

ASSEMBLY, No. 4759

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED OCTOBER 11, 2022

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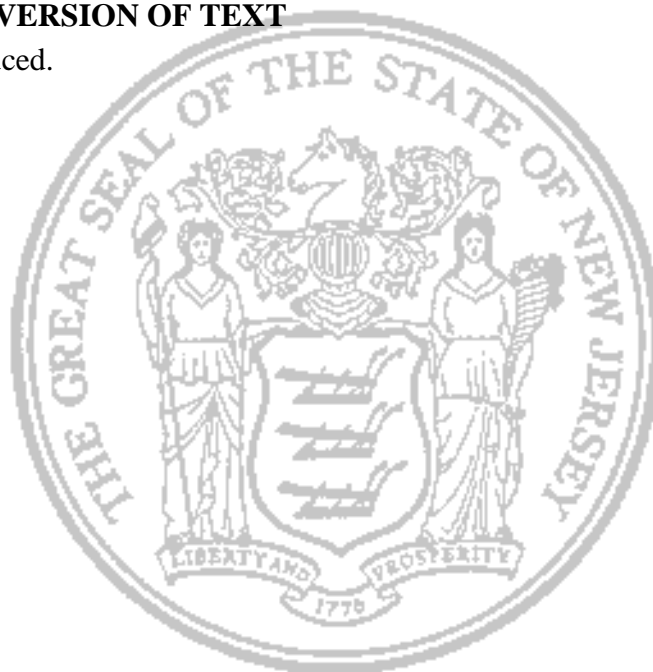
Assemblymen Conaway and Sampson

SYNOPSIS

Requires public water systems and landlords to provide certain notice of elevated perfluoroalkyl or polyfluoroalkyl substances levels in drinking water; requires DEP to establish educational program.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 10/11/2022)

1 AN ACT concerning certain notifications for elevated perfluoroalkyl
2 or polyfluoroalkyl substances levels in drinking water and
3 supplementing P.L.1977, c.224 (C.58:12A-1 et seq.).
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

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

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

12 "Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS"
13 means any member of the class of fluorinated organic chemicals
14 containing at least one fully fluorinated carbon atom.

15 "PFAS maximum contaminant level" means the applicable
16 maximum contaminant level for PFAS, or a category or type of
17 PFAS, in drinking water established by the department pursuant to
18 the "Safe Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et
19 seq.).
20

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

31 The written notice shall be sent as soon as practicable, but no
32 later than 10 calendar days after the public water system confirms
33 that there has been an exceedance of the PFAS maximum
34 contaminant level and the written notice has been approved by the
35 department. The written notice shall:

36 (1) clearly state that the public water system is in exceedance of
37 the PFAS maximum contaminant level;

38 (2) explain what the PFAS maximum contaminant level is and
39 the measurement process that the public water system is required to
40 perform to monitor drinking water for PFAS;

41 (3) provide additional information on the possible sources of
42 PFAS in drinking water, the health effects of drinking water with
43 elevated levels of PFAS, and measures a consumer can take to
44 reduce or eliminate PFAS in drinking water;

45 (4) provide information to direct the consumer to the
46 educational program developed by the department pursuant to
47 section 4 of P.L. , c. (C.) (pending before the Legislature

1 as this bill), including a link to the department's Internet website
2 where the educational resources are located; and

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

7 b. The notice required pursuant to this section shall be in
8 addition to any notice requirements under federal or State law.

9 c. A public water system shall provide monthly written
10 notifications to all customers served by the public water system
11 where an exceedance of a PFAS maximum contaminant level has
12 been found. The monthly written notifications shall continue until
13 there is no longer an exceedance of the PFAS maximum
14 contaminant level. The monthly written notifications shall include,
15 at a minimum:

16 (1) an update on the current status of the remediation process
17 along with an estimate of the time until the remediation process will
18 be completed; and

19 (2) any information on what work, if any, has been done to
20 remediate or treat the contaminated drinking water supply.

21

22 3. a. When a landlord receives any notice or health and safety
23 information from a public water system concerning the presence of
24 PFAS in drinking water, including, but not limited to, the written
25 notice submitted pursuant to subsection a. of section 2 of P.L. ,
26 c. (C.) (pending before the Legislature as this bill) and any
27 follow-up monthly written notifications pursuant to subsection c. of
28 section 2 of P.L. , c. (C.) (pending before the Legislature
29 as this bill), the landlord shall:

30 (1) distribute, by any means including by electronic mail, the
31 notice or information, as soon as practicable, but no later than three
32 business days after receipt, to every tenant who has entered into a
33 lease agreement with the landlord and whose dwelling unit is served
34 by the public water system; and

35 (2) post the notice or information, as soon as practicable, but no
36 later than three business days after receipt, in a prominent location
37 at the entrance of each rental premises that is owned by the landlord
38 and served by the public water system, except that this requirement
39 shall not apply in the case of single-family dwellings that do not
40 have a common area.

41 b. The requirements of subsection a. of this section shall not
42 apply to a landlord when a tenant is a direct customer of the public
43 water system and is billed directly by the public water system.

44 c. When a public water system provides any notice or
45 information to its customers concerning the presence of PFAS in
46 drinking water, the public water system shall include a statement,
47 printed in easily legible type, explaining the requirements set forth
48 in subsection a. of this section.

- 1 4. a. No later than one year after the effective date of P.L. ,
2 c. (C.) (pending before the Legislature as this bill), the
3 department shall establish and implement an educational program
4 concerning PFAS in drinking water. The program shall, at a
5 minimum:
6 (1) educate the general public on the subject of PFAS and its
7 environmental and health impacts;
8 (2) provide informational resources specific to PFAS in drinking
9 water, including:
10 (a) an explanation of how PFAS can contaminate drinking water;
11 (b) the potential risks associated with PFAS in drinking water,
12 (c) steps that can be taken to remediate an exceedance of PFAS
13 in drinking water; and
14 (d) preventative measures that can be taken to prevent an
15 exceedance of PFAS in drinking water; and
16 (3) provide any other information and efforts that are determined
17 by the department to be beneficial in educating the public on the
18 presence of PFAS in drinking water.
19 b. The educational program established pursuant to this section
20 shall be published on the department's Internet website and updated
21 annually.
22
23 5. This act shall take effect immediately.
24
25

26 STATEMENT
27

28 This bill would require public water systems to provide notice of
29 elevated perfluoroalkyl and polyfluoroalkyl substances (PFAS)
30 levels in drinking water to customers and local officials, require
31 landlords to notify tenants of elevated PFAS levels in drinking
32 water, and require the Department of Environmental Protection
33 (DEP) to establish an educational program concerning the presence
34 of PFAS in drinking water.

35 Specifically, a public water system that exceeds a PFAS
36 maximum contaminant level (MCL) would be required to provide a
37 written notice to all customers served by the public water system,
38 including all schools, daycare centers, and facilities serving young
39 children, all public and private hospitals, medical clinics, and
40 doctor's offices serving pregnant women and young children, all
41 local health and welfare agencies in the public water system's
42 service area, and the chief executive of each municipality in the
43 public water system's service area. The written notice would be
44 required to be sent as soon as practicable, but no later than 10
45 calendar days after the public water system confirms that there has
46 been an exceedance of the PFAS MCL.

47 As defined in the bill, "PFAS" means any member of the class of
48 fluorinated organic chemicals containing at least one fully

1 fluorinated carbon atom and “PFAS maximum contaminant level”
2 means the applicable maximum contaminant level for PFAS, or a
3 category or type of PFAS, in drinking water established by the DEP
4 pursuant to the "Safe Drinking Water Act," P.L.1977, c.224
5 (C.58:12A-1 et seq.).

6 The written notice to be sent by a public water system would be
7 required to: (1) clearly state that the public water system is in
8 exceedance of the PFAS MCL; (2) explain what the PFAS MCL is
9 and the measurement process that the public water system is
10 required to perform to monitor drinking water for PFAS; (3)
11 provide additional information on the possible sources of PFAS in
12 drinking water, the health effects of drinking water with elevated
13 levels of PFAS, and measures a consumer can take to reduce or
14 eliminate PFAS in drinking water; (4) provide information to direct
15 the consumer to the educational program developed by the DEP
16 pursuant to section 4 of the bill including a link to the DEP’s
17 Internet website where the educational resources are located; and
18 (5) state, in easily legible type, the responsibility of a landlord to
19 distribute the written notice to every tenant pursuant to section 3 the
20 bill.

21 The bill would also require public water systems to provide
22 monthly written notifications to all customers served by the public
23 water system where an exceedance of the PFAS MCL has been
24 found. The monthly written notifications would be required to
25 continue until there is no longer an exceedance of the PFAS MCL.
26 The monthly written notifications would be required to include, at a
27 minimum: (1) an update on the current status of the remediation
28 process along with an estimate of the time until the remediation
29 process will be completed; and (2) any information on what work, if
30 any, has been done to remediate or treat the contaminated drinking
31 water supply.

32 Under the bill, when a landlord receives any notice or health and
33 safety information from a public water system concerning the
34 presence of PFAS in drinking water, the landlord would be required
35 to: (1) distribute, by any means including by electronic mail, the
36 notice or information, as soon as practicable, but no later than three
37 business days after receipt, to every tenant who has entered into a
38 lease agreement with the landlord and whose dwelling unit is served
39 by the public water system; and (2) post the notice or information,
40 as soon as practicable, but no later than three business days after
41 receipt, in a prominent location at the entrance of each rental
42 premises that is owned by the landlord and served by the public
43 water system, except in single-family dwellings that do not have a
44 common area.

45 The bill would also require the DEP, no later than one year after
46 the bill’s effective date, to establish and implement an educational
47 program concerning PFAS in drinking water. The program would
48 be required to: (1) educate the general public on the subject of

1 PFAS and its environmental and health impacts; (2) provide
2 informational resources specific to PFAS in drinking water; and (3)
3 provide any other information and efforts that are determined by the
4 DEP to be beneficial in educating the public on the presence of
5 PFAS in drinking water. The DEP would be required to publish the
6 educational program to their Internet website and update it
7 annually. PFAS are man-made chemical compounds that have
8 multiple fluorine atoms bonded to a chain of carbon atoms. Since
9 the 1930s, PFAS have been widely used in countless consumer
10 products because they repel oil, water, and grease. The carbon-
11 fluorine bond that forms PFAS is one of the strongest chemical
12 bonds found in nature and does not break down under typical
13 environmental conditions. As a result, the presence of PFAS in the
14 environment is widespread. There are over 12,000 different types
15 of PFAS, and new types are continually being developed and used
16 in commerce.

17 PFAS can enter drinking water through industrial release to
18 water, air, or soil; discharges from sewage treatment plants; land
19 application of contaminated sludge; leaching from landfills; and use
20 of certain fire-fighting foams. Exposure to PFAS in drinking water
21 is primarily through ingestion of the contaminated water and
22 ingestion of food prepared with the contaminated water. Exposure
23 to PFAS in drinking water can lead to adverse health effects and
24 can be especially harmful to infants and children.

25 Perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate
26 (PFOS) were first developed in the 1940's and are the two most
27 commonly found PFAS in the environment and are also the two
28 most studied and regulated PFAS. In 2018, the DEP adopted
29 amendments to its Safe Drinking Water Act regulations to establish
30 drinking water standards for another common PFAS,
31 perfluorononanoic acid (PFNA), at a MCL of 13 parts per trillion.
32 In 2020, the DEP adopted additional drinking water standards for
33 PFOA at a MCL of 14 parts per trillion and for PFOS at a MCL of
34 13 parts per trillion.