

[First Reprint]

**ASSEMBLY, No. 4759**

**STATE OF NEW JERSEY**  
**220th LEGISLATURE**

INTRODUCED OCTOBER 11, 2022

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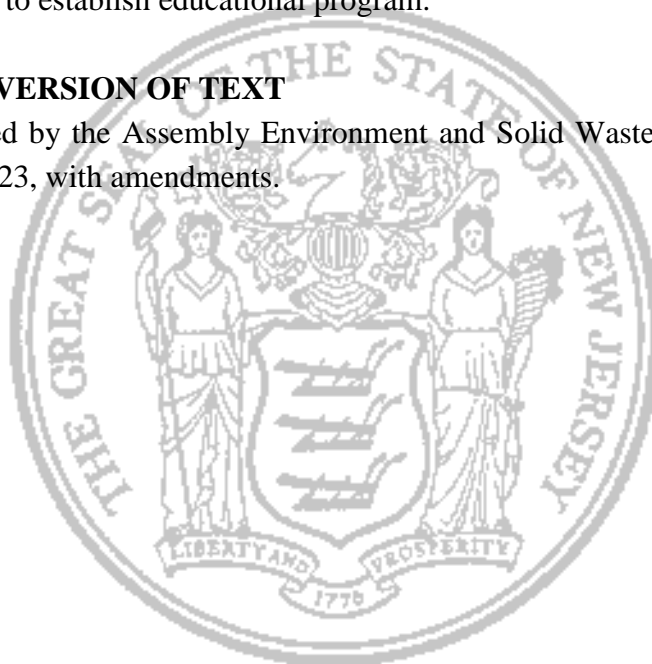
**Assemblymen Conaway, Sampson and Stanley**

**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 reported by the Assembly Environment and Solid Waste Committee on March 23, 2023, with amendments.



**(Sponsorship Updated As Of: 3/30/2023)**

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 <sup>1</sup>"Exceedance of a PFAS maximum contaminant level" means,  
11 for a public water system, that the system has measured, in  
12 conformance with the provisions of the "Safe Drinking Water Act,"  
13 P.L.1977, c.224 (C.58:12A-1 et seq.), and the rules and regulations  
14 adopted pursuant thereto, and the federal "Safe Drinking Water  
15 Act," 42 U.S.C. s.300 et al., and the rules and regulations adopted  
16 pursuant thereto, a concentration of a PFAS at a sampling point  
17 such that the running annual average of the PFAS concentration at  
18 that sampling point is in excess of the applicable PFAS maximum  
19 contaminant level.<sup>1</sup>

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

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

25 "PFAS maximum contaminant level" means the applicable  
26 maximum contaminant level for PFAS, or a category or type of  
27 PFAS, in drinking water established by the department pursuant to  
28 the "Safe Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et  
29 seq.).  
30

31 2. a. A public water system that exceeds a PFAS maximum  
32 contaminant level shall provide a written notice <sup>1</sup>**[**, in a letter  
33 addressed to "resident" or "property owner/tenant," by regular  
34 mail,<sup>1</sup> to <sup>1</sup>**[**both the service address and the mailing address of<sup>1</sup>**]**<sup>1</sup>  
35 all customers served by the public water system, including all  
36 <sup>1</sup>residences,<sup>1</sup> schools, daycare centers, and facilities serving young  
37 children, all public and private hospitals, medical clinics, and  
38 doctor's offices serving pregnant women and young children, all  
39 local health and welfare agencies in the public water system's  
40 service area, and the chief executive of each municipality in the  
41 public water system's service area.

42 The written notice shall be sent as soon as practicable, but no  
43 later than <sup>1</sup>**[**10<sup>1</sup> 30<sup>1</sup> calendar days after the public water system  
44 confirms that there has been an exceedance of <sup>1</sup>**[**the<sup>1</sup> a<sup>1</sup> PFAS

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly AEN committee amendments adopted March 23, 2023.

1 maximum contaminant level and the <sup>1</sup>department approves the<sup>1</sup>  
2 written notice <sup>1</sup>[has been approved by the department]<sup>1</sup> . The  
3 written notice shall:

4 (1) clearly state that the public water system is in exceedance of  
5 <sup>1</sup>[the] a<sup>1</sup> PFAS maximum contaminant level;

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

9 (3) <sup>1</sup>[provide additional information on the possible sources of  
10 PFAS in drinking water, the health effects of drinking water with  
11 elevated levels of PFAS, and measures a consumer can take to  
12 reduce or eliminate PFAS in drinking water] state that drinking  
13 water containing elevated levels of a PFAS can cause negative  
14 health effects<sup>1</sup> ;

15 (4) provide information to direct the consumer to the  
16 educational program developed by the department pursuant to  
17 section 4 of P.L. , c. (C. ) (pending before the Legislature  
18 as this bill), including a link to the department's Internet website  
19 where the educational resources are located; and

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

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

26 c. A public water system shall provide <sup>1</sup>[monthly] annual<sup>1</sup>  
27 written notifications to all customers served by the public water  
28 system where an exceedance of a PFAS maximum contaminant  
29 level has been found. The <sup>1</sup>[monthly] annual<sup>1</sup> written notifications  
30 shall continue until there is no longer an exceedance of the PFAS  
31 maximum contaminant level. The <sup>1</sup>[monthly] annual<sup>1</sup> written  
32 notifications shall include, at a minimum:

33 (1) an update on the current status of the <sup>1</sup>[remediation]  
34 mitigation<sup>1</sup> process along with an estimate of the time until the  
35 <sup>1</sup>[remediation] mitigation<sup>1</sup> process will be completed; and

36 (2) any information on what work, if any, has been done to  
37 <sup>1</sup>[remediate] mitigate the contamination<sup>1</sup> or treat the contaminated  
38 drinking water supply.

39 <sup>1</sup>d. Whenever a public water system that is subject to the  
40 provisions of this section is found to no longer have an exceedance  
41 of a PFAS maximum contaminant level, the public water system  
42 shall provide a written notice to all customers of this fact.

43 e. A public water system shall provide any written notice or  
44 notification required pursuant to this section by regular mail, in a  
45 letter addressed to "resident" or "property owner/tenant," as  
46 applicable, to both the service address and the mailing address of

1 the customer, or via electronic mail to the customer's preferred  
2 email address, or both.

3 f. A violation of the provisions of this section shall be  
4 considered a violation of the "Safe Drinking Water Act," P.L.1977,  
5 c.224 (C:58:12A-1 et seq.) and the commissioner shall have  
6 recourse to any of the actions provided for in section 10 of  
7 P.L.1977, c.224 (C.58:12A-10), in order to remedy the violation.<sup>1</sup>

8  
9 3. a. <sup>1</sup>**【When】** Whenever<sup>1</sup> a landlord receives any notice or  
10 health and safety information from a public water system  
11 concerning the presence of PFAS in drinking water, including, but  
12 not limited to, the written notice submitted pursuant to subsection a.  
13 of section 2 of P.L. , c. (C. ) (pending before the  
14 Legislature as this bill) and any follow-up <sup>1</sup>**【monthly】** annual<sup>1</sup>  
15 written notifications <sup>1</sup>required<sup>1</sup> pursuant to subsection c. of section  
16 2 of P.L. , c. (C. ) (pending before the Legislature as this  
17 bill), the landlord shall:

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

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

29 b. <sup>1</sup>A landlord shall provide the most recent notice or health and  
30 safety information that the landlord has received from a public  
31 water system concerning the presence of a PFAS in drinking water  
32 issued pursuant to subsection a. or c. of section 2 of P.L. ,  
33 c. (C. ) (pending before the Legislature as this bill), to each  
34 prospective tenant prior to signing a lease agreement, unless the  
35 most recent notice is a notification, issued pursuant to subsection d.  
36 of section 2 of P.L. , c. (C. ) (pending before the  
37 Legislature as this bill), indicating that the public water system no  
38 longer exceeds a PFAS maximum containment level.

39 c.<sup>1</sup> The requirements of subsection a. of this section shall not  
40 apply to a landlord when a tenant is a direct customer of the public  
41 water system and is billed directly by the public water system.

42 <sup>1</sup>**【c. When】** d. Whenever<sup>1</sup> a public water system provides any  
43 notice or information to its customers concerning the presence of  
44 PFAS in drinking water, the public water system shall include a  
45 statement, printed in easily legible type, explaining the  
46 requirements set forth in subsection a. of this section.

1 <sup>1</sup>e. (1) For a first violation of the provisions of this section, the  
2 commissioner shall issue a written warning to the landlord, which  
3 identifies the section of the statute, rule, regulation, or order  
4 violated and recites the facts alleged to constitute a violation.

5 (2) For each subsequent violation of the provisions of this  
6 section, the commissioner is authorized to impose a civil  
7 administrative penalty of not more than \$500. In assessing a civil  
8 administrative penalty, the commissioner shall consider the severity  
9 of the violation, the measures taken to prevent further violations,  
10 and whether the penalty will maintain an appropriate deterrent.  
11 Prior to the assessment of a civil administrative penalty, the  
12 commissioner shall notify the person committing the violation by  
13 certified mail or personal service that the penalty is being assessed.  
14 The notice shall identify the section of the statute, rule, regulation,  
15 or order violated; recite the facts alleged to constitute a violation;  
16 state the basis for the amount of the civil administrative penalties to  
17 be assessed; and affirm the rights of the alleged violator to a  
18 hearing. The ordered party shall have 35 days from receipt of the  
19 notice within which to deliver to the commissioner a written request  
20 for a hearing. After the hearing, and upon finding that a violation  
21 has occurred, the commissioner may issue a final order assessing  
22 the amount of the fine specified in the notice. If no hearing is  
23 requested, the notice shall become a final order after the expiration  
24 of the 35-day period. A civil administrative penalty assessed  
25 pursuant to this subsection shall be due and paid within 30 days  
26 after a final order is issued or the notice becomes a final order. The  
27 commissioner may compromise any civil administrative penalty  
28 assessed under this section, in an amount and with conditions the  
29 commissioner determines appropriate.<sup>1</sup>

30

31 4. a. No later than one year after the effective date of <sup>1</sup>**[P.L. ,**  
32 **c. (C. ) (pending before the Legislature as this bill)]** this  
33 section<sup>1</sup>, the department <sup>1</sup>, in conjunction with the Department of  
34 Health,<sup>1</sup> shall establish and implement an educational program  
35 concerning PFAS in drinking water. The program shall, at a  
36 minimum:

37 (1) educate the general public on the subject of PFAS and its  
38 environmental and health impacts;

39 (2) provide informational resources specific to PFAS in drinking  
40 water, including:

41 (a) an explanation of how PFAS can contaminate drinking  
42 water;

43 (b) the potential risks associated with PFAS in drinking water,

44 (c) steps that can be taken to <sup>1</sup>**[remediate]** mitigate or reduce<sup>1</sup>  
45 an exceedance of PFAS in drinking water; <sup>1</sup>**[and]**<sup>1</sup>

46 (d) preventative measures that can be taken to prevent <sup>1</sup>or  
47 reduce<sup>1</sup> an exceedance of PFAS in drinking water; <sup>1</sup>**[and]**

1     (e) information about the health impacts on specific  
2 subpopulations who are particularly susceptible to PFAS  
3 contamination; and

4     (f) model written notices that may be utilized by public water  
5 systems and landlords to comply with the provisions of P.L. ,  
6 c. (C. ) (pending before the Legislature as this bill); and<sup>1</sup>

7     (3) provide any other information and efforts that are  
8 determined by the department <sup>1</sup>or the Department of Health<sup>1</sup> to be  
9 beneficial in educating the public on the presence of PFAS in  
10 drinking water.

11     b. The educational program established pursuant to this section  
12 shall be published on the department's Internet website and updated  
13 annually.

14

15     5. This act shall take effect immediately <sup>1</sup>, except that sections 1  
16 through 3 of this act shall take effect 18 months after the date of  
17 enactment<sup>1</sup> .