

[Second Reprint]

**ASSEMBLY, No. 4825**

**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

INTRODUCED OCTOBER 19, 2020

**Sponsored by:**

**Assemblyman JOHN F. MCKEON**

**District 27 (Essex and Morris)**

**Assemblyman ROBERT J. KARABINCHAK**

**District 18 (Middlesex)**

**Assemblyman STERLEY S. STANLEY**

**District 18 (Middlesex)**

**Co-Sponsored by:**

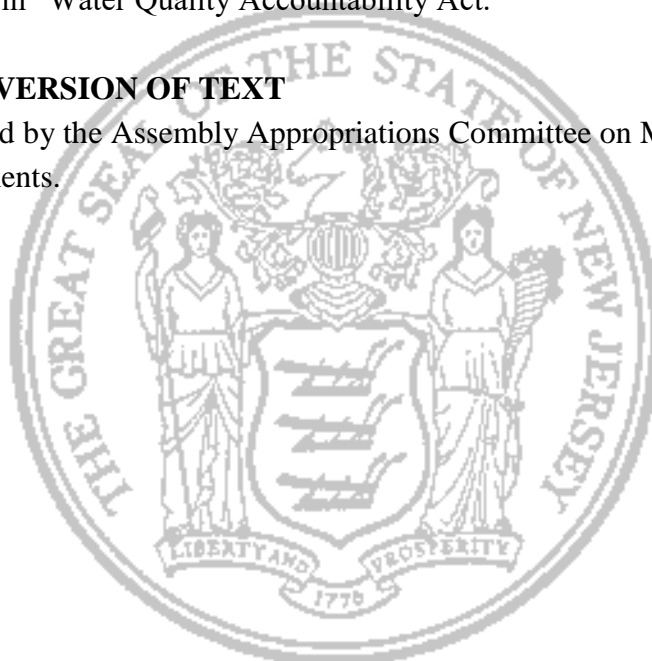
**Assemblyman Benson, Assemblywomen Chaparro, Murphy, Vainieri  
Huttle, Jasey, Assemblymen Calabrese, Tully and Assemblywoman Swain**

**SYNOPSIS**

Revises cybersecurity, asset management, and related reporting requirements in “Water Quality Accountability Act.”

**CURRENT VERSION OF TEXT**

As reported by the Assembly Appropriations Committee on March 17, 2021, with amendments.



**(Sponsorship Updated As Of: 5/20/2021)**

1 AN ACT concerning cybersecurity and asset management at public  
2 community water systems and amending and supplementing  
3 P.L.2017, c.133.

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

7  
8 1. Section 2 of P.L.2017, c.133 (C.58:31-2) is amended to read  
9 as follows:

10 2. As used in **[this act]** P.L.2017, c.133 (C.58:31-1 et seq.):

11 "Board" means the Board of Public Utilities.

12 "Cybersecurity incident" means an event occurring on or  
13 conducted through a computer network that jeopardizes the  
14 integrity, confidentiality, or availability of computers, information  
15 systems, communications systems, networks, physical or virtual  
16 infrastructure controlled by computers or information systems, or  
17 information residing thereon.

18 "Cybersecurity insurance policy" means an insurance policy  
19 designed to mitigate losses from cybersecurity incidents, including,  
20 but not limited to, data breaches, business interruption, and network  
21 damage.

22 "Department" means the Department of Environmental  
23 Protection.

24 "Industrial control system" means an information system used to  
25 control industrial processes such as manufacturing, product  
26 handling, production, or distribution. "Industrial control system"  
27 includes supervisory control and data acquisition systems used to  
28 control geographically dispersed assets, and distributed control  
29 systems and smaller control systems using programmable logic  
30 controllers to control localized processes.

31 "Information resource" means information and related resources,  
32 such as personnel, equipment, funds, and information technology.

33 "Information system" means a discrete set of information  
34 resources organized for the collection, processing, maintenance,  
35 use, sharing, dissemination, or disposition of information.

36 "New Jersey Cybersecurity and Communications Integration  
37 Cell" means the New Jersey Cybersecurity and Communications  
38 Integration Cell established pursuant to Executive Order No. 178  
39 (2015) in the New Jersey Office of Homeland Security and  
40 Preparedness, or any successor entity.

41 "Public community water system" means the same as that term is  
42 defined in subsection 1. of section 3 of P.L.1977, c.224 (C.58:12A-  
43 3).

44 "Public water system" means the same as the term is defined in  
45 section 3 of P.L.1977, c.224 (C.58:12A-3).

**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:

<sup>1</sup>Assembly ANR committee amendments adopted December 10, 2020.

<sup>2</sup>Assembly AAP committee amendments adopted March 17, 2021.

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

3 (cf: P.L.2017, c.133, s.2)

4

5 2. Section 4 of P.L.2017, c.133 (C.58:31-4) is amended to read  
6 as follows:

7 4. a. Within 120 days after the effective date of **[this act]**  
8 P.L.2017, c.133 (C.58:31-1 et seq.), each water purveyor shall  
9 develop a cybersecurity program, in accordance with requirements  
10 established by the **[board]** New Jersey Cybersecurity and  
11 Communications Integration Cell, as rules and regulations adopted  
12 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
13 (C.52:14B-1 et seq.), that defines and implements organization  
14 accountabilities and responsibilities for cyber risk management  
15 activities, and establishes policies, plans, processes, and procedures  
16 for identifying and mitigating cyber risk to its public community  
17 water system. As part of the cybersecurity program, a water  
18 purveyor shall: identify the individual chiefly responsible for  
19 ensuring that the policies, plans processes, and procedures  
20 established pursuant to this section are executed in a timely manner;  
21 conduct risk assessments and implement appropriate controls to  
22 mitigate identified risks to the public community water system **[,]** ;  
23 maintain situational awareness of cyber threats and vulnerabilities  
24 to the public community water system **[,]** ; and create and exercise  
25 incident response and recovery plans. No later than 180 days after  
26 the effective date of P.L. , c. (C. ) (pending before the  
27 Legislature as this bill), a water purveyor shall update its  
28 cybersecurity program to conform to the requirements of section 3  
29 of P.L. , c. (C. ) (pending before the Legislature as this bill).

30 A water purveyor shall submit a copy of the cybersecurity  
31 program developed pursuant to this subsection **[shall be provided]**  
32 to the New Jersey Cybersecurity and Communications Integration  
33 Cell, **[established pursuant to Executive Order No. 178 (2015) in**  
34 the New Jersey Office of Homeland Security and Preparedness **]** in  
35 a form and manner as determined by the New Jersey Cybersecurity  
36 and Communications Integration Cell. A cybersecurity program  
37 submitted pursuant to this subsection shall not be considered a  
38 government record under P.L.1963, c.73 (C.47:1A-1 et seq.), and  
39 shall not be made available for public inspection.

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

1 c. 【A water purveyor that does not have an internet-connected  
2 control system shall be exempt from the requirements of this  
3 section.】 (Deleted by amendment, P.L. , c. (pending before the  
4 Legislature as this bill)

5 d. No later than 180 days after the effective date of  
6 P.L. , c. (C. ) (pending before the Legislature as this bill),  
7 each water purveyor shall obtain a cybersecurity insurance policy  
8 that meets any applicable standards adopted by the board.  
9 (cf: P.L.2017, c.133, s.4)

10  
11 3. (New section) a. In addition to the requirements of section 4  
12 of P.L.2017, c.133 (C.58:31-4), and the requirements established by  
13 the board pursuant thereto, no later than 180 days after the effective  
14 date of P.L. , c. (C. ) (pending before the Legislature as this  
15 bill), each water purveyor shall update its cybersecurity program  
16 developed pursuant to section 4 of P.L.2017, c.133 (C.58:31-4) to  
17 apply to all of the public community water system's industrial  
18 control systems, and to reasonably conform to the most recent  
19 version of one or more of the following industry-recognized  
20 cybersecurity frameworks:

21 (1) the Framework for Improving Critical Infrastructure  
22 Cybersecurity developed by the National Institute of Standards and  
23 Technology;

24 (2) the Center for Internet Security Critical Security Controls for  
25 Effective Cyber Defense; or

26 (3) the International Organization for Standardization and  
27 International Electrotechnical Commission 27000 family of  
28 standards for an information security management system.

29 b. Whenever a final revision to one or more of the frameworks  
30 listed in subsection a. of this section is published, a water purveyor  
31 whose cybersecurity program reasonably conformed to that  
32 framework shall revise its cybersecurity program to reasonably  
33 conform to the revised framework, and submit a copy of the revised  
34 cybersecurity program to the New Jersey Cybersecurity and  
35 Communications Integration Cell, no later than 180 days after  
36 publication of the revised framework.

37 c. No later than one year after the effective date of  
38 P.L. , c. (C. ) (pending before the Legislature as this bill),  
39 and each year thereafter, each water purveyor shall submit to the  
40 board, the department, and the New Jersey Cybersecurity and  
41 Communications Integration Cell a certification demonstrating that  
42 the water purveyor is in compliance with the requirements of this  
43 section. The certification shall be made in the form and manner as  
44 determined by the department, in consultation with the New Jersey  
45 Cybersecurity and Communications Integration Cell. The  
46 certification shall be signed by the responsible corporate officer of

1 the public community water system, if privately held, executive  
2 director, if an authority, or mayor or chief executive officer of the  
3 municipality, if municipally owned, as applicable.

4 d. The New Jersey Cybersecurity and Communications  
5 Integration Cell shall cause to be audited, for compliance with the  
6 requirements of section 4 of P.L.2017, c.133 (C.58:31-4) and this  
7 section, any public community water system that fails to submit a  
8 cybersecurity program as required pursuant to subsection a. of  
9 section 4 of P.L.2017, c.133 (C.58:31-4), a revision pursuant to  
10 subsection b. of this section, or a certification pursuant to this  
11 section. Any audit shall be conducted by a qualified and  
12 independent cybersecurity company, at the water purveyor's  
13 expense. Following the audit, the water purveyor shall submit the  
14 audit and any corrective action plans derived from the audit to the  
15 New Jersey Cybersecurity and Communications Integration Cell.

16 e. A water purveyor shall, upon the request of the board, the  
17 department, or the New Jersey Cybersecurity and Communications  
18 Integration Cell, provide proof of compliance with the requirements  
19 of this section, in a form and manner as determined by the board,  
20 the department, or by the New Jersey Cybersecurity and  
21 Communications Integration Cell.

22 f. The board shall update any requirements it has established for  
23 cybersecurity programs pursuant to subsection a. of section 4 of  
24 P.L.2017, c.133 (C.58:31-4) to conform to the requirements of this  
25 section.

26

27 4. (New section) a. Beginning 90 days after the effective date  
28 of P.L. , c. (C. ) (pending before the Legislature as this  
29 bill), a water purveyor shall report to the New Jersey Cybersecurity  
30 and Communications Integration Cell, promptly after an employee  
31 is made aware of a cybersecurity incident, and in accordance with  
32 all applicable laws, rules, and regulations:

33 (1) any cybersecurity incident that results in the compromise of  
34 the confidentiality, integrity, availability, or privacy of the water  
35 purveyor's utility billing, communications, data management, or  
36 business information systems, or the information thereon; and

37 (2) any cybersecurity incident against the water purveyor's  
38 industrial control system, including monitoring, operations, and  
39 centralized control systems, that adversely impact, disable, or  
40 manipulate infrastructure, resulting in loss of service, contamination  
41 of finished water, or damage to infrastructure.

42 b. No later than 30 days after receiving a report of a  
43 cybersecurity incident from a water purveyor pursuant to subsection  
44 a. of this section, the New Jersey Cybersecurity and  
45 Communications Integration Cell shall cause to be audited the water  
46 purveyor's cybersecurity program and any actions the water  
47 purveyor took in response to the cybersecurity incident. The audit

1 shall identify cyber threats and vulnerabilities to the public  
2 community water system, weaknesses in the public community  
3 water system's cybersecurity program, and strategies to address  
4 those weaknesses so as to protect the public community water  
5 system from the threat of future cybersecurity incidents. Any audit  
6 shall be conducted by a qualified and independent cybersecurity  
7 company, at the water purveyor's expense. Following the audit, the  
8 water purveyor shall submit the audit and any corrective action  
9 plans derived from the audit to the New Jersey Cybersecurity and  
10 Communications Integration Cell.

11

12 5. Section 6 of P.L.2017, c.133 (C.58:31-6) is amended to read as  
13 follows:

14 6. a. In addition to any other certifications required pursuant to  
15 law, rule, or regulation, the responsible corporate officer of the public  
16 community water system, if privately held, executive director, if an  
17 authority, or mayor or chief executive officer of the municipality, if  
18 municipally owned, as applicable, shall be required to certify in  
19 writing each year to the **【Department of Environmental Protection】**  
20 department and, if applicable, the **【Board of Public Utilities】** board, in  
21 a form and manner as determined by the department, that the water  
22 purveyor complies with: all federal and State drinking water  
23 regulations, including water quality sampling, testing, and reporting  
24 requirements; the hydrant and valve requirements set forth in section 3  
25 of **【this act】** P.L.2017, c.133 (C.58:31-3); the notice of violation  
26 mitigation plan requirements set forth in section 5 of **【this act】**  
27 P.L.2017, c.133 (C.58:31-5), if applicable; and the infrastructure  
28 improvement investment required pursuant to section 7 of **【this act】**  
29 P.L.2017, c.133 (C.58:31-7). A water purveyor shall post the annual  
30 certification required pursuant to this section on its Internet website, if  
31 applicable.

32 b. The department shall audit, or cause to be audited, for  
33 compliance with the requirements of P.L.2017, c.133 (C.58:31-7), any  
34 public community water system that fails to submit the certification  
35 required pursuant to subsection a. of this section in a timely manner.  
36 If the department finds that a water purveyor has made a false or  
37 misleading statement in a certification submitted pursuant to  
38 subsection a. of this section, the department shall forward the matter to  
39 the Attorney General for further investigation and, if necessary,  
40 criminal prosecution or other appropriate relief, pursuant to any  
41 applicable State or federal law, rule, or regulation.

42 c. The department shall annually audit, or cause to be audited, for  
43 compliance with the requirements of P.L.2017, c.133 (C.58:31-7) a  
44 random selection of at least 10 percent of all public community water  
45 systems in the State.

1       d. The department may require a water purveyor to pay the cost of  
2 an audit ordered pursuant to this section.

3       <sup>2</sup>e. This section shall not be construed to abrogate or limit the  
4 review and fiscal oversight authority granted to the Division of Local  
5 Government Services in the Department of Community Affairs by the  
6 "Local Budget Law," N.J.S.40A:4-1 et seq., the "Local Fiscal Affairs  
7 Law," N.J.S.40A:5-1 et seq., the "Local Authorities Fiscal Control  
8 Law," P.L.1983, c.313 (C.40A:5A-1 et seq.), or any other law.<sup>2</sup>  
9 (cf: P.L.2017, c.133, s.6)

10  
11       6. Section 7 of P.L.2017, c.133 (C.58:31-7) is amended to read as  
12 follows:

13       7. a. Beginning no later than 18 months after the effective date of  
14 **【this act】** P.L.2017, c.133 (C.58:31-1 et seq.), every water purveyor  
15 shall implement an asset management plan designed to inspect,  
16 maintain, repair, and renew its infrastructure consistent with standards  
17 established by the American Water Works Association. The asset  
18 management plan shall include:

19       (1) a water main renewal program designed to achieve a 150-year  
20 replacement cycle, or other appropriate replacement cycle as  
21 determined by a detailed engineering analysis of the asset condition  
22 and estimated service lives of the water mains serving the public  
23 community water system , or by the department ;

24       (2) a water supply and treatment program designed to inspect,  
25 maintain, repair, renew, and upgrade wells, intakes, pumps, and  
26 treatment facilities in accordance with all federal and State regulations,  
27 standards established by the American Water Works Association, and  
28 any mitigation plan required pursuant to section 5 of **【this act】**  
29 P.L.2017, c.133 (C.58:31-5); and

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

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

37       All asset management plans and system condition reports shall be  
38 certified to by the licensed operator or professional engineer of the  
39 public community water system and the responsible corporate officer  
40 of the public community water system, if privately held, executive  
41 director, if an authority, or mayor or chief executive officer of the  
42 municipality, if municipally owned, as applicable. The replacement  
43 cycle shall be determined by dividing the miles of water main located  
44 in the public community water system by 150 or other appropriate  
45 demonstration set forth in the certified asset management plan  
46 prepared pursuant to this section.

1        b. **【At least once every three years】** No later than one year after  
2 the effective date of P.L. \_\_\_\_\_, c. \_\_\_\_\_ (C. \_\_\_\_\_) (pending before the  
3 Legislature as this bill), and each year thereafter, each water purveyor  
4 shall provide to the department and the board, if applicable, a report  
5 based on its asset management plan prepared pursuant to subsection a.  
6 of this section identifying **【the infrastructure improvements to be**  
7 undertaken in the coming year and the cost of those improvements, as  
8 well as identifying the infrastructure improvements completed in the  
9 past year and the cost of those improvements】; (1) the infrastructure  
10 improvements completed in the past <sup>1</sup>**【three years】** year<sup>1</sup> and the cost  
11 of those improvements, including improvements funded by emergency  
12 and routine capital spending; (2) the infrastructure improvements  
13 generally planned to be undertaken in the next three years and the  
14 estimated cost of those improvements; and (3) the infrastructure  
15 improvements that may be required over the next 10 years and the  
16 estimated cost of those improvements. <sup>2</sup>A report provided pursuant to  
17 this subsection by a municipality, county, or authority that is a water  
18 purveyor, is subject to the Local Authorities Fiscal Control Law,  
19 P.L.1983, c.313 (C.40A:5A-1 et seq.), and has a capital program  
20 extending beyond three years shall also identify infrastructure  
21 improvements to be undertaken pursuant to the asset management plan  
22 in the remaining years of the capital program, along with the actual or  
23 estimated cost of the improvements.<sup>2</sup> Compliance with this subsection  
24 may be demonstrated through the submission of evidence of  
25 completion of a detailed, comprehensive planning study, facility  
26 master planning study, or other long range planning study that is  
27 intended for use in developing three- and ten-year capital improvement  
28 plans. A detailed comprehensive planning study, facility master  
29 planning study, or other long range planning study submitted pursuant  
30 to this subsection shall not be considered a government record  
31 pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.), and shall not be made  
32 available for public inspection. A municipal water department or  
33 municipal water authority shall also submit the report required  
34 pursuant to this subsection to the Division of Local Government  
35 Services in the Department of Community Affairs. A water purveyor  
36 shall, upon request, provide a copy of its asset management plan to the  
37 department, the board, or the Division of Local Government Services  
38 in the Department of Community Affairs.  
39        c. The department, the board, and the Department of Community  
40 Affairs shall create a centralized portal allowing for electronic  
41 submittal of the report required pursuant to subsection b. of this  
42 section. The lack of a centralized portal pursuant to this subsection  
43 shall not negate the requirement for a water purveyor to submit a  
44 report pursuant to subsection b. of this section.  
45 (cf: P.L.2017, c.133, s.7)



1 7. (New section) a. In addition to the requirements of section  
2 7 of P.L.2017, c.133 (C.58:31-7), no later than 18 months after the  
3 effective date of P.L. , c. (C. ) (pending before the  
4 Legislature as this bill), each water purveyor shall revise its asset  
5 management plan developed pursuant to section 7 of P.L.2017,  
6 c.133 (C.58:31-7) to include:

7 (1) a comprehensive inventory, mapping, and evaluation of the  
8 condition of the public community water system's following asset  
9 classes: transmission and distribution piping, valves, service lines,  
10 hydrants, water treatment plant facilities, and water supply facilities  
11 including wells, reservoirs, and intakes;

12 (2) level of service goals for the public community water  
13 system, based upon industry standards such as those established by  
14 the American Water Works Association, which may include, but  
15 need not be limited to, goals related to customer service and  
16 accountability, energy and water efficiency and conservation, water  
17 main breaks and service interruptions, and social and environmental  
18 considerations;

19 (3) a priority order in which the public community water  
20 system's assets, identified in the comprehensive inventory prepared  
21 pursuant to paragraph (1) of this subsection, will be repaired or  
22 replaced as part of the water purveyor's asset management plan,  
23 based on each assets' importance to the proper function of the  
24 public community water system, or business risk exposure; and

25 (4) a long-term funding strategy to implement the water  
26 purveyor's asset management plan, including funding sources and  
27 estimated annual expenditures to address prioritized repairs,  
28 upgrades, and treatment.

29 b. The department shall, pursuant to the "Administrative  
30 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules  
31 and regulations to implement the requirements of this section.  
32

33 8. (New section) Any person who violates the provisions of  
34 P.L.2017, c.133 (C.58:31-1 et seq.), or any rule or regulation  
35 adopted pursuant thereto, shall be subject to the penalties and other  
36 remedies set forth in section 10 of P.L.1977, c.224 (C.58:12A-10).  
37 No later than <sup>1</sup>~~180 days~~ 18 months<sup>1</sup> after the effective date of  
38 P.L. , c. (C. ) (pending before the Legislature as this bill),  
39 the department shall adopt, pursuant to the "Administrative  
40 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), a schedule of  
41 civil administrative penalties to be applied pursuant to this section  
42 for specific violations of P.L.2017, c.133 (C.58:31-1 et seq.).  
43

44 9. (New section) No later than one year after the effective date  
45 of P.L. , c. (C. ) (pending before the Legislature as this  
46 bill), and annually thereafter, the department shall develop and

1 publish on its Internet website a report card for each water purveyor  
2 in the State, indicating the water purveyor's compliance with  
3 federal and State drinking water quality standards, its compliance  
4 with the requirements of P.L.2017, c.133 (C.58:31-1 et seq.), and  
5 any other factors the department deems appropriate. The report  
6 card shall be designed to inform the public about the overall  
7 condition of a public community water system, and the quality of  
8 water coming from the public community water system.

9  
10 10. (New section) No later than 18 months after the effective  
11 date of P.L. , c. (C. ) (pending before the Legislature as  
12 this bill), and every three years thereafter, the department shall  
13 prepare and submit a report to the Governor and, pursuant to section  
14 2 of P.L.1991, c.164 (C.52:14-19.1), the Legislature assessing:

15 a. the data submitted by public community water systems  
16 pursuant to subsections b. and c. of section 7 of P.L.2017, c.133  
17 (C.58:31-7). The assessment shall include, but need not be limited  
18 to, an analysis of the total estimated cost of infrastructure  
19 improvements to public community water systems, Statewide,  
20 required over the next 10 years; and

21 b. the compliance of public community water systems with the  
22 requirements of P.L.2017, c.133 (C.58:31-1 et seq.) and the rules  
23 and regulations adopted pursuant thereto.

24  
25 11. (New section) The department and the board shall adopt,  
26 pursuant to the "Administrative Procedure Act," P.L.1968, c.410  
27 (C.52:14B-1 et seq.), rules and regulations as are necessary to carry  
28 out the provisions of P.L.2017, c.133 (C.58:31-1 et seq.).

29  
30 12. Section 3 of P.L.2017, c.133 (C.58:31-3) is amended to read  
31 as follows:

32 3. a. Each water purveyor shall inspect each valve in its public  
33 community water system in accordance with the provisions of  
34 subsection b. of this section in order to determine (1) accessibility  
35 of the valve for operational purposes, and (2) the valve's operating  
36 condition. A water purveyor shall repair or replace any valve found  
37 to be broken or otherwise not operational.

38 b. Each water purveyor shall inspect each valve that is 12 or  
39 more inches in diameter at least once every <sup>1</sup>~~two~~ four<sup>1</sup> years, and  
40 shall inspect all other valves at least once every <sup>1</sup>~~four~~ eight<sup>1</sup>  
41 years, except that the requirements of this subsection shall not apply  
42 to any service connection valve or customer shut-off valve . At a  
43 minimum, each valve inspection conducted pursuant to this  
44 subsection shall include:

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

- 1 (2) cleaning out of the valve box;
- 2 (3) dynamic testing of the valve, by opening and then closing  
3 the valve for either of the following number of turns:
- 4 (a) the number of turns recommended by the valve manufacturer  
5 to constitute a credible test; or
- 6 (b) the number of turns which constitutes 15 percent of the total  
7 number of turns necessary to completely open or completely close  
8 the valve ; and
- 9 (4) complying with any other criteria as may be required by the  
10 department pursuant to rules and regulations adopted pursuant to  
11 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-  
12 1 et seq.).
- 13 c. (1) Each water purveyor shall, once a year, test every fire  
14 hydrant in its system in order to determine the hydrant's working  
15 condition.
- 16 (2) Each water purveyor shall formulate and implement a plan  
17 for flushing every fire hydrant in the public community water  
18 system, and every dead end of a main in the public community  
19 water system. This plan for flushing may be combined with the  
20 periodic testing of fire hydrants required pursuant to paragraph (1)  
21 of this subsection.
- 22 d. Each water purveyor shall keep a record of all inspections,  
23 tests, and flushings conducted pursuant to this section for a period  
24 of at least <sup>1</sup>~~【six】~~ 12<sup>1</sup> years.
- 25 e. Each water purveyor that owns, solely or jointly, a fire  
26 hydrant shall mark each hydrant with the initials of its name,  
27 abbreviation of its name, corporate symbol, or other distinguishing  
28 mark or code by which ownership may be readily and definitely  
29 ascertained. Each fire hydrant shall be marked with a number or  
30 symbol, or both, by which the location of the hydrant may be  
31 determined on the water purveyor's office records. The markings  
32 may be made with <sup>1</sup>~~【paint, brand, or with】~~<sup>1</sup> a soft metal plate,  
33 <sup>1</sup>plastic, or another durable material,<sup>1</sup> and shall be of such size and  
34 so spaced and maintained as to be easily read.
- 35 f. Each water purveyor shall identify, to the extent possible,  
36 the geographic location of each valve and fire hydrant in its public  
37 community water system using a global positioning system based  
38 on satellite or other location technology.
- 39 (cf: P.L.2017, c.133, s.3)
- 40

41 13. Section 5 of P.L.2017, c.133 (C.58:31-5) is amended to read  
42 as follows:

43 5. In addition to any other requirements in law, or any rule or  
44 regulation adopted pursuant thereto, whenever a water purveyor is  
45 issued , pursuant to section 10 of P.L.1977, c.224 (C.58:12A-10) ,  
46 three notices of violation for any reason or two notices of violation

1 related to an exceedance of a maximum contaminant level within  
2 any 12-month period, the water purveyor, within 60 days after  
3 receipt of the third or second notice, as applicable, shall submit to  
4 the department a mitigation plan specifying whether the notice of  
5 violation will be addressed through operational changes or require a  
6 capital expenditure and providing a schedule for implementation of  
7 the mitigation plan. The mitigation plan shall include a report  
8 prepared by the licensed operator of the public community water  
9 system and a professional engineer licensed pursuant to P.L.1938,  
10 c.342 (C.45:8-27 et seq.) that includes a technical analysis of the  
11 notices of violation and an explanation of how the mitigation plan  
12 submitted pursuant to this section is intended to prevent a  
13 recurrence of the issue that resulted in the notice of violation. Any  
14 capital expenditures required pursuant to this section shall be  
15 incorporated into the asset management plan required pursuant to  
16 section 7 of **[this act]** P.L.2017, c.133 (C.58:31-7).  
17 (cf: P.L.2017, c.133, s.5)

18

19 14. This act shall take effect immediately.