

ASSEMBLY APPROPRIATIONS COMMITTEE

STATEMENT TO

[First Reprint]

ASSEMBLY, No. 4759

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 18, 2023

The Assembly Appropriations Committee reports favorably and with committee amendments Assembly Bill No. 4759 (1R).

This bill, as amended by the committee, would require public water systems to provide certain notifications about elevated perfluoroalkyl and polyfluoroalkyl substances (PFAS) levels in drinking water to customers and local officials, require landlords to notify tenants of elevated PFAS levels in drinking water, and require the Department of Environmental Protection (DEP), in conjunction with the Department of Health (DOH), to establish an educational program concerning the presence of PFAS in drinking water.

Beginning 18 months after the bill's enactment, a public water system whose drinking water exceeds a PFAS maximum contaminant level (MCL) would be required to provide a written notice to all customers served by the public water system, including all residences, 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, 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. The written notice would be required to be sent as soon as practicable, but no later than 30 calendar days after the public water system confirms that there has been an exceedance of a PFAS MCL. This notification requirement would be in addition to existing notification requirements under the federal "Safe Drinking Water Act," 42 U.S.C. s.300 et al., or any other State or federal law.

As defined in the bill, "PFAS" means any member of the class of fluorinated organic chemicals containing at least one fully fluorinated carbon atom and "PFAS maximum contaminant level" means the applicable maximum contaminant level for PFAS, or a category or type of PFAS, in drinking water established by the DEP pursuant to the "Safe Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et seq.).

The written notice to be sent by a public water system would be required to: (1) clearly state that the public water system is in exceedance of a PFAS MCL; (2) explain what the PFAS MCL is and

the measurement process that the public water system is required to perform to monitor drinking water for PFAS; (3) state that drinking water that contains elevated levels of a PFAS can cause negative health effects; (4) provide information to direct the consumer to the educational program developed by the DEP pursuant to section 4 of the bill, including a link to the DEP's Internet website where the educational resources are located; (5) state, in easily legible type, the responsibility of a landlord to distribute the written notice to every tenant pursuant to section 3 the bill; and (6) provide a website, optimized for use by internet connected phones, tablets, and personal computers, and a printed form, returnable by mail, where customers and other users of the public water system can sign up to receive notifications from the public water system.

The bill would also require public water systems where an exceedance of a PFAS MCL has been found to update information on its website at least annually. Notifications required by the bill would continue until there is no longer an exceedance of the PFAS MCL. The notifications would be required to include, at a minimum: (1) an update on the current status of the mitigation process along with an estimate of the time until the mitigation process will be completed; and (2) any information on what work, if any, has been done to mitigate the contamination or treat the contaminated drinking water supply. A public water system that violates any of the notification requirements of the bill would be considered to be in violation of the "Safe Drinking Water Act," which could result in civil administrative penalties of up to \$25,000.

Beginning 18 months after the bill's enactment, the bill would require landlords, whenever they receive a notice or health and safety information from a public water system concerning the presence of PFAS in drinking water, to: (1) distribute the notice or information, by any means including by electronic mail, as soon as practicable, but no later than three business days after receipt, 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, as soon as practicable, but no later than three business days after receipt, in a prominent location at the entrance of each rental premises that is owned by the landlord and served by the public water system, except in single-family dwellings that do not have a common area. The bill would also require landlords to provide the most recent information about a PFAS exceedance they have received to any prospective tenant prior to signing a lease. A landlord who violates any of the notification requirements of the bill would first receive a written warning from the DEP, and, for subsequent violations, could face a civil administrative penalty of up to \$500.

Finally, the bill would require the DEP and the DOH, no later than one year after the bill's enactment, to establish and implement an educational program concerning PFAS in drinking water. The

program would be required to: (1) educate the general public on the subject of PFAS and its environmental and health impacts; (2) provide informational resources specific to PFAS in drinking water; and (3) provide any other information and efforts that are determined by the DEP or the DOH to be beneficial in educating the public on the presence of PFAS in drinking water. The DEP would be required to publish the educational program to its Internet website and update it annually.

COMMITTEE AMENDMENTS

The committee amendments to the bill:

1) require the written notice to be sent by a public water system to include a website, optimized for use by internet connected phones, tablets, and personal computers, and a printed form, returnable by mail, where customers and other users of the public water system can sign up to receive notifications from the public water system;

2) revise the notification requirements to include a website, updated at least annually, and require a public water system to include on its website an option for customers and other users of the public water system to sign up to receive notifications from the public water system; and

3) delete the requirement for a public water system to provide any required written notice or notification by regular mail, in a letter addressed to "resident" or "property owner/tenant," as applicable, to both the service address and the mailing address of the customer, or via electronic mail to the customer's preferred email address, or both.

FISCAL IMPACT:

Fiscal information for this bill is currently unavailable.