

CHAPTER 176

AN ACT appropriating a portion of the moneys repaid to the "Water Supply Fund" created pursuant to the "Water Supply Bond Act of 1981," P.L.1981, c.261, as amended by P.L.1983, c.355 and P.L.1997, c.223, as repayments of principal on loans for local projects made available from the "Water Supply Fund," and amounts heretofore appropriated to the Department of Environmental Protection for rehabilitation loans pursuant to section 1 of P.L.1982, c.131, section 1 of P.L.1985, c.99, section 1 of P.L.1987, c.309, section 1 of P.L.1991, c.351 and section 1 of P.L.1996, c.6, and authorizing the utilization of the unexpended balances from prior appropriations to the department for providing loans to local government units made pursuant to the aforementioned acts, for providing loans to local government units to plan, design, and construct water supply facilities, and to rehabilitate, repair or consolidate antiquated, damaged or inadequately operating water supply facilities, and amending P.L.1977, c.224.

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

1. a. There is appropriated to the Department of Environmental Protection from the "Water Supply Fund" created pursuant to the "Water Supply Bond Act of 1981," P.L.1981, c.261, as amended by P.L.1983, c.355 and P.L.1997, c.223, the sum of \$24,206,832, which constitutes a portion of the moneys repaid to the "Water Supply Fund" as repayments of principal on loans for local projects funded under the "Water Supply Bond Act of 1981," P.L.1981, c.261, as amended by P.L.1983, c.355, and the unexpended balances of amounts heretofore appropriated to the department pursuant to section 1 of P.L.1982, c.131, section 1 of P.L.1985, c.99, section 1 of P.L.1987, c.309, section 1 of P.L.1991, c.351 and section 1 of P.L.1996, c.6, for providing loans to local government units to plan, design, and construct water supply facilities, and to rehabilitate, repair or consolidate antiquated, damaged or inadequately operating water supply facilities, as identified pursuant to the water supply project priority list adopted by the Commissioner of Environmental Protection pursuant to section 24 of P.L.1997, c.224 (C.58:11B-20.1) and section 7 of P.L.1997, c.223.

b. The following applicants shall be eligible for placement on the water supply project priority list for receipt of a loan pursuant to subsection a. of this section:

Local Government Unit	Project Description	Amount
Aberdeen Township	Clean, line and rehabilitate water mains, and replace appurtenances.	\$500,000
Blairstown Township	Replace water mains and appurtenances.	476,750
Bridgeton City	Rehabilitate water tank and replace appurtenances, and replace water mains and appurtenances.	956,990
Brigantine City	Rehabilitate water tank, and clean, line and rehabilitate water mains and replace appurtenances.	606,900
East Brunswick Township	Replace water mains and appurtenances.	1,000,000
Franklin Township (Somerset County)	Clean, line and rehabilitate water mains and replace appurtenances.	1,000,000

Local Government Unit	Project Description	Amount
Garfield City	Replace water meters, replace four water tanks and rehabilitate a pumping station.	2,200,000
Gloucester City	Replace water meters and purchase remote read equipment.	1,000,000
Haledon Borough	Replace water mains and appurtenances, and loop water mains.	1,000,000
Highland Park Borough	Clean, line and rehabilitate water mains and replace appurtenances, and loop water mains.	2,766,322
Highland Park Borough	Clean, line and rehabilitate water mains and replace appurtenances, and loop water mains.	1,000,000
Lavallette Borough	Replace water mains and appurtenances.	500,000
Lyndhurst Township	Replace water mains and appurtenances.	1,283,900
Mahwah Township	Replace water mains and appurtenances, and rehabilitate water tank.	2,842,130
Marlboro Township MUA	Replace water tank and appurtenances.	935,000
Medford Township	Replace water mains and appurtenances.	425,345
Pompton Lakes Borough MUA	Rehabilitate two water tanks.	463,495
Ridgewood Village	Construct new water treatment plant, rehabilitate two well houses and appurtenances, and purchase emergency generator.	2,000,000
Ridgewood Village	Rehabilitate three pump stations, loop water mains, and replace water tank.	2,750,000
Roseland Borough	Clean, line and rehabilitate water mains.	500,000

2. The expenditure of the sums appropriated to the Department of Environmental Protection pursuant to section 1 of P.L.1999, c.176 is subject to the provisions and conditions of P.L.1981,

c.261, as amended by P.L.1983, c.355 and P.L.1997, c.223, and any regulations adopted by the Commissioner of Environmental Protection pursuant thereto.

3. From the sums appropriated pursuant to section 1 of P.L.1999, c.176, the Commissioner of Environmental Protection may allocate funds for personal services by contract, or, in lieu thereof, by State employees for the purpose of planning, engineering, design, research, construction, property acquisition, or other costs related to construction. The expenditure of any of these funds for personal services is subject to written approval as a transfer by the Director of the Division of Budget and Accounting in the Department of the Treasury and by the Joint Budget Oversight Committee or its successor. Upon such approval, the director shall make the transfer as provided by law.

4. a. Any funds made available to local water supply purveyors or municipalities pursuant to P.L.1999, c.176 shall be in the form of loans with principal and interest payments due to be repaid to the "Water Supply Fund," in accordance with the terms of a written loan agreement. The form of the loan agreement shall be specified by the State Treasurer.

b. Any loans made available to local water supply purveyors or municipalities pursuant to P.L.1999, c.176 shall be subject to the provisions of section 24 of P.L.1997, c.224 (C.58:11B-20.1) and section 7 of P.L.1997, c.223.

5. Section 3 of P.L.1977, c.224 (C.58:12A-3) is amended to read as follows:

C.58:12A-3 Definitions.

3. As used in P.L.1977, c.224 (C.58:12A-1 et seq.):

a. "Administrator" means the Administrator of the United States Environmental Protection Agency or his authorized representative;

b. "Contaminant" means any physical, chemical, biological or radiological substance or matter in water;

c. "Commissioner" means the Commissioner of Environmental Protection or his designated representative;

d. "County" means any county or any agency or instrumentality of one or more thereof;

e. "Department" means the Department of Environmental Protection;

f. "Federal act" means the Safe Drinking Water Act, P.L.93-523, 42 U.S.C. s.300 et al.;

g. "Federal agency" means any department, agency, or instrumentality of the United States;

h. "Municipality" means any city, town, township, borough or village or any agency or instrumentality of one or more thereof;

i. "National primary drinking water regulations" means primary drinking water regulations promulgated by the administrator pursuant to the federal act;

j. "Person" means any individual, corporation, company, firm, association, partnership, municipality, county, State agency or federal agency;

k. "Primary drinking water regulation" means a regulation which:

(1) Applies at a minimum to public water systems;

(2) Specifies contaminants which, in the judgment of the commissioner, may have any adverse effect on the health of persons;

(3) Specifies for each such contaminant either: (a) a maximum contaminant level if, in the judgment of the commissioner, it is economically and technologically feasible to ascertain the level of such contaminant in water in public water systems, or (b) if, in the judgment of the commissioner, it is not economically or technologically feasible to ascertain the level of such contaminant, each treatment technique known to the commissioner which leads to a reduction in the level of such contaminant sufficient to satisfy the requirements of section 4 of P.L.1977, c.224 (C.58:12A-4);

(4) Contains criteria and procedures to assure a supply of drinking water which dependably complies with such maximum contaminant levels, including quality control, sampling frequencies, and testing procedures to insure compliance with such levels and to insure proper operation and maintenance of the system, and requirements as to: (a) the minimum quality of water which may

be taken into the system, and (b) siting for new facilities for public water systems;

l. "Public water system" means 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. Such term 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. "Public community water system" means a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents;

m. "State agency" means any department, agency or instrumentality of this State or of this State and any other state or states;

n. "Supplier of water" means any person who owns or operates a public water system;

o. "Maximum contaminant level" means the maximum permissible level of a contaminant in water which is delivered to the free-flowing outlet of the ultimate user of a public water system or other water system to which State primary drinking water regulations apply, except in the case of turbidity, where the maximum permissible level is measured at the point of entry to the distribution system. Contaminants added to the water under circumstances controlled by the user, except those resulting from corrosion of piping and plumbing caused by water quality, are excluded from this definition;

p. "Nonpublic water system" means a water system that is not a public water system;

q. "Sanitary survey" means an on-site review of the water source, facilities, equipment, operation and maintenance of a public or nonpublic water system for the purpose of evaluating the adequacy of the source, facilities, equipment, operation and maintenance for producing and distributing safe drinking water with adequate pressure and volume;

r. "Secondary drinking water regulation" means a regulation applying to one or more water systems, and which specifies the maximum contaminant levels that are required to protect the public welfare; such regulations may apply to any contaminant in drinking water: (1) which may adversely affect the taste, odor, or appearance of such water and consequently may cause a substantial number of persons served by such water systems to discontinue their use, or (2) which may otherwise adversely affect the public welfare;

s. "Water system" means a system for providing potable water to any person.

6. Section 4 of P.L.1977, c.224 (C.58:12A-4) is amended to read as follows:

C.58:12A-4 Powers, duties of commissioner relative to drinking water regulations.

4. a. The commissioner shall prepare, promulgate and enforce and may amend or repeal:

(1) State primary drinking water regulations that at any given time shall be no less stringent than national regulations in effect at that time;

(2) State secondary drinking water regulations; and

(3) other regulations to protect potable waters, regulate public and nonpublic water systems, and carry out the intent of the provisions of P.L.1977, c.224 (C.58:12A-1 et seq.) in any one or more areas of the State requiring a particular safe drinking water program.

b. Subject to section 5 of P.L.1977, c.224 (C.58:12A-5), State primary drinking water regulations shall apply to each public water system in the State, except that such regulations shall not apply to a public water system:

(1) Which consists only of distribution and storage facilities and which does not have any collection and treatment facilities;

(2) Which obtains all of its water from, but is not owned or operated by, a public water system to which such regulations apply;

(3) Which does not sell water to any person; and

(4) Which does not provide water for potable purposes to any carrier which conveys passengers in interstate commerce.

c. The commissioner shall adopt and implement adequate procedures, promulgate appropriate rules and regulations, and issue such orders as are necessary for the enforcement of

State primary drinking water regulations and for the provision of potable water of adequate volume and pressure; such regulations and procedures to include but not be limited to:

- (1) Monitoring and inspection procedures;
- (2) Maintenance of an inventory of public water systems in the State;
- (3) A systematic program for conducting sanitary surveys of public water systems throughout the State or in a part thereof, whenever the commissioner determines that such surveys are necessary or advisable;
- (4) The establishment and maintenance of a program for the certification of laboratories conducting analytic measurements of drinking water contaminants specified in the State primary and secondary drinking water regulations; and the assurance of the availability to the department of laboratory facilities certified by the administrator and capable of performing analytic measurements of all contaminant specified in the State primary and secondary drinking water regulations;
- (5) The establishment and maintenance of programs concerning plans and specifications for the design, construction and operation of water systems, which programs:
 - (a) require all such plans and specifications to be first approved by the department before any work thereunder shall be commenced;
 - (b) assure that all new public water systems have adequate technical, managerial and financial capacity to comply with the provisions of the "Safe Drinking Water Act," P.L.1977, c.224 (C.58:12A-1 et seq.), and all regulations promulgated by the department pursuant to that act prior to approval of such systems to distribute water for potable purposes;
 - (c) assure that all water systems will comply with any rules and regulations of the department; and
 - (d) assure and certify compliance with the State primary drinking water regulations or such requirements of the State secondary drinking water regulations as the commissioner deems applicable, and will deliver water with sufficient quality, volume and pressure to the users of such systems.
- d. The commissioner shall keep such records and make such reports with respect to the duties, powers and responsibilities of the commissioner under subsections a. and c. of this section as may be required by regulations established by the administrator pursuant to the federal act.
- e. The commissioner may require any public water system to install, use, and maintain such monitoring equipment and methods, to perform such sampling, to maintain and retain such records of information from monitoring and sampling activities, to submit such reports of monitoring and sampling results, and to provide such other information as he may require to assist in the establishment of regulations under the provisions of P.L.1977, c.224 (C.58:12A-1 et seq.), or to determine compliance or noncompliance with the provisions of P.L.1977, c.224 (C.58:12A-1 et seq.) or with regulations promulgated pursuant to the provisions of P.L.1977, c.224 (C.58:12A-1 et seq.).
- f. The commissioner shall have the right to enter any premises upon presentation of appropriate credentials during regular business hours, in order to test, inspect or sample any feature of a public water system, and in order to inspect, copy or photograph any monitoring equipment or records required to be kept under provisions of P.L.1977, c.224 (C.58:12A-1 et seq.).
- g. (Deleted by amendment, P.L.1999, c.176).

7. This act shall take effect immediately.

Approved August 2, 1999.