

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.