ASSEMBLY, No. 5768

STATE OF NEW JERSEY

222nd LEGISLATURE

INTRODUCED NOVEMBER 16, 2026

Sponsored by:
Assemblywoman VERLINA REYNOLDS-JACKSON
District 15 (Hunterdon and Mercer)

SYNOPSIS

Requires DEP to establish maximum contaminant level for certain perfluoroalkyl and polyfluoroalkyl substances in drinking water and establish private well testing program.

CURRENT VERSION OF TEXT

As introduced.

AN ACT concerning the presences of perfluoroalkyl and polyfluoroalkyl substances in drinking water and supplementing P.L.1977, c.224 (C.58:12A-1).

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

1. As used in this act:

"EPA" means the United States Environmental Protection Agency.

"Perfluoroalkyl and polyfluoroalkyl substances" or "PFAS" means the same as that term is defined in section 3 of P.L.2025, c.202.

2. a. No later than 12 months after the effective date of this act, the department shall adopt drinking water standards for PFAS that are consistent with the EPA's National Primary Drinking Water Regulations promulgated under the federal "Safe Drinking Water Act," (42 U.S.C. s.300f et seq.), as in effect on January 1, 2026. The maximum contaminant levels adopted shall be as follows:

(1) 4.0 parts per trillion for maximumperfluorooctanoic acid (PFOA);

(2) 4.0 parts per trillion for perfluorooctane sulfonic acid (PFOS);

(3) 10 parts per trillion for perfluorohexanesulfonic acid (PFHxS);

(4) 10 parts per trillion for perfluorononanoic acid (PFNA); and

(5) 10 parts per trillion for hexafluoropropylene oxide dimer acid (HFPO-DA).

b. In adopting the drinking water standards pursuant to subsection a. of this section, the department shall also establish hazard index requirements for other regulated PFAS compounds that are identified in EPA's National Primary Drinking Water Regulations promulgated under the federal "Safe Drinking Water Act," (42 U.S.C. s.300f et seq.).

3. a. No later than 12 months after the effective date of this act, the department shall establish and implement a "Private Well Testing Program" for the purpose of improving access to, and providing financial assistance for, the testing of private wells for PFAS in the State. In implementing the program, the department shall, at a minimum:

(1) identify households or other buildings within the State that have private wells that require testing for PFAS and offer testing for PFAS of those private wells;

(2) provide financial assistance for the testing of private wells for PFAS;

(3) develop educational materials concerning PFAS contamination in drinking water, including effective methods to remediate PFAS contamination from private wells;

(4) publish information related to the private well testing program on the department's Internet website; and

(5) establish and maintain a database that contains information on the locations of private wells that were tested for PFAS and found to be contaminated for PFAS.

b. No later than one year after the implementation of the private well testing program pursuant to subsection a. of this section, and annually thereafter, the department shall prepare and submit a report to the Governor and to the Legislature, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), evaluating the effectiveness of the program. The report shall contain, at a minimum:

(1) the number private wells tested for PFAS during the preceding year;

(2) the locations of the private wells tested for PFAS during the preceding year;

(3) information related to any geographic locations where PFAS contamination was found to be significantly higher than in other regions of the State;

(4) the total amount of funds from the "Private Well Testing Assistance Fund," established pursuant to section 4 of this act, used to conduct testing of private wells for PFAS during the preceding year;

(5) the total amount of funds from the "Private Well Testing Assistance Fund," established pursuant to section 4 of this act, used to provide remediation assistance, including the installation of drinking water filtration systems, to individuals whose private wells were found to be contaminated with PFAS; and

(6) any recommendations to modify the program to make the program more effective.

4. a. The "Private Well Testing Assistance Fund," hereinafter referred to as the "fund," is hereby established as a nonlapsing, revolving fund in the department. Monies in the fund shall be invested in permitted investments or shall be held in interest-bearing accounts in those depositories as the State Treasurer may select, and may be invested and reinvested in permitted investments or as other trust funds in the custody of the State Treasurer in the manner provided by law.

b. Monies in the fund shall be used only to implement the "Private Well Testing Program," established pursuant to section 3 of this act, including the following purposes:

(1) to improve access to, and provide financial assistance for, testing of private wells for PFAS in the State; and

(2) subject to the availability of funding, to provide remediation assistance to individuals whose private wells were found to be

contaminated with PFAS, including the installation of drinking water filtration systems.

c. The fund shall be administered by the department and may be credited with monies received by the State from any settlement or judgment between the department and the 3M Company, or any other company, concerning PFAS contamination.

d. The Legislature shall annually appropriate monies to the fund in the annual appropriations act to ensure that the department has the funding necessary to effectuate the purposes of subsection b. of this section.

5. The department shall adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations as necessary to effectuate the purposes of this act.

6. This act shall take effect immediately.

STATEMENT

This bill would require the Department of Environmental Protection (department), within 12 months of the bill's effective date, to adopt drinking water standards for perfluoroalkyl and polyfluoroalkyl substances (PFAS) that are consistent with the United States Environmental Protection Agency's (EPA) National Primary Drinking Water Regulations promulgated under the federal "Safe Drinking Water Act," (42 U.S.C. s.300f et seq.), as those regulations stood as of January 1, 2026.

Specifically, the department would be required to adopt the following maximum contaminant levels: (1) 4.0 parts per trillion for maximumperfluorooctanoic acid (PFOA); (2) 4.0 parts per trillion for perfluorooctane sulfonic acid (PFOS); (3) 10 parts per trillion for perfluorohexanesulfonic acid (PFHxS); (4) 10 parts per trillion for perfluorononanoic acid (PFNA); and (5) 10 parts per trillion for hexafluoropropylene oxide dimer acid (HFPO-DA).

In adopting the drinking water standards, the department would also be required to establish hazard index requirements for other regulated PFAS compounds that are identified in EPA's National Primary Drinking Water Regulations.

The bill would also require the department, no later than 12 months after the bill's effective date, to establish and implement a "Private Well Testing Program" for the purpose of improving access to, and providing financial assistance for, the testing of private wells for PFAS in the State. In implementing the program, the department would be required to, at a minimum:(1) identify households or other buildings within the State that have private wells that require testing for PFAS and offer testing for PFAS of those private wells; (2) provide financial assistance for the testing

of private wells for PFAS; (3) develop educational materials concerning PFAS contamination in drinking water, including effective methods to remediate PFAS contamination from private wells; (4) publish information related to the private well testing program on the department's Internet website; and (5) establish and maintain a database that contains information on the locations of private wells that were tested for PFAS and found to be contaminated for PFAS.

Finally, the bill would establish the "Private Well Testing Assistance Fund" within the department, which would be authorized to be credited with monies received by the State from any settlement or judgment between the department and the 3M Company, or any other company, concerning PFAS contamination. Monies in the fund would be required to be used to implement the Private Well Testing Program, including improving access to, and providing financial assistance for, testing of private wells for PFAS in the State and subject to the availability of funding, providing remediation assistance to individuals whose private wells were found to be contaminated with PFAS, including the installation of drinking water filtration systems. The Legislature would be required to annually appropriate monies to the fund in the annual appropriations act to ensure the department has the funding necessary to effectuate the bill's purposes.