaminants that  
23 are not detected.

24 c. As used in this section, "general hospital" shall mean any general  
25 hospital licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et seq.).

26 d. The provisions of this section shall be enforced by the  
27 Department of Health and Senior Services. The Department of Health  
28 and Senior Services shall not be required to conduct on-site  
29 inspections to determine compliance with this section more frequently  
30 than any on-site inspections of general hospitals are conducted by the  
31 department pursuant to any other law.<sup>4</sup>

32

33 <sup>44.</sup> a. The owner or operator of a rehabilitation center, extended  
34 care facility, skilled nursing home, or nursing home who is required to  
35 prepare a Consumer Confidence Report pursuant to the "Safe Drinking  
36 Water Act Amendments of 1996,"42 U.S.C.s.300f et al., or who  
37 receives a Consumer Confidence Report from the owner or operator  
38 of a public community water system, shall post each Consumer  
39 Confidence Report it prepares or receives in at least one conspicuous  
40 location in the rehabilitation center, extended care facility, skilled  
41 nursing home, or nursing home.

42 b. The owner or operator of a rehabilitation center, extended care  
43 facility, skilled nursing home, or nursing home who is a supplier of  
44 water but is not required to prepare a Consumer Confidence Report  
45 pursuant to the "Safe Drinking Water Act Amendments of 1996," and  
46 who is required to conduct tests of its drinking water by the

1 Department of Environmental Protection, shall post a chart setting  
2 forth the results of the water tests, including the level of detection and,  
3 as appropriate for each contaminant, the maximum contaminant level,  
4 highest level allowed, action level, treatment technique, or other  
5 expression of an acceptable level, for each contaminant, in at least one  
6 conspicuous location in the rehabilitation center, extended care  
7 facility, skilled nursing home, or nursing home. The chart also shall  
8 include in bold print the statement required to be included in a  
9 Consumer Confidence Report pursuant to 40 CFR s.141.154(a). The  
10 chart shall not include contaminants that are not detected.

11 c. As used in this section, "rehabilitation center," "extended care  
12 facility," skilled nursing home," and "nursing home" shall mean a  
13 rehabilitation center, extended care facility, skilled nursing home, or  
14 nursing home licensed pursuant to P.L.1971, c.136 (C.26:2H-1 et  
15 seq.).

16 d. The provisions of this section shall be enforced by the  
17 Department of Health and Senior Services. The Department of Health  
18 and Senior Services shall not be required to conduct on-site  
19 inspections to determine compliance with this section more frequently  
20 than any on-site inspections of rehabilitation centers, extended care  
21 facilities, skilled nursing homes, or nursing homes are conducted by  
22 the department pursuant to any other law.<sup>4</sup>

23  
24 <sup>4</sup>5. a. The sponsor of a child care center who is required to  
25 prepare a Consumer Confidence Report pursuant to the "Safe Drinking  
26 Water Act Amendments of 1996," 42 U.S.C.s.300f et al., or who  
27 receives a Consumer Confidence Report from the owner or operator  
28 of a public community water system, shall post each Consumer  
29 Confidence Report it prepares or receives in at least one conspicuous  
30 location in the child care center.

31 b. The sponsor of a child care center who is a supplier of water but  
32 is not required to prepare a Consumer Confidence Report pursuant to  
33 the "Safe Drinking Water Act Amendments of 1996," and who is  
34 required to conduct tests of its drinking water by the Department of  
35 Environmental Protection, shall post a chart setting forth the results  
36 of the water tests, including the level of detection and, as appropriate  
37 for each contaminant, the maximum contaminant level, highest level  
38 allowed, action level, treatment technique, or other expression of an  
39 acceptable level, for each contaminant, in at least one conspicuous  
40 location in the child care center. The chart also shall include in bold  
41 print the statement required to be included in a Consumer Confidence  
42 Report pursuant to 40 CFR s.141.154(a). The chart shall not include  
43 contaminants that are not detected.

44 c. As used in this section, "child care center" shall mean any child  
45 care center licensed pursuant to P.L.1983, c.492 (C.30:5B-1 et seq.)  
46 and "sponsor" shall have the same meaning as in section 3 of



1 P.L.1983, c.492 (C.30:5B-3).

2 d. The provisions of this section shall be enforced by the  
3 Department of Human Services. The Department of Human Services  
4 shall not be required to conduct on-site inspections to determine  
5 compliance with this section more frequently than any on-site  
6 inspections of child care centers are conducted by the department  
7 pursuant to any other law.<sup>4</sup>

8

9 <sup>4</sup>6. a. The principal of every public school who is required to  
10 prepare a Consumer Confidence Report pursuant to the "Safe Drinking  
11 Water Act Amendments of 1996,"42 U.S.C.s.300f et al., or who  
12 receives a Consumer Confidence Report from the owner or operator  
13 of a public community water system, shall post each Consumer  
14 Confidence Report the principal prepares or receives in a conspicuous  
15 location near each major entrance to the public school.

16 b. The principal of every public school who is a supplier of water  
17 but is not required to prepare a Consumer Confidence Report pursuant  
18 to the "Safe Drinking Water Act Amendments of 1996," and who is  
19 required to conduct tests of its drinking water by the Department of  
20 Environmental Protection, shall post a chart setting forth the results  
21 of the water tests, including the level of detection and, as appropriate  
22 for each contaminant, the maximum contaminant level, highest level  
23 allowed, action level, treatment technique, or other expression of an  
24 acceptable level, for each contaminant, in a conspicuous location near  
25 each major entrance to the public school. The chart also shall include  
26 in bold print the statement required to be included in a Consumer  
27 Confidence Report pursuant to 40 CFR s.141.154(a). The chart shall  
28 not include contaminants that are not detected.

29 c. The provisions of this section shall be enforced by the  
30 Department of Education. The Department of Education shall not be  
31 required to conduct on-site inspections to determine compliance with  
32 this section more frequently than any on-site inspections of public  
33 schools are conducted by the department pursuant to any other law.<sup>4</sup>

34

35 <sup>4</sup>7. a. The chief administrative officer of every non-public school  
36 required to prepare a Consumer Confidence Report pursuant to the  
37 "Safe Drinking Water Act Amendments of 1996,"42 U.S.C.s.300f et  
38 al., or who receives a Consumer Confidence Report from the owner  
39 or operator of a public community water system, shall post each  
40 Consumer Confidence Report the chief administrative officer prepares  
41 or receives in a conspicuous location near each major entrance to the  
42 non-public school.

43 b. The chief administrative officer of every non-public school  
44 which is a supplier of water but is not required to prepare a Consumer  
45 Confidence Report pursuant to the "Safe Drinking Water Act  
46 Amendments of 1996," and who is required to conduct tests of its

1 drinking water by the Department of Environmental Protection, shall  
2 post a chart setting forth the results of the water tests, including the  
3 level of detection and, as appropriate for each contaminant, the  
4 maximum contaminant level, highest level allowed, action level,  
5 treatment technique, or other expression of an acceptable level, for  
6 each contaminant, in a conspicuous location near each major entrance  
7 to the non-public school. The chart also shall include in bold print the  
8 statement required to be included in a Consumer Confidence Report  
9 pursuant to 40 CFR s.141.154(a). The chart shall not include  
10 contaminants that are not detected.

11 c. The provisions of this section shall be enforced by the  
12 Department of Education. The Department of Education shall not be  
13 required to conduct on-site inspections to determine compliance with  
14 this section more frequently than any on-site inspections of non- public  
15 schools are conducted by the department pursuant to any other law.<sup>4</sup>

16  
17 <sup>4</sup>8. a. The owner of a multiple dwelling who is required to prepare  
18 a Consumer Confidence Report pursuant to the "Safe Drinking Water  
19 Act Amendments of 1996," 42 U.S.C.s.300f et al., or who receives a  
20 Consumer Confidence Report from the owner or operator of a public  
21 community water system, shall post each Consumer Confidence  
22 Report it prepares or receives in each common area routinely used by  
23 the tenants living in the multiple dwelling unit, or, if there is no  
24 common area routinely used by the tenants, the owner of the multiple  
25 dwelling shall transmit a copy of the Consumer Confidence Report to  
26 each dwelling unit.

27 b. The owner of a multiple dwelling unit who is a supplier of water  
28 but is not required to prepare a Consumer Confidence Report pursuant  
29 to the "Safe Drinking Water Act Amendments of 1996," and who is  
30 required to conduct tests of its drinking water by the Department of  
31 Environmental Protection, shall post a chart setting forth the results  
32 of the water tests, including the level of detection and, as appropriate  
33 for each contaminant, the maximum contaminant level, highest level  
34 allowed, action level, treatment technique, or other expression of an  
35 acceptable level, for each contaminant, in each common area routinely  
36 used by the tenants living in the multiple dwelling unit, or, if there is  
37 no common area routinely used by the tenants, the owner of the  
38 multiple dwelling shall transmit a copy of the chart to each dwelling  
39 unit. The chart also shall include in bold print the statement required  
40 to be included in a Consumer Confidence Report pursuant to 40 CFR  
41 s.141.154(a). The chart shall not include contaminants that are not  
42 detected.

43 c. The Commissioner of the Department of Community Affairs  
44 shall include in the statement of the established rights and  
45 responsibilities of residential tenants and landlords prepared pursuant  
46 to section 3 of P.L.1975, c.310 (C.46:8-45) the requirements imposed

1 on owners of multiple dwellings pursuant to subsection a. and  
2 subsection b. of this section. The Department of Community Affairs  
3 shall enforce the provisions of this section. The Department of  
4 Community Affairs shall not be required to conduct on-site inspections  
5 to determine compliance with this section more frequently than any  
6 on-site inspections of multiple dwellings are conducted by the  
7 department pursuant to any other law.

8 d. As used in this section, "multiple dwelling" and "dwelling unit"  
9 shall have the same meaning as in section 3 of P.L.1967, c.76  
10 (C.55:13A-3).<sup>4</sup>

11

12 <sup>4</sup>9. The authority granted pursuant to the "Safe Drinking Water  
13 Act Amendments of 1996," 42 U.S.C.s.300f et al., to exempt public  
14 community water systems serving fewer than 10,000 persons from the  
15 requirement to mail a Consumer Confidence Report to each customer  
16 shall not be exercised.<sup>4</sup>

17

18 <sup>4</sup>10. P.L.1997, c.314 (C.58:12A-8.1 et seq.) is repealed.<sup>4</sup>

19

20 <sup>4</sup>11. This act shall take effect immediately except that sections 3  
21 through 8 shall take effect one year following enactment.<sup>4</sup>

22

23

24

25

26 Provides for increased public access to drinking water test results.

# ASSEMBLY, No. 2965

## STATE OF NEW JERSEY 208th LEGISLATURE

INTRODUCED MARCH 15, 1999

**Sponsored by:**

**Assemblyman FRANCIS L. BODINE**  
**District 8 (Atlantic, Burlington and Camden)**  
**Assemblyman GUY R. GREGG**  
**District 24 (Sussex, Hunterdon and Morris)**

**Co-Sponsored by:**

**Assemblyman Felice**

**SYNOPSIS**

Requires suppliers of water required to test water supplied from public community water systems to provide written notification by mail of water test results to all customers.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning the testing of drinking water and amending  
2 section 1 of P.L.1998, c.314 (C.58:12A-8.1).

3

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

6

7 1. Section 1 of P.L.1998, c.314 (C.58:12A-8.1) is amended to read  
8 as follows:

9 1. Any supplier of water required to test the water supplied from  
10 a public community water system pursuant to federal or State law shall  
11 annually notify in writing by mail each of the customers that receive  
12 water from the supplier of the results of the required water testing.  
13 The document reporting the results of the tests shall also include a list  
14 of contaminants found in the water and acceptable levels of these  
15 contaminants.

16 (cf: P.L.1998, c.314, s1)

17

18 2. This act shall take effect immediately.

19

20

21

#### STATEMENT

22

23 This bill amends section 1 of P.L.1998, c.314 (C.58:12A-8.1) to  
24 provide that any supplier of water required to test the water supplied  
25 from a public community water system pursuant to federal or State law  
26 shall annually notify in writing by mail each of the customers that  
27 receive water from the supplier of the results of the required water  
28 testing. Currently, the law refers to tested water supplied from a  
29 public water system.

30 The "Safe Drinking Water Act," P.L.1997, c.244 (C.58:12A-1 et  
31 seq.) defines a "public community water system" as a public water  
32 system which serves at least 15 service connections used by  
33 year-round residents or regularly serves at least 25 year-round  
34 residents. A "public water system" is defined under the law as a  
35 system for the provision to the public of piped water for human  
36 consumption, if such system has at least 15 service connections or  
37 regularly serves at least 25 individuals. The term "public water  
38 system" includes: (1) any collection, treatment, storage and  
39 distribution facilities under control of the operator of such system and  
40 used primarily in connection with such system, and (2) any collection  
41 or pre-treatment storage facilities not under such control which are  
42 used primarily in connection with such system.

**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.**

# ASSEMBLY ENVIRONMENT COMMITTEE

## STATEMENT TO

### **ASSEMBLY, No. 2965**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MARCH 25, 1999

The Assembly Environment Committee favorably reports Assembly Bill No. 2965 with committee amendments.

The bill, as amended, amends section 1 of P.L.1997, c.314 (C.58:12A-8.1) to provide that any supplier of water required to test the water supplied from a public community water system pursuant to federal or State law shall annually notify in writing by mail each of the customers that receive water from the supplier of the results of the required water testing. Currently, the law refers to tested water supplied from a public water system.

Current federal definitions provide that a "public water system" is a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. A "public community water system," under federal and State law, means a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

The committee amendments make technical corrections to the bill and update the State definition for "public water system" to reflect the federal definition that is currently applied in State regulation.

# SENATE ENVIRONMENT COMMITTEE

## STATEMENT TO

[Third Reprint]

## **ASSEMBLY, No. 2965**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: DECEMBER 6, 1999

The Senate Environment Committee favorably reports Assembly Bill No. 2965(3R) with committee amendments.

This bill, as amended by the committee, would expand the amount and the accessibility of environmental and health information which New Jersey water companies are required to provide to their customers concerning the drinking water provided by their systems. In addition, this bill, as amended by the committee, would require that this environmental and health information be posted in certain health care facilities, child care facilities, schools, and multiple dwellings.

More specifically, this bill, as amended by the Committee, would require the Department of Environmental Protection (DEP) to adopt regulations concerning the presentation of health and environmental information in the Consumer Confidence Reports (CCR), which public community water systems are required to send annually to each of their customers pursuant to the federal "Safe Drinking Water Amendments of 1996" (42 U.S.C. § 3007 et seq.). The Consumer Confidence Report contains information on the quality of drinking water delivered by the public community water system, the results of tests conducted for the presence of contaminants in the drinking water, the health risks, if any, associated with contaminants detected in the drinking water, and other consumer-oriented health and environmental information. Pursuant to federal regulations (40 CFR § 141.154) adopted by the U.S. Environmental Protection Agency to implement the "Safe Drinking Water Amendments of 1996", each CCR must contain the following statement:

"Some people may be more vulnerable to contaminants in drinking water than the general population. Immuno-compromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from infections. These people should seek advice about drinking water from their health care providers. EPA/CDC guidelines

on appropriate means to lessen the risk of infection by *Cryptosporidium* and other microbial contaminants are available from the Safe Drinking Water Hotline (800-426-4791)."

The first CCRs were mailed to customers in the fall of 1999. The regulations which section 2 of this amended bill require the DEP to adopt, would require, at a minimum, that the CCR prepared by N.J. water companies be formatted in such a way that the statement concerning vulnerable populations would be included in bold print within the header of any chart displaying levels of detection and maximum contaminant levels. New Jersey water companies would not be required to change the information contained in the CCR until DEP adopted such regulations.

Sections 3 - 8 of the bill as amended would require persons responsible for the operation of general hospitals, rehabilitation centers, extended care facilities, skilled nursing homes, nursing homes, child care centers, public schools, non-public schools, and multiple dwellings to post the CCR that they receive from their water company, or that they prepare themselves. In the case of persons responsible for such facilities who are suppliers of water from their own source, and who are not required to prepare a CCR but are required by the DEP to conduct tests of their drinking water, this bill would require that the results of such tests, together with the statement on vulnerable populations, be posted in the facility. The bill requires that the CCR or the test results be posted in specific areas of each type of building where most residents or users would be able to see it. In the case of multiple dwellings the bill provides that, if there is no area of the building routinely used by the tenants, the owner of the multiple dwelling would be required to transmit a copy of the CCR or test results to each dwelling unit.

This bill, as amended, would also repeal P.L.1997, c.314 (C.58:12A-8.1 et seq.). P.L.1997, c.314, which A-1965, as introduced, amended, required all public water systems to notify by mail each customer who consumed water from the system of the results of tests done on the water. Because P.L.1997, c.314 used (arguably inadvertently) the phrase "public water system" instead of "public community water system," the requirement to notify customers by mail was extended to businesses (such as malls, automobile dealers, camps, and restaurants) which operate their own source of drinking water and serve enough people to qualify as a "public water system, but whose "customers" are not billed users of water (as in the case of a public community water system) but transient customers who shop at, eat at, or otherwise patronize such businesses. (Approximately 4000 such water systems were inadvertently covered under P.L.1997, c.314. This bill as amended, because it repeals P.L.1997, c.314, would remove the mailing requirement from all such systems, but would impose a posting requirement on approximately 700 such facilities. ) Informing such customers by mail of the test results was virtually



impossible. A-2965 sought to solve this requirement by amending P.L.1997, c.314 to change the phrase "public water system" to "public community water system". In addition, A-2965, as referred to the committee, required New Jersey water companies to include in their test report mailed to each customer, a determination of the potential health effects of water contaminants on certain vulnerable populations, and required certain facilities to post the results of water tests.

A-2965, as amended by the committee, would address the main issues as addressed in A-2965 as referred to the committee but would do so by using the federal CCR system as a basis. Thus the repeal of P.L.1997, c.314, which, even if amended to exclude the inadvertently included systems, would impose a test reporting requirement which was only a small part of the much more expansive and already implemented CCR system. The federal CCR system imposed many more consumer-oriented requirements on water systems than did P.L.1997, c.314, but there was also a fundamental distinction between the two programs in terms of the potential number of water systems covered. The federal "Safe Drinking Water Amendments of 1996" authorized the governor of a state to exempt operators of water systems serving fewer than 10,000 customers from the requirement to mail a CCR to each customer, while P.L.1997, c.314 did not authorize such a waiver. By simply repealing P.L.1997, c.314, the procedure would essentially default to the federal law, which authorizes a waiver. Because for almost two years New Jersey law arguably did not authorize a waiver for water companies serving fewer than 10,000 customers, this bill, as amended by the committee, would prohibit (in section 9) the exercise of the waiver authorized under federal law.

As amended and reported by the committee, A-2965 is identical to S-978, as also amended and reported by the committee.

STATEMENT TO  
[First Reprint]  
**ASSEMBLY, No. 2965**

with Assembly Floor Amendments  
(Proposed By Assemblyman GREGG)

ADOPTED: JUNE 14, 1999

This amendment would provide that any public or private hospital, public or private health care facility, public or private school, or public or private day care center that is a customer of a supplier of water from a public community water system and which receives a notice and water test results as provided pursuant to the bill shall post a copy thereof, including the list of contaminants found in the water, potential health effects of these contaminants on children, pregnant women, nursing mothers, and others, and acceptable levels of these contaminants, in at least one conspicuous location in the hospital, health care facility, school, or day care center.

STATEMENT TO  
[Second Reprint]  
**ASSEMBLY No. 2965**

with Assembly Floor Amendments  
(Proposed by Assemblyman GREGG)

ADOPTED: JUNE 17, 1999

This amendment would require that any public or private hospital, public or private health care facility, public or private school, or public or private day care center that is a supplier of water supplied from a non-public community water system and which is required to test the water pursuant to federal or State law, post a copy of the test results, including the list of contaminants found in the water, potential health effects of these contaminants on children, pregnant women, nursing mothers, and others, and acceptable levels of these contaminants, in at least one conspicuous location in the hospital, health care facility, school, or day care center. This requirement is in addition to the posting required of any public or private hospital, public or private health care facility, public or private school, or public or private day care center that is a customer of a supplier of water from a public community water system.

**SENATE, No. 978**

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**STATE OF NEW JERSEY**  
**208th LEGISLATURE**

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INTRODUCED APRIL 2, 1998

**Sponsored by:**

**Senator JACK SINAGRA**

**District 18 (Middlesex)**

**Senator JOSEPH F. VITALE**

**District 19 (Middlesex)**

**Co-Sponsored by:**

**Senators Adler and McNamara**

**SYNOPSIS**

Requires certain suppliers of water to notify consumers of water testing results.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/7/1999)**

1 AN ACT concerning the testing of water systems and amending  
2 P.L.1997, c.314.

3  
4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6  
7 1. Section 1 of P.L.1997, c.314 (C.58:12A-8.1) is amended to read  
8 as follows:

9 1. a. Any supplier of water required to test the water supplied  
10 from a public water system pursuant to federal or State law shall  
11 annually notify in writing by mail each of the **[customers]** consumers  
12 that receive water from the supplier of the results of the required  
13 water testing. The document reporting the results of the tests shall  
14 also include: (1) a list of contaminants, as that term is defined  
15 pursuant to 42U.S.C.s.300f, found in the water; (2) the range of  
16 levels of the contaminants detected; (3) the health effects of the  
17 contaminants, including the potential health effects on children,  
18 pregnant women and other vulnerable subpopulations; (4) the known  
19 or suspected source of these contaminants; and (5) the acceptable  
20 levels of these contaminants.

21 b. The Department of Environmental Protection shall develop a  
22 standardized reporting document that a supplier of water shall use  
23 pursuant to the requirements of subsection a. of this section, and a  
24 clearinghouse for these documents that is accessible to the public.  
25 (cf:P.L.1997,c.314,s.1)

26  
27 2. This act shall take effect immediately.  
28  
29

30 STATEMENT

31  
32 This bill amends P.L.1997, c.314 to require certain suppliers of  
33 water (of public water systems) to annually notify each of the  
34 consumers that receive water from the supplier of the results of the  
35 required water testing. The law currently only provides for notification  
36 of customers.

37 Also, the bill requires that the supplier of water provide consumers,  
38 in addition to a list of contaminants and the acceptable levels of the  
39 contaminant: (1) the range of levels of the contaminants detected; (2)  
40 the health effects of the contaminants, including the potential health  
41 effects on children, pregnant women and other vulnerable  
42 subpopulations; and (3) the known or suspected source of these  
43 contaminants.

**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.**

**S978 SINAGRA, VITALE**

3

- 1       The bill requires the Department of Environmental Protection to
- 2       develop a standardized reporting document for suppliers of water, and
- 3       a clearinghouse for these documents that is accessible to the public.

# SENATE ENVIRONMENT COMMITTEE

## STATEMENT TO

### **SENATE, No. 978**

with committee amendments

# STATE OF NEW JERSEY

DATED: DECEMBER 6, 1999

The Senate Environment Committee favorably reports Senate Bill No.978 with committee amendments.

This bill, as amended by the committee, would expand the amount and the accessibility of environmental and health information which New Jersey water companies are required to provide to their customers concerning the drinking water provided by their systems. In addition, this bill, as amended by the committee, would require that this environmental and health information be posted in certain health care facilities, child care facilities, schools, and multiple dwellings.

More specifically, this bill, as amended by the Committee, would require the Department of Environmental Protection (DEP) to adopt regulations concerning the presentation of health and environmental information in the Consumer Confidence Reports (CCR), which public community water systems are required to send annually to each of the their customers pursuant to the federal "Safe Drinking Water Amendments of 1996" (42 U.S.C. §.3007 et seq.). The Consumer Confidence Report contains information on the quality of drinking water delivered by the public community water system, the results of tests conducted for the presence of contaminants in the drinking water, the health risks, if any, associated with contaminants detected in the drinking water, and other consumer-oriented health and environmental information. Pursuant to federal regulations (40 CFR § 141.154) adopted by the U.S. Environmental Protection Agency to implement the "Safe Drinking Water Amendments of 1996", each CCR must contain the following statement:

"Some people may be more vulnerable to contaminants in drinking water than the general population. Immuno-compromised persons such as persons with cancer undergoing chemotherapy, persons who have undergone organ transplants, people with HIV/AIDS or other immune system disorders, some elderly, and infants can be particularly at risk from infections. These people should seek advice about drinking water from their health care providers. EPA/CDC guidelines on appropriate means to lessen the risk of infection by

Cryptosporidium and other microbial contaminants are available from the Safe Drinking Water Hotline (800-426-4791)."

The first CCRs were mailed to customers in the fall of 1999. The regulations which section 2 of this amended bill require the DEP to adopt, would require, at a minimum, that the CCR prepared by N.J. water companies be formatted in such a way that the statement concerning vulnerable populations would be included in bold print within the header of any chart displaying levels of detection and maximum contaminant levels. New Jersey water companies would not be required to change the information contained in the CCR until DEP adopted such regulations.

Sections 3 - 8 of the bill as amended would require persons responsible for the operation of general hospitals, rehabilitation centers, extended care facilities, skilled nursing homes, nursing homes, child care centers, public schools, non-public schools, and multiple dwellings to post the CCR that they receive from their water company, or that they prepare themselves. In the case of persons responsible for such facilities who are suppliers of water from their own source, and who are not required to prepare a CCR but are required by the DEP to conduct tests of their drinking water, this bill would require that the results of such tests, together with the statement on vulnerable populations, be posted in the facility. The bill requires that the CCR or the test results be posted in specific areas of each type of building where most residents or users would be able to see it. In the case of multiple dwellings the bill provides that, if there is no area of the building routinely used by the tenants, the owner of the multiple dwelling would be required to transmit a copy of the CCR or test results to each dwelling unit.

This bill, as amended, would also repeal P.L.1997, c.314 (C.58:12A-8.1 et seq.). P.L.1997, c.314, which S978, as introduced, amended, required all public water systems to notify by mail each customer who consumed water from the system of the results of tests done on the water. Because P.L.1997, c.314 used (arguably inadvertently) the phrase "public water system" instead of "public community water system," the requirement to notify customers by mail was extended to businesses (such as malls, automobile dealers, camps, and restaurants) which operate their own source of drinking water and serve enough people to qualify as a "public water system, but whose "customers" are not billed users of water (as in the case of a public community water system) but transient customers who shop at, eat at, or otherwise patronize such businesses. (Approximately 4000 such water systems were inadvertently covered under P.L.1997, c.314. This bill as amended, because it repeals P.L.1997, c.314, would remove the mailing requirement from all such systems, but would impose a posting requirement on approximately 700 such facilities. ) Informing such customers by mail of the test results was virtually impossible. S978 did not address this issue, but did seek to expand the number of



persons receiving environmental and health information from the water company by requiring that this information be sent to consumers, as opposed to customers of the water utility. (This issue is addressed in the bill, as amended by the committee, in sections 3-8, which require the posting of environmental and health information concerning drinking water for the benefit of consumers in certain facilities.) In addition, S-978, as referred to the committee, required New Jersey water companies to include in their test report mailed to each customer, a determination of the source of any contaminants detected in the drinking water and the potential health effects of water contaminants on certain vulnerable populations.

S978, as amended by the committee, would address the main issues as addressed in S978 as referred to the committee but would do so by using the federal CCR system as a basis. Thus the repeal of P.L.1997, c.314, which, even if amended to exclude the inadvertently included systems, would impose a test reporting requirement which was only a small part of the much more expansive and already implemented CCR system. The federal CCR system imposed many more consumer-oriented requirements on water systems than did P.L. 1997, c.314, but there was also a fundamental distinction between the two programs in terms of the potential number of water systems covered. The federal "Safe Drinking Water Amendments of 1996" authorized the governor of a state to exempt operators of water systems serving fewer than 10,000 customers from the requirement to mail a CCR to each customer, while P.L.1997, c.314 did not authorize such a waiver. By simply repealing P.L.1997, c.314, the procedure would essentially default to the federal law, which authorizes a waiver. Because for almost two years New Jersey law arguably did not authorize a waiver for water companies serving fewer than 10,000 customers, this bill, as amended by the committee, would prohibit (in section 9) the exercise of the waiver authorized under federal law.

As amended and reported by the committee, S978 is identical to A2965, also amended and reported by the committee.

PO BOX 004  
TRENTON, NJ 08625

*Office of the Governor*  
**NEWS RELEASE**

CONTACT: Gene Herman  
609-777-2600

RELEASE: January 14, 2000

**S-279** (Girgenti) (Russo) - Clarifies duties and responsibilities of municipal prosecutors.

**S-504** (Ciesla/Matheussen) (Blee/Malone) - Requires public school districts to provide transportation to all nonpublic schools in certain situations.

**S-912** (Palaia/Bark) (Roberts/Geist) - Authorizes certain charges to office of county fire marshal and allows creation of arson investigation unit therein.

**SCS for S-1196** (Kosco/Bryant/Furnari) (Cohen/DiGaetano) - Amends "Check Cashers Regulatory Act" to make it a crime to cash a check for consideration without a license and requires the revocation of license under certain circumstances; amends "Casino Control Act" to require casino licensees to file suspicious transaction report.

**S-1492** (Sinagra/Bassano) (Cruz-Perez/Vandervalk) - "Physician- Dentist Fellowship and Education Program to Provide Health Care to Persons with Developmental Disabilities," appropriates \$2,500,000.

**S-2217** (Gormley) (LeFevre/Blee) - Clarifies that cooperative to condominium conversions are not subject to realty transfer fee.

**AS for SCS for S-949** (Blee/Cruz-Perez/Previte/Bryant/Gormley) (Jones/Asselta) - Makes Division of Criminal Justice investigators and probation officers eligible for body armor grants.

**A-2965** (Bodine/Gregg) (Sinagra/Vitale) - Clarifies that only large water systems are required annually to mail drinking water quality information to customers; requires certain entities to post water quality test results.

**A-3270** (Malone/Cottrell) (Singer/Allen) - Requires a board of education providing certain services to nonpublic school pupils to provide consultation with representatives of the nonpublic school on any change in the provision of services.

**A-3408** (Biondi/Heck) (Kavanaugh/Robertson) - Provides sales tax exemptions for certain purchases by flood victims of Hurricane Floyd.

**A-3571** (Blee) (Bryant/Matheussen) - Revises certain procedures for the receipt of State matching funds against contributions and donations made to institutions of higher education and institutional foundations.

**S-1842** (Singer/Bark) (Malone/Conaway) - Establishes a special license plate to aid Deborah Hospital Foundation.

**S-1869** (O'Connor) (Asselta/Gregg) - Makes permanent the Vietnam Veterans' Memorial Fund contribution gross income tax return check-off.

**SCS for S-2034** (Ciesla/Codey) (Moran/Impeveduto) - Establishes certain licensing requirements for limousine drivers and additional requirements for owners of limousines.

**A-2055** (Weinberg/Zisa) (Bassano/Singer) - Establishes Prostate Cancer Awareness, Education and Research Program in DHSS; appropriates \$1 million.

**A-3245** (Lance/Gregg) (Schluter) - Appropriates \$200,000 for deer control research.

**A-3410** (Lance/Smith) (Lynch) - Authorizes municipalities to establish grant programs to provide relief to certain real property owners for damages due to floods, hurricanes and other natural disasters.

**A-3568** (Felice/Doria) (Bassano/Codey) - Continues health service corporation member on Individual Health Coverage and Small Employer Health Benefits Program boards.

**A-3622** (Kramer) (Inverso) - Excludes certain hedge fund activity income of corporations of foreign nations from taxation under the corporation business tax.

**A-3636** (DeCroce/Ciesla) - Exempts motor carrier employees from the State's statutory overtime wage rate requirements.