

SENATE, No. 3582

STATE OF NEW JERSEY

220th LEGISLATURE

INTRODUCED FEBRUARY 9, 2023

Sponsored by:

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

SYNOPSIS

Requires DEP to study feasibility of using alternative water supply source when perfluoroalkyl or polyfluoroalkyl substances exceed maximum contaminant level.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** requiring the Department of Environmental Protection to
2 conduct a study concerning the use of alternative water supply
3 sources when perfluoroalkyl or polyfluoroalkyl substances
4 exceed maximum contaminant levels.

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

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9 1. a. Within one year after the date of enactment of this section,
10 the Department of Environmental Protection shall conduct, or cause
11 to be conducted, a study concerning the use of alternative drinking
12 water supply sources when perfluoroalkyl or polyfluoroalkyl
13 substances exceed maximum contaminant levels. As part of the
14 study, the department shall consider the drinking water supply
15 sources available to public community water systems in the State
16 and identify alternative drinking water supplies that may be
17 available for use by public community water systems to provide
18 water to the customers of the system when an exceedance of a
19 maximum contaminant level for a perfluoroalkyl or polyfluoroalkyl
20 substance is discovered.

21 b. In conducting the study required pursuant to this section, the
22 department shall solicit input from representatives of public
23 community water systems, academic institutions, and environmental
24 organizations with expertise, knowledge, or experience in issues
25 related to the State's water supplies, and may hold public hearings,
26 at a time and place determined by the department, to receive input
27 on the issue.

28 c. The department shall prepare and submit to the Governor and,
29 pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the
30 Legislature a written report containing the findings and
31 recommendations of the study conducted, or caused to be
32 conducted, pursuant to this section, including any proposals for
33 legislation or other appropriate legislative or regulatory action. The
34 department shall also make the study available on the department's
35 Internet website.

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37 2. This act shall take effect immediately, and shall expire 30
38 days after the submittal of the report required pursuant to subsection
39 c. of section 1 of this act.

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STATEMENT

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44 This bill would require the Department of Environmental
45 Protection (DEP) to conduct, or cause to be conducted, a study
46 concerning the feasibility of using of alternative drinking water
47 supply sources when an exceedance of a maximum contaminant

1 level (MCL) for perfluoroalkyl or polyfluoroalkyl substances
2 (PFAS) is discovered.

3 As part of the study, the DEP would consider the drinking water
4 supply sources available to public community water systems in the
5 State and identify alternative drinking water supplies that may be
6 available for use by public community water systems to provide
7 water to the customers of the system when an MCL exceedance for
8 a PFAS substance is discovered. In conducting the study, the DEP
9 would solicit input from representatives of public community water
10 systems, academic institutions, and environmental organizations
11 with expertise, knowledge, or experience in issues related to the
12 State's water supplies, and may hold public hearings, at a time and
13 place determined by the department, to receive input on the issue.
14 The bill requires the DEP to prepare and submit to the Governor
15 and the Legislature a written report containing the findings and
16 recommendations of the study, including any proposals for
17 legislation or other appropriate legislative or regulatory action.

18 PFAS are man-made chemical compounds that have multiple
19 fluorine atoms bonded to a chain of carbon atoms. Since the 1930s,
20 PFAS have been widely used in countless consumer products
21 because they repel oil, water, and grease. There are over 4,700
22 different types of PFAS, and new types are invented on a nearly
23 daily basis. PFAS are commonly found in products such as
24 polishes, waxes, paints, cleaning products, cookware, cosmetics,
25 carpet treatments, fire extinguishing foam, dental floss, shampoos,
26 waterproof clothing, food packaging, and even microwave popcorn.
27 As a result, the presence of PFAS in the environment is widespread,
28 and further exacerbated by multiple sources. The carbon-fluorine
29 bond that forms PFAS is one of the strongest chemical bonds found
30 in nature and does not break down under typical environmental
31 conditions. As a result, PFAS are nicknamed "forever chemicals"
32 because they accumulate, rather than break down, over time.

33 PFAS may enter the environment in the following ways: (1) the
34 disposal of products containing PFAS in landfills, thereby
35 contaminating the surrounding soil, groundwater, and source water;
36 (2) the utilization of PFAS by manufacturing sites, which may
37 result in contamination of the surrounding ground and surface
38 waters; (3) the utilization of sludge byproducts containing PFAS on
39 agricultural land, thereby leading to water and soil contamination;
40 (4) the discharge of PFAS by wastewater treatment plants into
41 source waters that service public drinking water systems; and (5)
42 the contamination of private wells by groundwater containing
43 PFAS. The widespread presence of PFAS in the water, soil, and
44 air, results in the contamination not only of public drinking water
45 systems and wells, but also of the food products humans and
46 animals ingest. Many kinds of plants, fish, and livestock that are
47 consumed daily by most Americans are commonly exposed to
48 PFAS-contaminated water or food. Studies have indicated that

1 exposure to PFAS, and the resulting buildup of PFAS in the human
2 body, may be linked to certain harmful health effects in both
3 humans and animals.

4 Perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate
5 (PFOS) were first developed in the 1940's and are the two most
6 commonly found PFAS in the environment and are also the two
7 most studied and regulated PFAS. In 2018, the DEP adopted
8 amendments to its Safe Drinking Water Act regulations to establish
9 drinking water standards for a common PFAS, perfluorononanoic
10 acid (PFNA), at a maximum contaminant level (MCL) of 13 parts
11 per trillion. In 2020, the DEP adopted additional amendments to
12 establish drinking water standards for PFOA at a MCL of 14 parts
13 per trillion and for PFOS at a MCL of 13 parts per trillion.