

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

A2863 MOEN, SWAIN

4

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.