

SENATE ENVIRONMENT AND ENERGY COMMITTEE

STATEMENT TO

SENATE, No. 4468

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 8, 2026

The Senate Environment and Energy Committee reports favorably and with committee amendments Senate Bill No. 4468.

As amended, this bill would require the Department of Environmental Protection (DEP), by April 26, 2029, to adopt drinking water standards for perfluoroalkyl and polyfluoroalkyl substances (PFAS) that are at least as stringent as 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 DEP would be required to adopt the following maximum contaminant levels (MCLs):

- (1) 4.0 parts per trillion for perfluorooctanoic acid (PFOA);
- (2) 4.0 parts per trillion for perfluorooctanesulfonic 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 DEP would also be required to establish a hazard index of one for regulated PFAS compounds, meaning that combinations of PFAS could exceed an MCL, even if the individual concentrations are below the limit.

The bill would also require the DEP, 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; (5) establish and maintain a database, including a publicly accessible interactive map,

that contains information on private wells that were tested for PFAS; and (6) establish a priority system for the order in which wells would be tested.

The bill would require that copies of any water test result that indicates the presence of PFAS in excess of a maximum contaminant level be provided at the closing of title on the sale of the property served by the well, in the same manner as water test results are provided pursuant to the “Private Well Testing Act,” P.L.2001, c.40 (C.58:12A-26 et seq.). Copies of any water test result would also be required to be provided to any lessor of a property served by the well.

Finally, the bill would establish the “Private Well Testing Assistance Fund” within the department, which would be required to be credited with at least three percent of any monies received by the State from any settlement or judgment concerning PFAS contamination in 2026 and thereafter. Monies in the fund would be required to be used to: (1) implement the Private Well Testing Program, including improving access to, and providing financial assistance for, testing of private wells for PFAS in the State, (2) provide remediation assistance to individuals whose private wells were found to be contaminated with PFAS, including the installation and maintenance of drinking water filtration systems, and (3) provide grants to nonprofit organizations, watershed associations, and county and local health agencies to fund private well testing activities. 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.

COMMITTEE AMENDMENTS:

The committee amendments to the bill:

(1) require the State MCLs to be adopted by April 26, 2029, rather than by one year after the bill's effective date;

(2) authorize the DEP to adopt MCLs for other PFAS not named in the bill;

(3) direct the DEP to establish provisions concerning case-by-case variances, and monitoring and public notice requirements for public community water systems, regarding the PFAS MCLs;

(4) clarify that the State MCLs would be enforced, even if the federal MCLs are made less stringent or abolished;

(5) authorize the DEP to collaborate with municipalities, local health departments, nonprofit community-based organizations, and other entities when implementing the Private Well Testing Program;

(6) require the DEP to establish a publicly accessible interactive map that shows information about PFAS in private wells;

(7) clarify that the private well database and map should also contain information about wells that were found to be PFAS-free and wells that have not been tested;

(8) allow nonprofit organizations to contribute data to the database;

(9) require the DEP to develop a priority system for the well testing program;

(10) require the DEP to establish and meet with a stakeholder advisory group regarding the Private Well Testing Program;

(11) require private well test results to be disclosed to prospective purchasers and lessors, in the same manner as tests are disclosed under the “Private Well Testing Act”;

(12) explicitly require the private well testing program to utilize DEP-certified laboratories;

(13) require the DEP to credit at least three percent of all PFAS settlement funds received during 2026 and thereafter into the Private Well Testing Assistance Fund;

(14) require the DEP to give priority to low-income households for grants concerning remediation assistance from the Private Well Testing Assistance Fund;

(15) authorize grants from the Private Well Testing Assistance Fund to be provided to nonprofit organizations, watershed associations, and county and local health agencies; and

(16) make technical and clarifying changes.