SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Assembly Environment and Solid Waste Committee on March 20, 2017, with amendments.

(Sponsorship Updated As Of: 6/9/2017)
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 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). “Water purveyor” means any person that owns a public water system with more than 500 service connections.

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. A water purveyor shall repair or replace any valve found to be broken or otherwise not operational.
   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, except that the requirements of this subsection shall not apply to any service connection valve or customer shut-off valve. 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.

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:
1Assembly AEN amendments adopted March 20, 2017.
(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; 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.).

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 fire 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.

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.

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
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.

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 ²any¹ rule or
regulation adopted pursuant thereto, whenever a water purveyor is
issued ³three¹ 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 ⁴the licensed operator of the public
water system and⁵ 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 ⁶drinking water⁷
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 [one year] 18 months 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 [industry standard best
practices] standards established by the American Water Works
Association'. The asset management plan shall include:

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; [and]

2. (2) 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, [industry] standards established by the American
Water Works Association', and any mitigation plan required
pursuant to section 5 of this act; and

3. (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.)

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 [annually once every three years]', 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.

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.

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