

ASSEMBLY, No. 4772

STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED DECEMBER 6, 2018

Sponsored by:

Assemblyman GARY S. SCHAER

District 36 (Bergen and Passaic)

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District 33 (Hudson)

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SYNOPSIS

Requires public water systems to provide customers with certain information regarding lead in drinking water.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 2/1/2019)

1 AN ACT concerning information on 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. This act shall be known and may be cited as the “Lead
8 Education, Accountability, and Disclosure Act.”

9

10 2. As used in this act:

11 “Department” means the Department of Environmental
12 Protection.

13 “New customer” means any residential, commercial, or
14 institutional customer who connects, reconnects, or establishes new
15 water service with, the public water system after the effective date
16 of this act.

17 “Public water system” means the same as that term is defined in
18 section 3 of P.L.1977, c.224 (C.58:12A-3).

19 “Service line” means the pipe, tubing, and fittings connecting a
20 water main to an individual water meter or service connection.

21

22 3. a. The owner or operator of each public water system
23 required to prepare a Consumer Confidence Report pursuant to the
24 “Safe Drinking Water Act Amendments of 1996,” 42 U.S.C. s.300f
25 et al., shall include in the report additional information on the
26 possible sources of lead in drinking water, including, but not limited
27 to, lead service lines, pipes, and fixtures; the health effects of lead
28 in drinking water; and measures a customer can take to reduce or
29 eliminate lead in tap water.

30 b. No later than 90 days after the effective date of this act, the
31 department shall publish in the New Jersey Register the additional
32 information required to be included in the Consumer Confidence
33 Report pursuant to this section.

34 c. The provisions of this section shall apply to the first
35 Consumer Confidence Report required to be prepared after the
36 department publishes the information required pursuant to
37 subsection b. of this section, and to each report thereafter.

38

39 4. a. No later than 90 days after beginning water service to a
40 new customer, the owner or operator of a public water system shall
41 send the customer a notice, in writing, containing information on
42 the possible sources of lead in drinking water, including, but not
43 limited to, lead service lines, pipes, and fixtures; the health effects
44 of lead in drinking water; and measures the customer can take to
45 reduce or eliminate lead in tap water. If the public water system
46 provides for, and the customer has requested, the ability to receive
47 or access water bills in electronic format, the public water system

1 shall also send the notice required pursuant to this subsection in
2 electronic format.

3 b. No later than 90 days after the effective date of this act, the
4 department shall publish in the New Jersey Register the form and
5 manner of the notice required pursuant to subsection a. of this
6 section, and the specific information to be included in the notice.

7 c. If a public water system serves a municipality in which the
8 primary language of 10 percent or more of the residents is a
9 language other than English, the owner or operator of the public
10 water system shall provide the notice required pursuant to
11 subsection a. of this section in both English and the other language
12 to the new customer.

13 d. The owner or operator of a public water system shall not be
14 required to comply with the provisions of this section until the
15 department has published the information required pursuant to
16 subsection b. of this section.

17

18 5. a. At least 48 hours prior to commencing any construction,
19 maintenance, repair, or replacement of any lead service line or lead
20 water main, the owner or operator of a public water system shall
21 provide a written notice, in a form and manner as determined by the
22 department pursuant to subsection b. of this section, to residents
23 served by the lead service line or lead water main. The notice shall
24 include, but need not be limited to:

25 (1) notification that the planned construction, maintenance,
26 repair, or replacement may loosen lead-containing particles in the
27 water distribution system and temporarily increase lead levels in the
28 water supply;

29 (2) the estimated length of time that lead levels may remain
30 elevated, as determined by the department;

31 (3) general information on the possible sources of lead in
32 drinking water, and the health effects of consuming lead-
33 contaminated water;

34 (4) measures residents can take to reduce or eliminate their
35 exposure to lead in drinking water, including, but not limited to,
36 flushing water lines during and after completion of the work,
37 removing and cleaning faucet aerator screens, and installing a water
38 filter or water treatment device certified to remove lead in drinking
39 water; and

40 (5) a recommendation that any lead service line serving the
41 property be fully replaced, if it is not already being fully replaced,
42 and a list of available resources to assist the property owner in
43 conducting a full lead service line replacement.

44 b. No later than 90 days after the effective date of this act, the
45 department shall publish in the New Jersey Register the form and
46 manner of the notice required pursuant to subsection a. of this
47 section, and the specific information to be included in the notice.

1 c. If a public water system serves a municipality in which the
2 primary language of 10 percent or more of the residents is a
3 language other than English, the owner or operator of the public
4 water system shall provide the notice required pursuant to
5 subsection a. of this section in both English and the other language
6 to the residents.

7 d. The owner or operator of a public water system shall not be
8 required to comply with the provisions of this section until the
9 department has published the information required pursuant to
10 subsection b. of this section.

11

12 6. This act shall take effect immediately.

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STATEMENT

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17 This bill, to be known as the “Lead Education, Accountability,
18 and Disclosure Act,” would require public water systems to provide
19 customers with certain information regarding lead in drinking
20 water.

21 Specifically, the bill would require public water systems to
22 include information on lead in drinking water in their annual
23 Consumer Confidence Reports. The federal “Safe Drinking Water
24 Act” requires public water systems to deliver a Consumer
25 Confidence Report, also known as a drinking water quality report,
26 to their customers annually. The report provides customers with
27 information on the quality of the drinking water they receive. For
28 instance, the report contains information on the sources of a
29 customer’s drinking water, the level of contaminants detected in the
30 customer’s water, and the federal and State drinking water
31 standards.

32 This bill would require the Consumer Confidence Report to
33 include information on the possible sources of lead in drinking
34 water, including, but not necessarily limited to, lead service lines,
35 pipes, and fixtures; the health effects of lead in drinking water; and
36 measures a customer can take to reduce or eliminate lead in tap
37 water. The Department of Environmental Protection (DEP) would
38 be required to publish in the New Jersey Register the specific
39 information required to be included in the Consumer Confidence
40 Report under the bill.

41 Additionally, under the bill, within 90 days after beginning water
42 service to a new customer, the owner or operator of a public water
43 system would be required to send the customer a notice, in writing,
44 containing information on the possible sources of lead in drinking
45 water, including, but not necessarily limited to, lead service lines,
46 pipes, and fixtures; the health effects of lead in drinking water; and
47 measures the customer can take to reduce or eliminate lead in tap
48 water. If the public water system provides for, and the customer

1 has requested, the ability to receive or access water bills in
2 electronic format, the public water system would also be required to
3 send the notice in electronic format. Under the bill, the term “new
4 customer” would include any new residential, commercial, or
5 institutional customer.

6 The DEP would be required to publish in the New Jersey
7 Register the form and manner of the notice required under the bill
8 and the specific information to be included in the notice.

9 The bill would require the owner or operator of a public water
10 system to notify residents of any construction, maintenance, repair,
11 or replacement of any lead service line or lead water main.

12 According to the United States Environmental Protection
13 Agency, construction activity to repair or replace lead service lines
14 or lead water mains may loosen lead-containing particles in the
15 water distribution system that end up in water consumed by nearby
16 residents. Lead levels may be elevated for days or weeks following
17 the repair or replacement of a lead service line and, particularly, a
18 partial replacement of a lead service line.

19 Under the bill, at least 48 hours prior to commencing any
20 construction, maintenance, repair, or replacement of any lead
21 service line or lead water main, the owner or operator of a public
22 water system would be required to send a written notice to residents
23 served by the lead service line or lead water main. This
24 requirement would apply regardless of whether the work is
25 emergency or routine in nature. The notice, to be developed by the
26 DEP, would include:

27 (1) notification that the planned work may loosen lead-
28 containing particles and temporarily increase lead levels in the
29 water;

30 (2) the estimated length of time that lead levels may remain
31 elevated;

32 (3) general information on the possible sources of lead in
33 drinking water, and the health effects of consuming lead-
34 contaminated water;

35 (4) measures residents can take to reduce or eliminate their
36 exposure to lead in drinking water; and

37 (5) a recommendation that any lead service line serving the
38 property be fully replaced, and a list of available resources to assist
39 in any replacement.

40 Under the bill, the DEP would be required to publish in the New
41 Jersey Register the form and manner of, and specific information to
42 be included in, the notice required under the bill.