Title 58.
Chapter 31. (New)
Water Quality
Accountability
Act.
§§1-7 -
C.58:31-1 to
58:31-7

(CORRECTED COPY)
P.L.2017, CHAPTER 133, ***approved July 21, 2017***
Senate, No. 2834 ***(First Reprint)***

AN ACT concerning the operation and management of public water systems, and supplementing Title 58 of the Revised Statutes.

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

1. This act shall be known and may be cited as the "Water Quality Accountability Act."

2. As used in this act:

"Board" means the Board of Public Utilities.

"Department" means the Department of Environmental Protection.

"Public water system" means [1]**[**a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. "Public water system" includes: (1) any collection, treatment, storage and distribution facilities under control of the operator of such system and used primarily in connection with such system; and (2) any collection or pre-treatment storage facilities not under such control which are used primarily in connection with such system**]** the same as the term is defined in section 3 of P.L.1977, c.224 (C.58:12A-3)[1].

"Water purveyor" means any person that owns a public water system [1]with more than 500 service connections[1].

3. a. Each water purveyor shall inspect each valve in its public water system in accordance with the provisions of subsection b. of this section in order to determine (1) accessibility of the valve for operational purposes, and (2) the valve's operating condition. [1]A

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.
Matter enclosed in superscript numerals has been adopted as follows:
[1]Senate SBA committee amendments adopted May 18, 2017.

water purveyor shall repair or replace any valve found to be broken or otherwise not operational.[1]

b. Each water purveyor shall inspect each valve that is 12 or more inches in diameter at least once every two years, and shall inspect all other valves at least once every four years [1], except that the requirements of this subsection shall not apply to any service connection valve or customer shut-off valve[1] . At a minimum, each valve inspection conducted pursuant to this subsection shall include:

(1) clearing of the area around the valve to ensure full access to the valve for operating purposes;

(2) cleaning out of the valve box; [1][and][1]

(3) dynamic testing of the valve, by opening and then closing the valve for either of the following number of turns:

(a) the number of turns recommended by the valve manufacturer to constitute a credible test; or

(b) the number of turns which constitutes 15 percent of the total number of turns necessary to completely open or completely close the valve [1]; and

(4) complying with any other criteria as may be required by the department pursuant to rules and regulations adopted pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.)[1].

c. (1) Each water purveyor shall, once a year, test every fire hydrant in its system in order to determine the hydrant's working condition.

(2) Each water purveyor shall formulate and implement a plan for flushing every fire hydrant in the public water system, and every dead end of a main in the public water system. This plan for flushing may be combined with the periodic testing of fire hydrants required pursuant to paragraph (1) of this subsection.

d. Each water purveyor shall keep a record of all inspections, tests, and flushings conducted pursuant to this section for a period of at least six years.

e. Each water purveyor that owns, solely or jointly, a fire hydrant shall mark each hydrant with the initials of its name, abbreviation of its name, corporate symbol, or other distinguishing mark or code by which ownership may be readily and definitely ascertained. Each [1]fire[1] hydrant shall be marked with a number or symbol, or both, by which the location of the hydrant may be determined on the water purveyor's office records. The markings may be made with paint, brand, or with a soft metal plate, and shall be of such size and so spaced and maintained as to be easily read.

[1]f. Each water purveyor shall identify, to the extent possible, the geographic location of each valve and fire hydrant in its public water system using a global positioning system based on satellite or other location technology.[1]

4. a. Within 120 days after the effective date of this act, each water purveyor shall develop a cybersecurity program, in accordance with requirements established by the board, that defines and implements organization accountabilities and responsibilities for cyber risk management activities, and establishes policies, plans, processes, and procedures for identifying and mitigating cyber risk to its public water system. As part of the program, a water purveyor shall conduct risk assessments and implement appropriate controls to mitigate identified risks to the public water system, maintain situational awareness of cyber threats and vulnerabilities to the public water system, and create and exercise incident response and recovery plans.

A copy of the program developed pursuant to this subsection shall be provided to the New Jersey Cybersecurity and Communications Integration Cell, established pursuant to Executive Order No. 178 (2015) in the New Jersey Office of Homeland Security and Preparedness.

b. Within 60 days after developing the program required pursuant to subsection a. of this section, each water purveyor shall join the New Jersey Cybersecurity and Communications Integration Cell, established pursuant to Executive Order No. 178 (2015), and create a cybersecurity incident reporting process.

[1]c. A water purveyor that does not have an internet-connected control system shall be exempt from the requirements of this section.[1]

5. In addition to any other requirements in law, or [1]any[1] rule or regulation adopted pursuant thereto, whenever a water purveyor is issued [1],[1] pursuant to section 10 of P.L.1977, c.224 (C.58:12A-10) [1],[1] three notices of violation for any reason or two notices of violation related to an exceedance of a maximum contaminant level within any 12-month period, the water purveyor, within 60 days after receipt of the third or second notice, as applicable, shall submit to the department a mitigation plan specifying whether the notice of violation will be addressed through operational changes or require a capital expenditure and providing a schedule for implementation of the mitigation plan. The mitigation plan shall include a report prepared by [1]the licensed operator of the public water system and[1] a professional engineer licensed pursuant to P.L.1938, c.342 (C.45:8-27 et seq.) that includes a technical analysis of the notices of violation and an explanation of how the mitigation plan submitted pursuant to this section is intended to prevent a recurrence of the issue that resulted in the notice of violation. Any capital expenditures required pursuant to this section shall be incorporated into the asset management plan required pursuant to section 7 of this act.

6. In addition to any other certifications required pursuant to law, rule, or regulation, the responsible corporate officer of the public water system, if privately held, executive director, if an authority, or mayor or chief executive officer of the municipality, if municipally owned, as applicable, shall be required to certify in writing each year to the Department of Environmental Protection and, if applicable, the Board of Public Utilities that the water purveyor complies with: all federal and State [1]drinking water[1] regulations, including water quality sampling, testing, and reporting requirements; the hydrant and valve requirements set forth in section 3 of this act; the notice of violation mitigation plan requirements set forth in section 5 of this act, if applicable; and the infrastructure improvement investment required pursuant to section 7 of this act.

7. a. Beginning no later than [1]**[**one year**]** 18 months[1] after the effective date of this act, every water purveyor shall implement an asset management plan designed to inspect, maintain, repair, and renew its infrastructure consistent with [1]**[**industry standard best practices**]** standards established by the American Water Works Association[1]. The asset management plan shall include:

[1](1)[1] a water main renewal program designed to achieve a 150-year replacement cycle, or other appropriate replacement cycle as determined by a detailed engineering analysis of the asset condition and estimated service lives of the water mains serving the public water system; [1]**[**and**]**

(2)[1] a water supply and treatment program designed to inspect, maintain, repair, renew, and upgrade wells, intakes, pumps, and treatment facilities in accordance with all federal and State regulations, [1]**[**industry**]**[1] standards [1]established by the American Water Works Association[1], and any mitigation plan required pursuant to section 5 of this act [1]; and

(3) any other programs, plans, or provisions as may be required by the department pursuant to rules and regulations adopted pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.)[1].

Each water purveyor shall dedicate funds on an annual basis to address and remediate the highest priority projects as determined by its asset management plan.

All asset management plans and system condition reports shall be certified to by the licensed operator or professional engineer of the public water system and the responsible corporate officer of the public water system, if privately held, executive director, if an authority, or mayor or chief executive officer of the municipality, if municipally owned, as applicable. The replacement cycle shall be determined by dividing the miles of water main located in the public water system by 150 or other appropriate demonstration set

forth in the certified asset management plan prepared pursuant to this section.

b. At least [1]**[**annually**]** once every three years[1], each water purveyor shall provide to the department and the board, if applicable, a report based on its asset management plan prepared pursuant to subsection a. of this section identifying the infrastructure improvements to be undertaken in the coming year and the cost of those improvements, as well as identifying the infrastructure improvements completed in the past year and the cost of those improvements. A municipal water department or municipal water authority shall also submit the report required pursuant to this subsection to the Division of Local Government Services in the Department of Community Affairs.

[1]c. The department, the board, and the Department of Community Affairs shall create a centralized portal allowing for electronic submittal of the report required pursuant to subsection b. of this section. The lack of a centralized portal pursuant to this subsection shall not negate the requirement for a water purveyor to submit a report pursuant to subsection b. of this section.[1]

8. This act shall take effect [1]**[**immediately**]** on the 90th day after the date of enactment[1].

The "Water Quality Accountability Act"; imposes certain testing, reporting, management, and infrastructure investment requirements on water purveyors.