

ASSEMBLY, No. 4763

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED OCTOBER 8, 2020

Sponsored by:

Assemblyman RONALD S. DANCER

District 12 (Burlington, Middlesex, Monmouth and Ocean)

Assemblywoman AURA K. DUNN

District 25 (Morris and Somerset)

SYNOPSIS

Requires electric public utility to identify communities within service territory where at least 40 percent of residential customers rely on private well water, develop service restoration plan for those communities, and provide watering stations.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 1/27/2021)

1 **AN ACT** concerning electric public utility service to communities
2 relying on private well water and supplementing Title 48 of the
3 Revised Statutes.

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

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8 1. As used in P.L. , c. (C.) (pending before the
9 Legislature as this bill):

10 “Board” means the Board of Public Utilities or any successor
11 agency.

12 “Electric public utility” or “utility” means a public utility, as that
13 term is defined in R.S.48:2-13, that provides electric distribution
14 service in this State.

15 “Major event” means an occurrence arising from conditions
16 beyond the control of an electric public utility that affect the
17 operation of a utility’s distribution or transmission system,
18 including, but not limited to, a thunderstorm, tornado, hurricane,
19 flood, heat wave, snow storm, ice storm, earthquake, terrorist
20 attack, or any other condition that the board determines, which
21 results in:

22 a. a sustained interruption of electric public utility service to at
23 least 10 percent of the customers in the utility’s service territory or
24 10 percent of a utility’s customers within a municipality or county
25 located in a utility’s service territory; or

26 b. the declaration of a state of emergency or disaster by the
27 State or by the federal government.

28 “Priority service restoration” means prioritizing electric power
29 service restoration to certain facilities essential to the public
30 welfare, including private well water and septic communities.

31 “Private well water and septic community” or “community”
32 means a municipality within the utility’s service territory where at
33 least 40 percent of electric public utility residential customers rely
34 on private well water at the customer’s residence.

35 “Sustained interruption” means the cessation of electric public
36 utility service to one or more customers lasting more than 48
37 consecutive hours after the conclusion of a major event where the
38 utility service cessation was caused by that major event.

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40 2. a. The board shall adopt, pursuant to the "Administrative
41 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and
42 regulations requiring an electric public utility to identify each
43 private well water and septic community within the utility’s service
44 territory and to develop a priority service restoration plan for each
45 private well water and septic community in the event of a sustained
46 interruption following a major event. The rules and regulations shall

1 require a utility to request from every residential customer, on an
2 annual basis, information as to whether the residential customer
3 relies on a private well for the provision of water at the customer's
4 residence and whether livestock needing water are located at that
5 residence.

6 b. The rules and regulations adopted by the board pursuant to
7 subsection a. of this section shall require an electric public utility to
8 provide priority service restoration to a private well water and
9 septic community after a major event resulting in a sustained
10 interruption in accordance with the community's needs and with the
11 characteristics of the geographic area in which utility service shall
12 be restored.

13 c. The rules and regulations adopted by the board pursuant to
14 subsection a. of this section shall require an electric public utility to
15 provide at least one watering station, which shall include, but not be
16 limited to, bottled water, at least one water tanker truck, and any
17 other water resource in accordance with the community's needs,
18 including water for livestock, to a community after a major event
19 resulting in a sustained interruption.

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21 3. This act shall take effect on the 60th day after the date of
22 enactment, but the Board of Public Utilities may take any
23 anticipatory administrative action in advance thereof as shall be
24 necessary for the timely implementation of P.L. , c. (C.)
25 (pending before the Legislature as this bill).

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28 STATEMENT

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30 This bill requires the Board of Public Utilities (BPU) to adopt
31 rules and regulations requiring an electric public utility (utility) to
32 identify each private well water and septic community (community)
33 within the utility's service territory and to develop a priority service
34 restoration plan for each community in the event of a sustained
35 interruption following a major event. The rules and regulations are
36 to require a utility to request from every residential customer, on an
37 annual basis, information as to whether the residential customer
38 relies on a private well for the provision of water at the customer's
39 residence and whether livestock needing water are located at that
40 residence.

41 The bill provides that the rules and regulations adopted by the
42 BPU are to require a utility to provide priority service restoration to
43 a community after a major event resulting in a sustained
44 interruption in accordance with the community's needs and with the
45 characteristics of the geographic area in which utility service is to
46 be restored. The purpose of this requirement is for these
47 communities to receive the same priority service restoration as
48 other facilities essential to the public welfare.

1 Further, the rules and regulations are to require a utility to
2 provide at least one watering station, which is to include, but not be
3 limited to, bottled water, at least one water tanker truck, and any
4 other water resource in accordance with the community's needs,
5 including water for livestock, to a community after a major event
6 resulting in a sustained interruption.

7 Water is an essential element necessary for the existence of all
8 life. During sustained interruptions in electric public utility service
9 in this State, far too many private well water and septic
10 communities are denied this essential element because the electric
11 pumps used to access water supplies are inoperable. Access to
12 water, for both humans and livestock, and functioning toilets are
13 fundamental health and welfare concerns for the residents of these
14 communities and deserve special priority from utilities.

15 The bill defines “private well water and septic community” to
16 mean a municipality within the utility’s service territory where at
17 least 40 percent of electric public utility residential customers rely
18 on private well water at the customer’s residence.