

## **APPENDIX**

**Community Associations Institute – New Jersey Chapter**

**Testimony to Senate Community and Urban Affairs Committee  
Regarding the Water Quality Accountability Act  
October 7, 2019**

Dear Chairman Singleton and Members of the Committee,

Thank you for the opportunity to testify today on behalf of Community Associations Institute – New Jersey Chapter regarding the Water Quality Accountability Act. We appreciate your time and commitment to this important issue.

**About Community Associations Institute (CAI)**

With more than 40,000 members nationwide dedicated to building better communities, CAI develops and provides information, education and resources to association board members, community managers and other professionals who support the community association housing model. CAI's mission is to inspire professionalism, effective leadership and responsible citizenship—ideals reflected in homeowners associations and condominium communities. The New Jersey Chapter of CAI (CAI-NJ) has over 2,000 members and carries out the above goals of CAI throughout New Jersey. It is estimated that there are approximately 7,000 common interest communities in New Jersey with over a million New Jersey citizens residing in them.

**The Water Quality Accountability Act (WQAA)**

CAI-NJ appears before the committee today to share our concerns regarding fire hydrants that service common interest communities (CICs) and the local municipal authorities' obligations pursuant to WQAA. The WQAA requires every water purveyor in this State whose system has over 500 service connections to perform the following tasks, among others:

- Inspect each valve in its system and repair and replace those that are not operational;
- Annually test each fire hydrant in its system to ensure its working condition;
- Annually flush each fire hydrant and every dead end of a main in its system; and
- Maintain records of these task and report them annually to the NJDEP.

We are aware of at least two instances where homes were heavily damaged or destroyed and the fire fighters discovered that the hydrants had poor pressure or were damaged. The hydrants had not been inspected and maintained by the MUA. The communities were not aware of that until the fires.

There has been confusion around whether the fire hydrants located in CICs are the responsibility of the Home Owners Association (HOA) or the municipal utility authority. In a recent situation, a municipal utility authority notified a common interest community that it will not flush its fire hydrants unless the HOA executed a "Memorandum of Understanding," indemnifying and holding it harmless for any damages or injuries caused by the flushing service. In this situation,

we, CAI, sought guidance from DEP to figure out if a water purveyor was allowed to refuse to perform its duties in a common interest community as set forth in the WQAA until it receives a signed waiver from the community. The DEP felt it was not established which entity had control or owned the fire hydrants, so they were unable to assist us in this matter. The MUA claimed the utilities are private because the community streets have not yet been dedicated to the township.

CAI-NJ respectfully asks that the Senate Community and Urban Affairs Committee further look into this fire hydrant issue. Very few HOAs in the state actually 'own or operate' their fire hydrant systems, so we hope DEP would require purveyors to maintain and service them in all communities they serve.

CAI-NJ fully supports the Water Quality Accountability Act (WQAA) and commends the Senate Community and Urban Affairs Committee for conducting this hearing to hear from community stakeholders on its implementation, enforcement, and its future moving forward.

In closing, we would like to thank Chairman Singleton for conducting this hearing and allowing the opportunity for stakeholders to share their concerns and best-practices regarding WQAA.

Sincerely,



George Greatrex

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## Alliance to Prevent Legionnaires' Disease

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Good morning Chairman Singleton and members of the Senate Community and Urban Affairs Committee:

My name is Dr. Hung Cheung, President of Cogency Environmental and Medical Solutions and a board member for the Alliance to Prevent Legionnaires' Disease.

I thank you for the opportunity to testify on New Jersey's Water Quality Accountability Act (WQAA) and commend all of you for undertaking this review and developing proposals for the Act's improvement.

The Alliance to Prevent Legionnaires' Disease (APLD) is a nonprofit public health advocacy group dedicated to reducing the occurrence of Legionnaires' disease by promoting public research, education, best practices for water management, and advocating for comprehensive policies to combat and investigate this preventable disease.

Over the last few hearings on the WQAA, I understand this Committee heard a lot about compliance with the law, asset management plans and infrastructure upgrade schedules, as well as testimony discussing lead service lines, chemical contaminants, and the long-term health effects of those issues on public health. We applaud efforts by officials at all levels of New Jersey government, along with partners from the state's drinking water suppliers, to remediate the health threat posed by lead service lines, the replacement of aging infrastructure, flushing the dead-ends of water lines, and early detection of water quality issues.

You have likely heard of the recent cases of Legionnaires' disease locally, its often in the news when a sizeable outbreak occurs. But, you may not have given a lot of thought to its relationship with New Jersey's water supply. *Legionella* bacteria, which causes Legionnaires' disease, is a waterborne, naturally occurring pathogen. It is found in open water, lakes, reservoirs and rivers, that supply the public water system and can establish and hide itself in biofilm lining the pipes that serve our water distribution systems and eventually enter the buildings where we work and our homes due to various upset conditions. According to a United States Environmental Protection Agency (EPA) study, *Legionella* were present in approximately 50 percent of all household faucets sampled in the study.

Legionnaires' disease can be contracted by inhaling water droplets or aspirating water containing *Legionella* bacteria. Thankfully, most people do not contract an illness from the bacteria. But, unfortunately a small percentage, most notably the elderly and individuals with underlying health concerns, do get sick.



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Of significant concern related to the WQAA, service line replacement and related vibrations, hydrant and dead-end flushing, and changes in water pressure may dislodge biofilm and sediment, which can release *Legionella* into the water supply and ultimately into buildings. Studies indicate that water infrastructure upgrades and repairs are a contributing factor to the growing incidence rates of Legionnaires' disease throughout the country and partially explains why 96% of the Legionnaires' disease cases reported to the CDC are single and sporadic in nature and not the larger outbreaks that garner widespread news coverage. Attached are just a few of these studies for your review.

Across the country, we have experienced a significant increase of reported cases of Legionnaires' disease over the last 15 years. Just last year, 212 New Jersey residents contracted the disease. Over the last year, there were notable cases in Morris Plains, West Orange, Hamilton, Newark, and a shocking 22 reported cases in a cluster reported throughout Union County that included five deaths. To be very clear, *Legionella* bacteria is a systemwide issue that impacts urban centers and rural communities served by public and investor owned water suppliers alike. Disease reduction requires systemwide solutions and your review of the WQAA provides the Legislature with an opportunity to establish New Jersey as a leader in Legionnaires' disease prevention. Additional focus and resources must be allocated understanding how New Jersey's aging infrastructure, asset management programs, and water quality standards contribute to the risks from *Legionella* and lead.

Recent outbreaks around the country like in Flint, Michigan, Quincy, Illinois and Saratoga Springs, New York indicate that systemic public water distribution issues directly impact rates of Legionnaires' disease. While the Flint's lead crisis received much of the attention, the same issue created one of the country's largest Legionnaires' outbreaks in which affected 87 people, including 12 tragic deaths.

We encourage robust discussions about the connection between lead and Legionnaires' disease in this pipe system. Likewise, we urge this Committee to request information from the water suppliers that address potential health threats posed by waterborne pathogens. More comprehensive reporting about service interruptions and steps being taken to decrease risks can be important parts of asset management and mitigation plans required under the WQAA.

It is evident that New Jersey must undertake a review of all sources of *Legionella* and develop a new, robust regulatory framework to eradicate Legionnaires' disease. Water purveyors, home and building owners, and public health officials must all take steps to reduce *Legionella* exposure. Addressing the bacteria at points throughout the water supply distribution system, from "source-to-tap" is a critical best practice.

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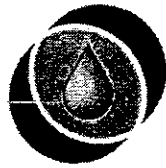
### Recommendations for Improving Water Quality Standards and the Public Health

Comprehensive solutions must be employed at all levels of the water distribution system. Recommendations that address the control of *Legionella* at every point throughout the water supply and distribution system are in order. The Alliance believes strongly that the Legislature should seek affirmative obligations on all parties involved in the water supply distribution process, including building owners and water suppliers.

Many of the following solutions can be found in Senate Bill No. 3965, which requires state agencies, owners or operators of public water systems, and owners or operators of certain buildings to take steps to minimize and control cases of Legionnaires' disease, including appropriate chlorine residuals. In addition, it codifies appropriate industry best practices by requiring thorough water management plans be in place in large apartment buildings, health care facilities, and other buildings that serve at-risk populations. The Alliance believes the provisions applicable to the state's water suppliers in this legislation should be included in updates and improvements of the WQAA.

As just mentioned, as an initial, cost-effective approach, New Jersey should seek to establish chlorination requirements for the water supply that ensures residual disinfectant levels are at sufficient levels to destroy *Legionella* bacteria, as well as other water-borne pathogens, throughout the entire water distribution system, not just when it leaves the water treatment plant. Ensuring there is sufficient residual disinfectant throughout the entire water distribution system to every consumer's home is critical. Appropriate residual disinfectant levels are proven to be the one of the most impactful way to protect the public from *Legionella*.

Likewise, notification is an important step in protecting the public health. As the asset management plans are implemented pursuant to the WQAA, residents located within a system undergoing any construction, maintenance, repair, or replacement of any service line or water main, should be advised about such work and the potential risk from water-borne pathogens. Similar notice requirements can be found in pending legislation, such as S3391/A4772 regarding lead remediation, and are easily expanded or adapted to protect against *Legionella*. Notification will help ensure residents take simple steps to mitigate risks posed from disruptions to the water supply, water pressure loss and other activities that have been shown to loosen and release the biofilm coating water distribution pipes that can contain *Legionella* and other water-borne pathogens. The public should also be advised about how long elevated levels may last and be provided with information about symptoms of Legionnaires' disease, steps to reduce exposure, provide alternate water supplies, and ways to seek treatment, if necessary.



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The Alliance also encourages a more thorough investigation of all incidences of Legionnaires' disease. The benefit to public health will be significant given the ability to determine the source of the *Legionella* bacteria and subsequently, the timely remediation of that bacteria and points of exposure. We have yet to see any public report about the source of the 22 cases of Legionnaires' disease clustered throughout Union County this past spring. While it demonstrates the difficulties in identifying the source of *Legionella*, it also points to the need for additional investigatory resources to be available to state and local governments. This should be unacceptable to the Legislature, New Jersey residents, and everyone concerned about the public health.

As noted above, *Legionella* requires action by all parties to help alleviate risks, including the owners of buildings with equipment and features that present potential sources of exposure. We urge the Legislature to require comprehensive water management plans to appropriately address cleaning, sanitizing and maintenance of equipment that uses potable, drinking water which often contains pathogens, including *Legionella* bacteria.

Finally, *Legionella* and other water-borne pathogens are constantly evolving and creating new risks. Water suppliers and appropriate state departments, including the Departments of Health, Environmental Protection, and Community Affairs, should include details about Legionnaires' disease, reported cases, and further recommendations to address the threat to the public health on an ongoing basis.

In summary, there is a significant need for greater education about the realities of water quality, the presence and proliferation of waterborne pathogens, and how they can impact health. New Jersey requires more coordinated and proactive communication and information-sharing between all stakeholders and community leaders when water quality concerns arise. Steps should be taken to protect individuals, especially susceptible populations from *Legionella*. The Alliance encourages the Legislature to pursue a "source-to-tap" approach to address waterborne disease.

Again, thank you for the opportunity to testify about this important issue. I am happy to address any questions the Committee may have about *Legionella* and water quality concerns.

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