

# 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.