

ASSEMBLY, No. 2199

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman JOHN F. MCKEON

District 27 (Essex and Morris)

SYNOPSIS

Specifies minimum 20-year planning duration for NJ Statewide Water Supply Plan and adds new requirements for plan.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning the New Jersey Statewide Water Supply Plan
2 and amending and supplementing P.L.1981, c.262.

3

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

6

7 1. Section 13 of P.L.1981, c.262 (C.58:1A-13) is amended to
8 read as follows:

9 13. a. The department shall prepare and adopt the New Jersey
10 Statewide Water Supply Plan, which plan shall be revised and
11 updated at least once every five years.

12 b. The plan shall include, but need not be limited to, the
13 following:

14 (1) An identification of existing Statewide and regional ground
15 and surface water supply sources, both interstate and intrastate, and
16 the total water availability, current usage, and net water availability
17 thereof;

18 (2) Projections of Statewide and regional water supply demands
19 for **【the】** a planning duration of 【the plan】 at least 20 years, based
20 upon the latest available population projections from authoritative
21 sources;

22 (3) Projections of net water availability for each major water
23 supply source in the State for a planning duration of at least 20
24 years, reflecting the projected demands and total water availability;

25 **【(3)】** (4) Recommendations for improvements to existing State
26 water supply facilities, the construction of additional State water
27 supply facilities, and for the interconnection or consolidation of
28 existing water supply systems, both interstate and intrastate;

29 **【(4)】** (5) Recommendations for the diversion or use of fresh
30 surface or ground waters and saline surface or ground waters for
31 aquaculture purposes;

32 **【(5)】** (6) Recommendations for legislative and administrative
33 actions to provide for the maintenance and protection of watershed
34 areas, with particular focus on water supply watersheds and aquifer
35 recharge areas;

36 **【(6)】** (7) Identification of lands purchased by the State for
37 water supply facilities that currently are not actively used for water
38 supply purposes, including, but not limited to, the Six Mile Run
39 Reservoir Site, with recommendations as to the future use of these
40 lands for water supply purposes within or outside of the planning
41 horizon for the plan; **【and】**

42 **【(7)】** (8) Recommendations for administrative actions to
43 ensure the protection of ground and surface water quality and water
44 supply sources;

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.

1 (9) Measures for the protection of ecologically sensitive water
2 supply sources, including, but not limited to, waters in the pinelands
3 area, as defined pursuant to section 3 of P.L.1979, c.111 (C.13:18A-
4 3), and the Highlands Region, as defined pursuant to section 3 of
5 P.L.2004, c.120 (C.13:20-3), and waters designated by the
6 department as FW1 and Category One waters;

7 (10) An assessment of the potential impacts of sea level rise,
8 changes in rainfall patterns, temperature increases, and other threats
9 to water supply sources for a planning duration of at least 40 years,
10 and a plan to address these impacts;

11 (11) A plan to address all existing and projected water supply
12 deficits in the State; and

13 (12) An evaluation of water use efficiency and water loss in the
14 State, and a plan for increasing water use efficiency and reducing
15 water loss through regulatory and other means.

16 c. Prior to adopting the plan, including any revisions and
17 updates thereto, the department shall:

18 (1) Prepare and make available to all interested persons a copy
19 of the proposed plan or proposed revisions and updates to the
20 current plan;

21 (2) Conduct public meetings in the several geographic areas of
22 the State on the proposed plan or proposed revisions and updates to
23 the current plan; and

24 (3) Consider the comments made at these meetings, make any
25 revisions to the proposed plan or proposed revisions and updates to
26 the current plan as it deems necessary, and adopt the plan.

27 d. Prior to the adoption of any revision to the New Jersey
28 Statewide Water Supply Plan pursuant to this section, the
29 department shall consult with the Highlands Water Protection and
30 Planning Council, established pursuant to section 4 of P.L.2004,
31 c.120 (C.13:20-4), concerning the possible effects and impact of the
32 plan upon the Highlands regional master plan, adopted pursuant to
33 section 8 of P.L.2004, c.120 (C.13:20-8l), and the water and other
34 natural resources of the Highlands Region, as defined in section 3
35 of P.L.2004, c.120 (C.13:20-3).

36 (cf: P.L.2005, c.285, s.1)

37
38 2. (New section) Notwithstanding any other law, rule, or
39 regulation to the contrary, beginning October 5, 2022, the
40 Department of Environmental Protection shall not allocate any
41 funding from the "Water Supply Bond Act of 1981," P.L.1981,
42 c.261, for any purpose unless and until it has adopted appropriate
43 revisions and updates to the New Jersey Statewide Water Supply
44 Plan as required pursuant to subsection a. of section 13 of P.L.1981,
45 c.262 (C.58:1A-13).

46
47 3. This act shall take effect immediately.

STATEMENT

This bill would specify a minimum 20-year planning duration for the New Jersey Statewide Water Supply Plan (“plan”) and add new requirements for the plan.

Under current law, the plan is only required to have projections of Statewide and regional water supply demands for the “duration of the plan.” However, the law does not specify what that duration is. Water supply planning requires a long-term planning duration because efforts to plan and construct new water supply projects and implement conservation measures can take many years. This bill would require the plan to include projections of Statewide and regional water supply demands for a planning duration of at least 20 years, and require those projections to be based upon the latest available population projections from authoritative sources. It would also require projections of net water availability for each major water supply source in the State for a planning duration of at least 20 years, reflecting the projected demands and total water availability.

To provide a better blueprint for water supply planning, the bill would require the plan to also include: (1) measures for the protection of ecologically sensitive water supply sources, including waters in the pinelands area and the Highlands Region and other waters designated by the Department of Environmental Protection (DEP) for antidegradation protection; (2) an assessment of the potential impacts of sea level rise, changes in rainfall patterns, temperature increases, and other threats to water supply sources for a planning duration of at least 40 years, and a plan to address these impacts; (3) a plan to address all existing and projected water supply deficits in the State; and (4) an evaluation of water use efficiency and water loss in the State, and a plan for increasing water use efficiency and reducing water loss. The bill would require the DEP to focus its legislative and administrative recommendations for the protection of watershed areas on water supply watersheds and aquifer recharge areas.

Finally, current law requires that the plan be revised and updated at least once every five years. The most recent revisions to the plan were adopted by the DEP on October 5, 2017. However, prior to that revision, the plan had not seen a significant revision since 1996. This bill would provide that, beginning October 5, 2022, the DEP is prohibited from allocating any funding from the “Water Supply Bond Act of 1981” for any purpose unless and until it has adopted appropriate revisions and updates to the plan.