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RH/CL

P.L. 2021, CHAPTER 82, *approved May 11, 2021*
Senate, No. 968 (*Second Reprint*)

1 AN ACT concerning the notification of lead in drinking water and
2 supplementing P.L.1977, c.224 (C.58:12A-1 et seq.).

3

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

6

7 1. As used in P.L. , c. (C.) (pending before the
8 Legislature as this bill):

9 "Landlord" means the same as that term is defined in section 2 of
10 P.L.1975, c.310 (C.46:8-44).

11 "Lead action level" means the standard for lead in drinking water
12 established by the United States Environmental Protection Agency,
13 or a more stringent standard adopted by the department pursuant to
14 the "Safe Drinking Water Act," P.L.1977, c.224 (C.58:12A-
15 1 et seq.).

16 "Local health agency" means the same as that term is defined in
17 section 3 of P.L.1975, c.329 (C.26:3A2-3).

18

19 2. a. A public water system that exceeds the lead action level
20 shall provide a written notice, ¹in a letter addressed to "resident" or
21 "property owner/tenant,"¹ by regular mail, to ¹both the service
22 address and the mailing address of¹ all customers served by the
23 public water system, ¹including¹ all schools ¹**【and】** ¹ daycare
24 centers ¹**【served by the public water system】**, and facilities serving
25 young children, all public and private hospitals, medical clinics, and
26 doctor's offices serving pregnant women and young children, and¹
27 all local health ¹and welfare¹ agencies in the public water system's
28 service area, and the chief executive of each municipality in the
29 public water system's service area.

30 The written notice shall be sent ¹as soon as practicable, but¹ no
31 later than 10 calendar days after the ¹**【end of the monitoring period**
32 **during which the exceedance is discovered】** public water system
33 confirms that there has been an exceedance of the lead action level
34 and the written notice has been approved by the Department of
35 Environmental Protection¹ . The written notice shall:

36 (1) clearly state that the public water system is in exceedance of
37 the lead action level;

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AEN committee amendments adopted February 22, 2021.

²Assembly floor amendments adopted March 1, 2021.

1 (2) explain what the lead action level is and the measurement
2 process that the public water system is required to perform to
3 monitor drinking water for lead;

4 (3) provide additional information on the possible sources of
5 lead in drinking water, the health effects of drinking water with
6 elevated levels of lead, and measures a ¹customer consumer¹ can
7 take to reduce or eliminate lead in drinking water; and

8 (4) state, in easily legible type, the responsibility of a landlord
9 to distribute the written notice to every tenant pursuant to section 3
10 of P.L. , c. (C.) (pending before the Legislature as this
11 bill).

12 b. The notice required pursuant to this section shall be in
13 addition to any notice requirements under federal law.
14

15 3. a. When a landlord receives any notice or health and safety
16 information from a public water system concerning the presence of
17 lead in drinking water, including but not limited to the written
18 notice submitted pursuant to section 2 of P.L. , c. (C.)
19 (pending before the Legislature as this bill), the landlord shall:

20 (1) distribute ², by any means including by electronic mail,² the
21 notice or information, ¹within five as soon as practicable, but no
22 later than three¹ ²calendar business² days ¹of after¹ receipt, to
23 every tenant who has entered into a lease agreement with the
24 landlord and whose dwelling unit is served by the public water
25 system; and

26 (2) post the notice or information, ¹within five as soon as
27 practicable, but no later than three¹ ²calendar business² days
28 ¹of after¹ receipt, in a prominent location at the entrance of each
29 rental premises that is owned by the landlord and served by the
30 public water system ², except that this requirement shall not apply
31 in the case of single-family dwellings that do not have a common
32 area² .

33 b. ²The requirements of subsection a. of this section shall not
34 apply to a landlord when a tenant is a direct customer of the public
35 water system and is billed directly by the public water system.

36 c.² When a public water system provides any notice or
37 information to its customers concerning the presence of lead in
38 drinking water, the public water system shall include a statement,
39 printed in easily legible type, explaining the requirements set forth
40 in subsection a. of this section.
41

42 4. This act shall take effect immediately.
43
44

45 Requires public water systems to provide notice of elevated lead
46 levels in drinking water to customers and local officials; requires
47 landlords to notify tenants of elevated lead levels.

SENATE, No. 968

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JANUARY 27, 2020

Sponsored by:

Senator TROY SINGLETON

District 7 (Burlington)

Senator JOSEPH A. LAGANA

District 38 (Bergen and Passaic)

Co-Sponsored by:

Senators O'Scanlon and Turner

SYNOPSIS

Requires public water systems to provide notice of elevated lead levels in drinking water to customers and local officials; requires landlords to notify tenants of elevated lead levels.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/10/2020)

1 AN ACT concerning the notification of lead in drinking water and
2 supplementing P.L.1977, c.224 (C.58:12A-1 et seq.).

3

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

6

7 1. As used in P.L. , c. (C.) (pending before the
8 Legislature as this bill):

9 "Landlord" means the same as that term is defined in section 2 of
10 P.L.1975, c.310 (C.46:8-44).

11 "Lead action level" means the standard for lead in drinking water
12 established by the United States Environmental Protection Agency,
13 or a more stringent standard adopted by the department pursuant to
14 the "Safe Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et
15 seq.).

16 "Local health agency" means the same as that term is defined in
17 section 3 of P.L.1975, c.329 (C.26:3A2-3).

18

19 2. a. A public water system that exceeds the lead action level
20 shall provide a written notice, by regular mail, to all customers
21 served by the public water system, all schools and daycare centers
22 served by the public water system, all local health agencies in the
23 public water system's service area, and the chief executive of each
24 municipality in the public water system's service area. The written
25 notice shall be sent no later than 10 calendar days after the end of
26 the monitoring period during which the exceedance is discovered.
27 The written notice shall:

28 (1) clearly state that the public water system is in exceedance of
29 the lead action level;

30 (2) explain what the lead action level is and the measurement
31 process that the public water system is required to perform to
32 monitor drinking water for lead;

33 (3) provide additional information on the possible sources of
34 lead in drinking water, the health effects of drinking water with
35 elevated levels of lead, and measures a customer can take to reduce
36 or eliminate lead in drinking water; and

37 (4) state, in easily legible type, the responsibility of a landlord
38 to distribute the written notice to every tenant pursuant to section 3
39 of P.L. , c. (C.) (pending before the Legislature as this
40 bill).

41 b. The notice required pursuant to this section shall be in
42 addition to any notice requirements under federal law.

43

44 3. a. When a landlord receives any notice or health and safety
45 information from a public water system concerning the presence of
46 lead in drinking water, including but not limited to the written
47 notice submitted pursuant to section 2 of P.L. , c. (C.)
48 (pending before the Legislature as this bill), the landlord shall:

1 (1) distribute the notice or information, within five calendar
2 days of receipt, to every tenant who has entered into a lease
3 agreement with the landlord and whose dwelling unit is served by
4 the public water system; and

5 (2) post the notice or information, within five calendar days of
6 receipt, in a prominent location at the entrance of each rental
7 premises that is owned by the landlord and served by the public
8 water system.

9 b. When a public water system provides any notice or
10 information to its customers concerning the presence of lead in
11 drinking water, the public water system shall include a statement,
12 printed in easily legible type, explaining the requirements set forth
13 in subsection a. of this section.

14

15 4. This act shall take effect immediately.

16

17

18

STATEMENT

19

20 This bill would supplement the "Safe Drinking Water Act,"
21 P.L.1977, c.224 (C.58:12A-1 et seq.) to require public water
22 systems to provide their customers, local health agencies, and
23 municipal governments with expedited written notice by mail of
24 elevated lead levels. The bill also requires landlords to notify
25 tenants of elevated lead levels in drinking water.

26 The federal "Lead and Copper Rule" requires public water
27 systems to periodically sample their water supplies to check the
28 amount of lead present. If the concentration of lead in more than 10
29 percent of tap water samples collected during any monitoring period
30 is greater than 15 parts per billion, the public water system is said to
31 exceed the lead action level, and federal regulations require the
32 public water system to take various actions. Among other things,
33 the regulations require the public water system to deliver public
34 education materials to its customers within 60 days after the end of
35 the monitoring period.

36 In New Jersey, the Department of Environmental Protection
37 enforces the federal drinking water regulations pursuant to the "Safe
38 Drinking Water Act." This bill would supplement the existing
39 notice requirements by requiring the public water system to send
40 out an expedited notice no later than 10 calendar days after the end
41 of the monitoring period in which the public water system exceeds
42 the lead action level. This notice would be provided to all
43 customers serviced by the public water system, including schools
44 and daycare centers, and all local health agencies and municipalities
45 located within the system's service area.

46 Under the bill, this written notice would: (1) clearly state that the
47 public water system is in exceedance of the lead action level; (2)
48 explain what the lead action level is and the measurement process

S968 SINGLETON, LAGANA

1 that the public water system is required to perform to monitor
2 drinking water for lead; (3) provide additional information on the
3 possible sources of lead in drinking water, the health effects of lead
4 in drinking water, and measures a customer can take to reduce or
5 eliminate lead in drinking water; and (4) state the responsibility of a
6 landlord to distribute the notice to all tenants served by the public
7 water system.

8 Additionally, the bill requires landlords to provide all tenants
9 with any notice or information received from a public water system
10 concerning the presence of lead in drinking water. Specifically, the
11 bill requires the landlord to: (1) distribute the notice or information
12 to every tenant who has entered into a lease agreement with the
13 landlord and whose dwelling unit is served by the public water
14 system; and (2) post the notice or information in a prominent
15 location at the entrance of each rental premises that is owned by the
16 landlord and served by the public water system. The bill also
17 requires a public water system to include a statement explaining
18 these requirements in any notice or information provided to its
19 customers concerning the presence of lead in drinking water.

ASSEMBLY ENVIRONMENT AND SOLID WASTE
COMMITTEE

STATEMENT TO

SENATE, No. 968

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 22, 2021

The Assembly Environment and Solid Waste Committee reports favorably and with committee amendments Senate Bill No. 968.

This bill, as amended by the committee, would supplement the "Safe Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et seq.) to require public water systems to provide their customers and municipal governments with expedited written notice by mail of elevated lead levels, and require landlords to notify their tenants of elevated lead levels in drinking water.

Specifically, the bill would require public water systems to send out an expedited notice as soon as practicable, but no later than 10 calendar days after the public water system confirms that there has been an exceedance of the lead action level. This written notice would be sent in a letter, by regular mail, addressed to "resident" or "property owner/tenant," to both the service address and the mailing address of all customers served by the public water system, including all schools, daycare centers, and facilities serving young children, all public and private hospitals, medical clinics, and doctor's offices serving pregnant women and young children, and all local health and welfare agencies in the public water system's service area, and the chief executive of each municipality in the public water system's service area. Federal law requires public water systems to send out a notice of elevated lead levels. The notice required by this bill would be in addition to the one required by federal law.

The bill would require this written notice to: (1) clearly state that the public water system is in exceedance of the lead action level; (2) explain what the lead action level is and the measurement process that the public water system is required to perform to monitor drinking water for lead; (3) provide additional information on the possible sources of lead in drinking water, the health effects of lead in drinking water, and measures a consumer can take to reduce or eliminate lead in drinking water; and (4) state the responsibility of a landlord to distribute the notice to all tenants served by the public water system.

Additionally, the bill would require landlords to provide all tenants with any notice or information received from a public water system

concerning the presence of lead in drinking water. Specifically, the bill would require the landlord to: (1) distribute the notice or information to every tenant who has entered into a lease agreement with the landlord and whose dwelling unit is served by the public water system; and (2) post the notice or information in a prominent location at the entrance of each rental premises that is owned by the landlord and served by the public water system. The notice or information is to be distributed or posted as soon as practicable, but no later than three calendar days after receipt. The bill also would require public water systems to include a statement explaining these requirements in any notice or information provided to its customers concerning the presence of lead in drinking water.

As amended and reported by the committee, this bill is identical to Assembly Bill No. 2863 as also amended and reported by the committee.

COMMITTEE AMENDMENTS:

The committee amendments to the bill:

1) specify that the written notice required by the bill is to be sent to both the service address and mailing address of customers, and require the written notice to be in the form of a letter addressed to “resident” or “property owner/tenant”;

2) clarify that the notice is to be sent to all schools, daycare centers, and facilities serving young children, all public and private hospitals, medical clinics, and doctor’s offices serving pregnant women and young children, and all local health and welfare agencies in the public water system's service area;

3) require the written notice to be sent by a public water system as soon as practicable, but no later than 10 calendar days after the public water system confirms that there has been an exceedance of the lead action level and the notice has been approved by the DEP, instead of no later than 10 calendar days after the end of the monitoring period during which the exceedance is discovered; and

4) clarify that the bill requires landlords to distribute and post any notice or health and safety information received from a public water system concerning the presence of lead in drinking water as soon as practicable, but no later than three calendar days after receipt.

SENATE COMMUNITY AND URBAN AFFAIRS COMMITTEE

STATEMENT TO

SENATE, No. 968

STATE OF NEW JERSEY

DATED: JANUARY 27, 2020

The Senate Community and Urban Affairs Committee reports favorably Senate Bill No. 968.

This bill supplements the "Safe Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et seq.) to require public water systems to provide customers, local health agencies, and municipalities with expedited notice of elevated lead levels in drinking water. The bill also requires landlords to notify tenants of these lead levels.

The federal "Lead and Copper Rule" requires public water systems to periodically sample their water supplies to check the amount of lead present. If the concentration of lead is greater than 15 parts per billion in more than 10 percent of tap water samples collected during any monitoring period, the public water system is said to exceed the lead action level, and federal regulations require the public water system to take various actions. Among other things, the regulations require the public water system to deliver public education materials to its customers within 60 days after the end of the monitoring period.

In New Jersey, the Department of Environmental Protection enforces the federal drinking water regulations pursuant to the "Safe Drinking Water Act." This bill supplements the existing notice requirements by requiring the public water system to send an expedited notice no later than 10 calendar days after the end of the monitoring period in which the public water system exceeds the lead action level. This notice would be provided to all customers serviced by the public water system, including schools and daycare centers, and all local health agencies and municipalities located within the system's service area.

Under the bill, this written notice would: (1) clearly state that the public water system is in exceedance of the lead action level; (2) explain the lead action level and the measurement process that the public water system is required to perform to monitor drinking water for lead; (3) provide additional information on the possible sources of lead in drinking water, the health effects of lead in drinking water, and measures a customer can take to reduce or eliminate lead in drinking water; and (4) state the responsibility of a landlord to distribute the notice to tenants served by the public water system.

Additionally, the bill requires landlords to provide tenants with any notice or information received from a public water system concerning the presence of lead in drinking water. Specifically, the bill requires the landlord to: (1) distribute the notice or information to every tenant who has entered into a lease agreement with the landlord and whose dwelling unit is served by the public water system; and (2) post the notice or information in a prominent location at the entrance of each rental premises that is owned by the landlord and served by the public water system. The bill also requires a public water system to include a statement explaining these requirements in any notice or information provided to its customers concerning the presence of lead in drinking water.

STATEMENT TO
[First Reprint]
SENATE, No. 968

with Assembly Floor Amendments
(Proposed by Assemblyman MOEN)

ADOPTED: MARCH 1, 2021

These floor amendments:

(1) change the timeframe for a landlord to distribute and post the notice or information to as soon as practicable, but no later than three business days, instead of no later than three calendar days;

(2) specify that a landlord may distribute the required notice of information by any means including electronic mail;

(3) provide that the requirement for a landlord to any post notice or information would not apply in the case of single-family dwellings that do not have a common area; and

(4) provide that the requirements of section 3 do not apply to a landlord when the tenants are direct customers of the public water system.

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 968
STATE OF NEW JERSEY
219th LEGISLATURE

DATED: FEBRUARY 7, 2020

SUMMARY

- Synopsis:** Requires public water systems to provide notice of elevated lead levels in drinking water to customers and local officials; requires landlords to notify tenants of elevated lead levels.
- Type of Impact:** Annual State and local expenditure increases.
- Agencies Affected:** Department of Environmental Protection and certain local governments.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual Cost</u>
State Expenditure Increase	Indeterminate
Local Expenditure Increase	Indeterminate

- The Office of Legislative Services (OLS) determines that the bill would result in an indeterminate annual State and local expenditure increase to produce and mail to customers serviced by a public water system (PWS) written notice of elevated lead levels.

BILL DESCRIPTION

This bill would supplement the Safe Drinking Water Act to require public water systems to provide their customers, local health agencies, and municipal governments with expedited written notice by mail of elevated lead levels. The bill also requires landlords to notify tenants of elevated lead levels in drinking water.

The federal Lead and Copper Rule requires public water systems to periodically sample their water supplies to check the amount of lead present. If the concentration of lead in more than 10 percent of tap water samples collected during any monitoring period is greater than 15 parts per billion, the public water system is said to exceed the lead action level, and federal regulations require the public water system to take various actions. Among other things, the regulations require the public water system to deliver public education materials to its customers within 60 days after the end of the monitoring period.

In New Jersey, the Department of Environmental Protection enforces the federal drinking water regulations pursuant to the Safe Drinking Water Act. This bill would supplement the existing notice requirements by requiring the public water system to send out an expedited notice no later than 10 calendar days after the end of the monitoring period in which the public water system exceeds the lead action level. This notice would be provided to all customers serviced by the public water system, including schools and daycare centers, and all local health agencies and municipalities located within the system's service area.

Under the bill, this written notice would: (1) clearly state that the PWS is in exceedance of the lead action level; (2) explain what the lead action level is and the measurement process that the PWS is required to perform to monitor drinking water for lead; (3) provide additional information on the possible sources of lead in drinking water, the health effects of lead in drinking water, and measures a customer can take to reduce or eliminate lead in drinking water; and (4) state the responsibility of a landlord to distribute the notice to all tenants served by the public water system. The bill also requires a PWS to include a statement explaining these requirements in any notice or information provided to its customers concerning the presence of lead in drinking water.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS determines that the bill would produce an annual State expenditure increase, likely marginal, to the General Fund and an indeterminate annual local expenditure increase to produce and mail to customers serviced by a PWS written notice of elevated lead levels. The OLS is unable to determine a precise cost estimate since the number of PWS's that will experience an elevated lead level cannot be determined. However, the OLS notes that under the federal Lead and Copper Rule, if a PWS exceeds the federal lead action level during any monitoring period, the PWS is required to deliver public education materials to its customers within 60 days. Therefore, the costs associated with this bill could be mitigated to the extent that a PWS is already distributing materials to its customers pursuant to the federal law for elevated lead levels. However, the new expedited 10-day notification timeframe established by the bill could result in some cost increases for affected municipalities.

The OLS notes that there are approximately 3,700 individual water systems in active status in the State, which consist of: (1) 582 PWS such as those that serve municipalities; (2) 720 non-transient non-community systems such as those that serve businesses, hotels, and schools; and (3) 2,372 transient non-community systems such as those that serve businesses, camps, churches, hotels, and restaurants. The 582 PWS's that serve municipalities are split between investor-owned utilities and publicly-owned utilities (e.g., municipal utilities, regional utility authorities, and the State). Approximately 40 percent of New Jersey's population is served by four investor-owned utilities (New Jersey American Water, SUEZ, Middlesex Water, and Aqua-NJ), which operate in 300 municipalities. The remaining 60 percent, or 349 PWS, are municipalities, publicly-owned utilities operated by a municipal utility or regional utility authority. A small fraction of those 349 PWS's are owned and operated by the State so any expenditure increase is likely to be marginal.

Section: Environment, Agriculture, Energy and Natural Resources

*Analyst: Neha Mehta Patel
Associate Fiscal Analyst*

*Approved: Frank W. Haines III
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

SENATE, No. 968

STATE OF NEW JERSEY 219th LEGISLATURE

DATED: MARCH 26, 2021

SUMMARY

- Synopsis:** Requires public water systems to provide notice of elevated lead levels in drinking water to customers and local officials; requires landlords to notify tenants of elevated lead levels.
- Type of Impact:** Annual State and local expenditure increases.
- Agencies Affected:** Department of Environmental Protection and certain local governments.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Expenditure Increase	Indeterminate
Local Expenditure Increase	Indeterminate

- The Office of Legislative Services (OLS) determines that the bill would result in an indeterminate annual State and local expenditure increase to produce and mail to customers serviced by a public water system (PWS) written notice of elevated lead levels.

BILL DESCRIPTION

This bill would require PWSs to provide their customers and municipal governments with expedited written notice by mail of elevated lead levels, and require landlords to notify their tenants of elevated lead levels in drinking water.

Specifically, the bill would require PWSs to send out an expedited notice as soon as practicable, but no later than 10 calendar days after the PWS confirms that there has been an exceedance of the lead action level. This written notice would be sent in a letter, by regular mail, addressed to “resident” or “property owner/tenant,” to both the service address and the mailing address of all customers served by the PWS, including all schools, daycare centers, facilities serving young children, public and private hospitals, medical clinics, doctor’s offices serving pregnant women and young children, and all local health and welfare agencies in the PWS’s service

area, as well as the chief executive of each municipality in the PWS's service area. The notice required by this bill would be in addition to the one required by federal law.

The bill would require this written notice to: (1) clearly state that the PWS is in exceedance of the lead action level; (2) explain what the lead action level is and the measurement process that the PWS is required to perform to monitor drinking water for lead; (3) provide additional information on the possible sources of lead in drinking water, the health effects of lead in drinking water, and measures a consumer can take to reduce or eliminate lead in drinking water; and (4) state the responsibility of a landlord to distribute the notice to all tenants served by the PWS.

Additionally, the bill would require landlords to provide all tenants with any notice or information received from a PWS concerning the presence of lead in drinking water, unless the tenant is also a customer of the PWS. The notice or information is to be distributed or posted as soon as practicable, but no later than three business days after receipt. The bill also would require PWSs to include a statement explaining the requirements imposed on landlords by the bill in any notice or information provided to its customers concerning the presence of lead in drinking water.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS determines that the bill would produce an annual State expenditure increase, likely marginal, to the General Fund and an indeterminate annual local expenditure increase to produce and mail to customers serviced by a PWS written notice of elevated lead levels. The OLS is unable to determine a precise cost estimate since the number of PWS's that will experience an elevated lead level cannot be determined. However, the OLS notes that under the federal Lead and Copper Rule, if a PWS exceeds the federal lead action level during any monitoring period, the PWS is required to deliver public education materials to its customers within 60 days. Therefore, the costs associated with this bill could be mitigated to the extent that a PWS is already distributing materials to its customers pursuant to the federal law for elevated lead levels. However, the new expedited 10-day notification timeframe established by the bill could result in some cost increases for affected municipalities.

The OLS notes that there are approximately 3,700 individual water systems in active status in the State, which consist of: (1) 582 PWS such as those that serve municipalities; (2) 720 non-transient non-community systems such as those that serve businesses, hotels, and schools; and (3) 2,372 transient non-community systems such as those that serve businesses, camps, churches, hotels, and restaurants. The 582 PWS's that serve municipalities are split between investor-owned utilities and publicly-owned utilities (e.g., municipal utilities, regional utility authorities, and the State). Approximately 40 percent of New Jersey's population is served by four investor-owned utilities (New Jersey American Water, SUEZ, Middlesex Water, and Aqua-NJ), which operate in 300 municipalities. The remaining 60 percent, or 349 PWS, are municipalities, publicly-owned utilities operated by a municipal utility or regional utility authority. A small fraction of those 349 PWS's are owned and operated by the State so any expenditure increase from the State General Fund is likely to be marginal.

Section: Environment, Agriculture, Energy, and Natural Resources

*Analyst: Eric Hansen
Associate Research Analyst*

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

ASSEMBLY, No. 2863

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 20, 2020

Sponsored by:

Assemblyman WILLIAM F. MOEN, JR.

District 5 (Camden and Gloucester)

Assemblywoman LISA SWAIN

District 38 (Bergen and Passaic)

Assemblyman P. CHRISTOPHER TULLY

District 38 (Bergen and Passaic)

Co-Sponsored by:

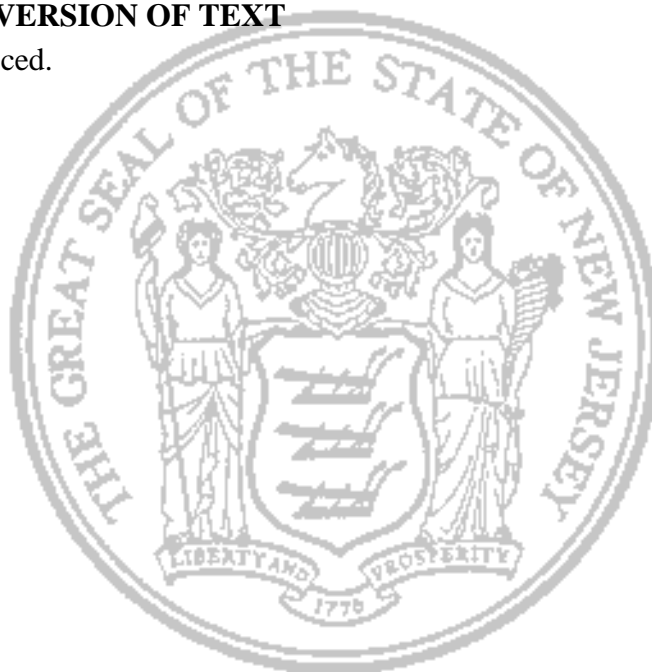
Assemblywomen Vainieri Huttle and Dunn

SYNOPSIS

Requires public water systems to provide notice of elevated lead levels in drinking water to customers and local officials; requires landlords to notify tenants of elevated lead levels.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/16/2020)

1 AN ACT concerning the notification of lead in drinking water and
2 supplementing P.L.1977, c.224 (C.58:12A-1 et seq.).

3

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

6

7 1. As used in P.L. , c. (C.) (pending before the
8 Legislature as this bill):

9 "Landlord" means the same as that term is defined in section 2 of
10 P.L.1975, c.310 (C.46:8-44).

11 "Lead action level" means the standard for lead in drinking water
12 established by the United States Environmental Protection Agency,
13 or a more stringent standard adopted by the department pursuant to
14 the "Safe Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et
15 seq.).

16 "Local health agency" means the same as that term is defined in
17 section 3 of P.L.1975, c.329 (C.26:3A2-3).

18

19 2. a. A public water system that exceeds the lead action level
20 shall provide a written notice, by regular mail, to all customers
21 served by the public water system, all schools and daycare centers
22 served by the public water system, all local health agencies in the
23 public water system's service area, and the chief executive of each
24 municipality in the public water system's service area. The written
25 notice shall be sent no later than 10 calendar days after the end of
26 the monitoring period during which the exceedance is discovered.
27 The written notice shall:

28 (1) clearly state that the public water system is in exceedance of
29 the lead action level;

30 (2) explain what the lead action level is and the measurement
31 process that the public water system is required to perform to
32 monitor drinking water for lead;

33 (3) provide additional information on the possible sources of
34 lead in drinking water, the health effects of drinking water with
35 elevated levels of lead, and measures a customer can take to reduce
36 or eliminate lead in drinking water; and

37 (4) state, in easily legible type, the responsibility of a landlord
38 to distribute the written notice to every tenant pursuant to section 3
39 of P.L. , c. (C.) (pending before the Legislature as this
40 bill).

41 b. The notice required pursuant to this section shall be in
42 addition to any notice requirements under federal law.

43

44 3. a. When a landlord receives any notice or health and safety
45 information from a public water system concerning the presence of
46 lead in drinking water, including but not limited to the written
47 notice submitted pursuant to section 2 of P.L. , c. (C.)
48 (pending before the Legislature as this bill), the landlord shall:

1 (1) distribute the notice or information, within five calendar
2 days of receipt, to every tenant who has entered into a lease
3 agreement with the landlord and whose dwelling unit is served by
4 the public water system; and

5 (2) post the notice or information, within five calendar days of
6 receipt, in a prominent location at the entrance of each rental
7 premises that is owned by the landlord and served by the public
8 water system.

9 b. When a public water system provides any notice or
10 information to its customers concerning the presence of lead in
11 drinking water, the public water system shall include a statement,
12 printed in easily legible type, explaining the requirements set forth
13 in subsection a. of this section.

14

15 4. This act shall take effect immediately.

16

17

18

STATEMENT

19

20 This bill would supplement the "Safe Drinking Water Act,"
21 P.L.1977, c.224 (C.58:12A-1 et seq.) to require public water
22 systems to provide their customers, local health agencies, and
23 municipal governments with expedited written notice by mail of
24 elevated lead levels. The bill also requires landlords to notify
25 tenants of elevated lead levels in drinking water.

26 The federal "Lead and Copper Rule" requires public water
27 systems to periodically sample their water supplies to check the
28 amount of lead present. If the concentration of lead in more than 10
29 percent of tap water samples collected during any monitoring period
30 is greater than 15 parts per billion, the public water system is said to
31 exceed the lead action level, and federal regulations require the
32 public water system to take various actions. Among other things,
33 the regulations require the public water system to deliver public
34 education materials to its customers within 60 days after the end of
35 the monitoring period.

36 In New Jersey, the Department of Environmental Protection
37 enforces the federal drinking water regulations pursuant to the "Safe
38 Drinking Water Act." This bill would supplement the existing
39 notice requirements by requiring the public water system to send
40 out an expedited notice no later than 10 calendar days after the end
41 of the monitoring period in which the public water system exceeds
42 the lead action level. This notice would be provided to all
43 customers serviced by the public water system, including schools
44 and daycare centers, and all local health agencies and municipalities
45 located within the system's service area.

46 Under the bill, this written notice would: (1) clearly state that the
47 public water system is in exceedance of the lead action level; (2)
48 explain what the lead action level is and the measurement process

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1 that the public water system is required to perform to monitor
2 drinking water for lead; (3) provide additional information on the
3 possible sources of lead in drinking water, the health effects of lead
4 in drinking water, and measures a customer can take to reduce or
5 eliminate lead in drinking water; and (4) state the responsibility of a
6 landlord to distribute the notice to all tenants served by the public
7 water system.

8 Additionally, the bill requires landlords to provide all tenants
9 with any notice or information received from a public water system
10 concerning the presence of lead in drinking water. Specifically, the
11 bill requires the landlord to: (1) distribute the notice or information
12 to every tenant who has entered into a lease agreement with the
13 landlord and whose dwelling unit is served by the public water
14 system; and (2) post the notice or information in a prominent
15 location at the entrance of each rental premises that is owned by the
16 landlord and served by the public water system. The bill also
17 requires a public water system to include a statement explaining
18 these requirements in any notice or information provided to its
19 customers concerning the presence of lead in drinking water.

ASSEMBLY ENVIRONMENT AND SOLID WASTE
COMMITTEE

STATEMENT TO
ASSEMBLY, No. 2863

with committee amendments

STATE OF NEW JERSEY

DATED: FEBRUARY 22, 2021

The Assembly Environment and Solid Waste Committee reports favorably and with committee amendments Assembly Bill No. 2863.

This bill, as amended by the committee, would supplement the "Safe Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et seq.) to require public water systems to provide their customers and municipal governments with expedited written notice by mail of elevated lead levels, and require landlords to notify their tenants of elevated lead levels in drinking water.

Specifically, the bill would require public water systems to send out an expedited notice as soon as practicable, but no later than 10 calendar days after the public water system confirms that there has been an exceedance of the lead action level. This written notice would be sent in a letter, by regular mail, addressed to "resident" or "property owner/tenant," to both the service address and the mailing address of all customers served by the public water system, including all schools, daycare centers, and facilities serving young children, all public and private hospitals, medical clinics, and doctor's offices serving pregnant women and young children, and all local health and welfare agencies in the public water system's service area, and the chief executive of each municipality in the public water system's service area. Federal law requires public water systems to send out a notice of elevated lead levels. The notice required by this bill would be in addition to the one required by federal law.

The bill would require this written notice to: (1) clearly state that the public water system is in exceedance of the lead action level; (2) explain what the lead action level is and the measurement process that the public water system is required to perform to monitor drinking water for lead; (3) provide additional information on the possible sources of lead in drinking water, the health effects of lead in drinking water, and measures a consumer can take to reduce or eliminate lead in drinking water; and (4) state the responsibility of a landlord to distribute the notice to all tenants served by the public water system.

Additionally, the bill would require landlords to provide all tenants with any notice or information received from a public water system

concerning the presence of lead in drinking water. Specifically, the bill would require the landlord to: (1) distribute the notice or information to every tenant who has entered into a lease agreement with the landlord and whose dwelling unit is served by the public water system; and (2) post the notice or information in a prominent location at the entrance of each rental premises that is owned by the landlord and served by the public water system. The notice or information is to be distributed or posted as soon as practicable, but no later than three calendar days after receipt. The bill also would require public water systems to include a statement explaining these requirements in any notice or information provided to its customers concerning the presence of lead in drinking water.

As amended and reported by the committee, this bill is identical to Senate Bill No. 968 as also amended and reported by the committee.

COMMITTEE AMENDMENTS:

The committee amendments to the bill:

1) specify that the written notice required by the bill is to be sent to both the service address and mailing address of customers, and require the written notice to be in the form of a letter addressed to “resident” or “property owner/tenant”;

2) clarify that the notice is to be sent to all schools, daycare centers, and facilities serving young children, all public and private hospitals, medical clinics, and doctor’s offices serving pregnant women and young children, and all local health and welfare agencies in the public water system's service area;

3) require the written notice to be sent by a public water system as soon as practicable, but no later than 10 calendar days after the public water system confirms that there has been an exceedance of the lead action level and the notice has been approved by the DEP, instead of no later than 10 calendar days after the end of the monitoring period during which the exceedance is discovered; and

4) clarify that the bill requires landlords to distribute and post any notice or health and safety information received from a public water system concerning the presence of lead in drinking water as soon as practicable, but no later than three calendar days after receipt.

STATEMENT TO
[First Reprint]
ASSEMBLY, No. 2863

with Assembly Floor Amendments
(Proposed by Assemblyman Moen)

ADOPTED: MARCH 1, 2021

These floor amendments:

(1) change the timeframe for a landlord to distribute and post the notice or information to as soon as practicable, but no later than three business days, instead of no later than three calendar days;

(2) specify that a landlord may distribute the required notice of information by any means including electronic mail;

(3) provide that the requirement for a landlord to any post notice or information would not apply in the case of single-family dwellings that do not have a common area; and

(4) provide that the requirements of section 3 do not apply to a landlord when the tenants are direct customers of the public water system.

LEGISLATIVE FISCAL ESTIMATE

[Second Reprint]

ASSEMBLY, No. 2863

STATE OF NEW JERSEY 219th LEGISLATURE

DATED: MARCH 26, 2021

SUMMARY

- Synopsis:** Requires public water systems to provide notice of elevated lead levels in drinking water to customers and local officials; requires landlords to notify tenants of elevated lead levels.
- Type of Impact:** Annual State and local expenditure increases.
- Agencies Affected:** Department of Environmental Protection and certain local governments.

Office of Legislative Services Estimate

Fiscal Impact	<u>Annual</u>
State Expenditure Increase	Indeterminate
Local Expenditure Increase	Indeterminate

- The Office of Legislative Services (OLS) determines that the bill would result in an indeterminate annual State and local expenditure increase to produce and mail to customers serviced by a public water system (PWS) written notice of elevated lead levels.

BILL DESCRIPTION

This bill would require PWSs to provide their customers and municipal governments with expedited written notice by mail of elevated lead levels, and require landlords to notify their tenants of elevated lead levels in drinking water.

Specifically, the bill would require PWSs to send out an expedited notice as soon as practicable, but no later than 10 calendar days after the PWS confirms that there has been an exceedance of the lead action level. This written notice would be sent in a letter, by regular mail, addressed to “resident” or “property owner/tenant,” to both the service address and the mailing address of all customers served by the PWS, including all schools, daycare centers, facilities serving young children, public and private hospitals, medical clinics, doctor’s offices serving pregnant women and young children, and all local health and welfare agencies in the PWS’s service area, as well as the chief executive of each municipality in the PWS’s service area. The notice required by this bill would be in addition to the one required by federal law.

The bill would require this written notice to: (1) clearly state that the PWS is in exceedance of the lead action level; (2) explain what the lead action level is and the measurement process that the PWS is required to perform to monitor drinking water for lead; (3) provide additional information on the possible sources of lead in drinking water, the health effects of lead in drinking water, and measures a consumer can take to reduce or eliminate lead in drinking water; and (4) state the responsibility of a landlord to distribute the notice to all tenants served by the PWS.

Additionally, the bill would require landlords to provide all tenants with any notice or information received from a PWS concerning the presence of lead in drinking water, unless the tenant is also a customer of the PWS. The notice or information is to be distributed or posted as soon as practicable, but no later than three business days after receipt. The bill also would require PWSs to include a statement explaining the requirements imposed on landlords by the bill in any notice or information provided to its customers concerning the presence of lead in drinking water.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS determines that the bill would produce an annual State expenditure increase, likely marginal, to the General Fund and an indeterminate annual local expenditure increase to produce and mail to customers serviced by a PWS written notice of elevated lead levels. The OLS is unable to determine a precise cost estimate since the number of PWS's that will experience an elevated lead level cannot be determined. However, the OLS notes that under the federal Lead and Copper Rule, if a PWS exceeds the federal lead action level during any monitoring period, the PWS is required to deliver public education materials to its customers within 60 days. Therefore, the costs associated with this bill could be mitigated to the extent that a PWS is already distributing materials to its customers pursuant to the federal law for elevated lead levels. However, the new expedited 10-day notification timeframe established by the bill could result in some cost increases for affected municipalities.

The OLS notes that there are approximately 3,700 individual water systems in active status in the State, which consist of: (1) 582 PWS such as those that serve municipalities; (2) 720 non-transient non-community systems such as those that serve businesses, hotels, and schools; and (3) 2,372 transient non-community systems such as those that serve businesses, camps, churches, hotels, and restaurants. The 582 PWS's that serve municipalities are split between investor-owned utilities and publicly-owned utilities (e.g., municipal utilities, regional utility authorities, and the State). Approximately 40 percent of New Jersey's population is served by four investor-owned utilities (New Jersey American Water, SUEZ, Middlesex Water, and Aqua-NJ), which operate in 300 municipalities. The remaining 60 percent, or 349 PWS, are municipalities, publicly-owned utilities operated by a municipal utility or regional utility authority. A small fraction of those 349 PWS's are owned and operated by the State so any expenditure increase from the State General Fund is likely to be marginal.

Section: Environment, Agriculture, Energy, and Natural Resources

*Analyst: Eric Hansen
Associate Research Analyst*

*Approved: Thomas Koenig
Legislative Budget and Finance Officer*

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).

Governor Murphy Signs Legislation Improving Notification of Elevated Lead Levels in Drinking Water

05/11/2021

TRENTON – Governor Phil Murphy today signed legislation (S968/A2836) that will require public water systems to provide notice of elevated lead levels in drinking water to customers and local officials and require landlords to notify tenants of elevated lead levels.

“We must continue to take proactive action to protect our communities from the dangers of lead exposure,” **said Governor Murphy**. “This legislation will ensure that community members are aware of the levels of lead in their drinking water, a critical step toward protecting our children and families from the dangers of lead exposure.”

“We applaud this important legislation, which complements our efforts at DCA to reduce the threat of lead poisoning in homes across the state,” **said Lt. Governor Sheila Oliver, who serves as Commissioner of the New Jersey Department of Community Affairs**. “We look forward to working with landlords to ensure tenants receive critical information about the quality of the drinking water that they and their loved ones consume.”

“Thank you to the legislature and Governor Murphy for enacting legislation to protect the residents of NJ from lead exposure,” **said NJBPU President Joseph L. Fiordaliso**. “We should all be secure knowing that our water is safe to drink.”

“Water systems and landlords must take care to ensure that New Jersey residents have accurate and timely information about potential risks to their drinking water and, by extension, their health,” **said Acting Department of Environmental Protection Commissioner Shawn M. LaTourette**. “My DEP colleagues and I commend the Legislature for passing this bill, which complements Governor Murphy’s plan to reduce lead exposure statewide, including through the nation-leading regulatory framework that DEP is developing that will proactively reduce the risk of lead in drinking water.”

This bill requires that written notice of elevated lead levels in drinking water be provided to all customers no later than ten days after it is determined that lead levels are above the lead action level. That notice must also include details of the lead action level, provide information on the health effects of lead in drinking water, and provide information about steps a customer can take to reduce risk. Landlords will be required to deliver this notice to all tenants served by the water system within three days of receiving the notice from the public water system. The legislation supplements the Safe Drinking Water Act.

The bill was sponsored by Senators Troy Singleton and Joe Lagana and Assemblymembers Bill Moen, Lisa Swain and Chris Tully.

“New Jersey’s water infrastructure is getting older by the day, and this law signifies the immediate action we need to take to stem the negative effects it is having on New Jersey residents,” **said Senator Singleton**. “Regardless of whether someone owns a home or rents one, they are entitled to know about elevated lead levels in their drinking water. While we relish these victories, we also recognize there is always more we can do and I will continue to fight for improved water quality throughout the state.”

Assemblymembers Moen, Swain, and Tully issued the following joint statement: “Customers must immediately be notified when there are issues with their drinking water, allowing them to take the

appropriate precautions. Monitoring our drinking water is crucial, but the people of New Jersey need to also be informed when there are abnormalities. This law will not only maintain the monitoring that is necessary, but will also keep the public informed and safe.”