

SENATE, No. 4090

STATE OF NEW JERSEY
220th LEGISLATURE

INTRODUCED NOVEMBER 30, 2023

Sponsored by:
Senator LINDA R. GREENSTEIN
District 14 (Mercer and Middlesex)

SYNOPSIS

Requires owners or operators of public community water systems to perform certain tests for Legionella bacteria.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the presence of *Legionella* bacteria in drinking
2 water systems and supplementing Title 58 of the Revised
3 Statutes.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. a. As used in this section:

9 "Commissioner" means the Commissioner of Environmental
10 Protection.

11 "Department" means the Department of Environmental
12 Protection.

13 "Public community water system" means the same as the term is
14 defined in section 2 of P.L.2021, c.183 (C.58:12A-41).

15 "Service line" means the same as the term is defined in section 2
16 of P.L.2021, c.183 (C.58:12A-41).

17 "System side" means the same as the term is defined in section 2
18 of P.L.2021, c.183 (C.58:12A-41).

19 "Water system facility" means any large structure, container, or
20 facility used for the intake, treatment, or distribution of drinking
21 water, as determined by the department pursuant to subsection i. of
22 this section, including, but not limited to, storage tanks, treatment
23 plants, pumps, and water mains.

24 b. Commencing two years after the effective date of this section,
25 the owner or operator of a public community water system shall
26 test, at least once every three months, water from the system side of
27 selected service lines for the presence of *Legionella* bacteria. The
28 owner or operator shall divide the service area of the public
29 community water system into quadrants of equal size, and shall test
30 a random sample of not less than 0.1 percent of the service lines in
31 each quadrant. To the maximum extent practicable, the same
32 service line shall not be tested more than once in the same calendar
33 year for the purposes of complying with the provisions of this
34 subsection.

35 c. Commencing two years after the effective date of this section,
36 the owner or operator of a public community water system shall
37 have water from water system facilities tested each month for the
38 presence of *Legionella* bacteria. The tests shall be performed on a
39 random sample of not less than one percent of the water system
40 facilities operated by the public community water system. The
41 same water system facility shall not be tested more than once in the
42 same calendar year, for the purposes of complying with the
43 provisions of this subsection.

44 d. To the maximum extent practicable, a public community
45 water system shall consolidate the testing required pursuant to this
46 section with other testing required pursuant to State or federal law.

47 e. Water sampling and testing carried out pursuant to this
48 section shall be performed using the best practices developed by the

1 department pursuant to subsection i. of this section, and the water
2 testing shall be performed by a laboratory accredited for this
3 purpose by the department.

4 f. The results of each water test performed pursuant to this
5 section shall be transmitted to the department, in a form and manner
6 determined by the department.

7 g. If a test result is found to exceed the applicable standard for
8 *Legionella* bacteria developed by the department pursuant to
9 subsection i. of this section, the owner or operator of a public
10 community water system shall:

11 (1) immediately notify any customers of the public community
12 water system that may be affected by the *Legionella* contamination;
13 and

14 (2) no later than 30 days after the test result is received by the
15 owner or operator, undertake efforts to remove the excessive levels
16 of *Legionella* bacteria and to protect the health of the customers of
17 the public community water system. The *Legionella* contamination
18 shall be remediated no later than six months after the test result is
19 received by the owner or operator. After the remediation, the owner
20 or operator shall have the water from the service line tested, and
21 shall submit the test result to the department to verify that the
22 remediation has been successful.

23 h. A violation of the provisions of this section shall be
24 considered a violation of the "Safe Drinking Water Act," P.L.1977,
25 c.224 (C:58:12A-1 et seq.) and the commissioner shall have
26 recourse to any of the actions provided for in section 10 of
27 P.L.1977, c.224 (C.58:12A-10), in order to remedy the violation.
28 However, the presence of excessive *Legionella* bacteria levels shall
29 not, in itself, constitute a violation of the provisions of this section.

30 i. No later than 18 months after the effective date of this section,
31 the department shall adopt, pursuant to the "Administrative
32 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and
33 regulations to implement the provisions of this act. The rules and
34 regulations shall include, but not be limited to:

35 (1) best practices to be used by persons obtaining and testing
36 water samples for the presence of *Legionella* bacteria;

37 (2) maximum acceptable concentrations of *Legionella* bacteria in
38 drinking water service lines and water system facilities; and

39 (3) an explicit definition of the water system facilities that are to
40 be tested pursuant to this section.

41
42 2. This act shall take effect immediately.
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45 STATEMENT

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47 This bill would require the owner or operator of a public
48 community water system to perform certain tests for *Legionella*

1 bacteria on the drinking water in the public community water
2 system.

3 Specifically, the bill would require the owner or operator to test
4 water from the system side of a random sample of 0.1 percent of the
5 service lines in the service area of the public community water
6 system, at least once every three months. In addition, the bill would
7 require testing of a random sample of one percent of the public
8 community water system's facilities (including storage tanks,
9 treatment plants, pumps, and water mains), at least once every
10 month. The bill requires the water sampling and testing to be
11 performed using a set of best practices developed by the
12 Department of Environmental Protection (DEP). In addition, the
13 bill would require the water testing to be performed by a laboratory
14 accredited by the DEP.

15 The bill would also require the owner or operator of a public
16 community water system to transmit the test results to the DEP. If
17 the test results reveal the presence of excessive *Legionella*
18 contamination, according to a standard to be developed by the DEP
19 under the bill, the owner or operator would be required to begin
20 remediation of the problem within 30 days, and the remediation
21 would be required to be completed within six months. The owner
22 or operator would also be required to notify customers that may be
23 affected by the *Legionella* contamination.

24 A violation of the bill's provisions would be considered a
25 violation of the "Safe Drinking Water Act," P.L.1977, c.224
26 (C.58:12A-1 et seq.), which could result in civil administrative
27 penalties of up to \$25,000 per violation.