

**SENATE, No. 1713**

---

**STATE OF NEW JERSEY**

**217th LEGISLATURE**

---

INTRODUCED FEBRUARY 29, 2016

**Sponsored by:**

**Senator BOB SMITH**

**District 17 (Middlesex and Somerset)**

**Senator CHRISTOPHER "KIP" BATEMAN**

**District 16 (Hunterdon, Mercer, Middlesex and Somerset)**

**SYNOPSIS**

Requires water purveyors to develop and implement a drought interconnection system.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning water supplies, amending and supplementing  
2 P.L.1981, c.262, and amending R.S.48:2-23.

3  
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6  
7 1. (New section) As used in this act:

8 "Drought" means a condition of dryness due to lower than  
9 normal precipitation, resulting in reduced stream flows, reduced soil  
10 moisture or a lowering of the potentiometric surface in wells.

11 "Drought warning condition" means a declaration by the  
12 commissioner under the department's non-emergency powers prior  
13 to a state of water emergency declared by the Governor pursuant to  
14 section 4 of P.L.1981, c.262 (C.58:1A-4) calling for action to be  
15 taken to reduce the likelihood or impact of any impending drought  
16 emergency. Whenever such situations involve a relative lack of  
17 precipitation or a lower than normal storage of water supplies, the  
18 department may identify the affected region or the State as a whole  
19 as being in a "drought warning condition."

20 "Public water system" means a system for the provision to the  
21 public of water for human consumption through pipes or other  
22 constructed conveyances, if such system has at least 15 service  
23 connections or regularly serves an average of at least 25 individuals  
24 daily at least 60 days out of the year. "Public water system"  
25 includes: (1) any collection, treatment, storage and distribution  
26 facilities under control of the operator of such system and used  
27 primarily in connection with such system; and (2) any collection or  
28 pre-treatment storage facilities not under such control which are  
29 used primarily in connection with such system.

30 "Public water utility" means the same as that term is defined in  
31 section 3 of P.L.1985, c.334 (C.58:11B-3).

32 "Region" means any of the drought regions as previously defined  
33 by the department to include Central, Coastal North, Coastal South,  
34 Northeast, Northwest and Southwest.

35 "Small water company" means the same as that term is defined in  
36 section 3 of P.L.1985, c.334 (C.58:11B-3).

37 "Water purveyor" means any public water utility that owns or  
38 operates a public water system.

39

40 2. (New section) a. Every water purveyor shall develop and  
41 implement a drought interconnection system.

42 b. Within 12 months after the effective date of this act, every  
43 water purveyor shall prepare a plan, in conjunction with every  
44 proximate public water utility within the region wherein the water  
45 purveyor provides service, for the interconnection of their  
46 respective public water systems to (1) facilitate the furnishing of

**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 water between systems and regions during a drought warning  
2 condition or state of water emergency as declared by the Governor  
3 within specific areas of the State pursuant to section 4 of P.L.1981,  
4 c.262 (C.58:1A-4), (2) balance demand with available water  
5 supplies, and (3) assure that sufficient water is available throughout  
6 the State during such conditions or emergencies.

7 c. Each drought interconnection plan developed by a water  
8 purveyor shall be subject to review and approval by the department.

9 d. Each water purveyor shall implement the drought  
10 interconnection system approved by the department within five  
11 years after the effective date of this act.

12  
13 3. (New section) The commissioner shall adopt, pursuant to  
14 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et  
15 seq.), rules and regulations as are necessary to effectuate the  
16 provisions of P.L. , c. (C. ) (pending before the Legislature  
17 as this bill).

18  
19 4. Section 9 of P.L.1981, c.262 (C.58:1A-9) is amended to read  
20 as follows:

21 9. The Board of **【Regulatory Commissioners】** Public Utilities  
22 shall fix just and reasonable rates for any public water **【supply】**  
23 system subject to its jurisdiction, as may be necessary for that  
24 system to comply with an order issued by the department or the  
25 terms and conditions of a permit issued pursuant to P.L.1981, c.262  
26 (C.58:1A-1 et al.) or P.L.1993, c.202 (C.58:1A-7.3 et al.).  
27 (cf: P.L.1993, c.202, s.8)

28  
29 5. Section 15 of P.L.1981, c.262 (C.58:1A-15) is amended to  
30 read as follows:

31 15. The department may:

32 a. Perform any and all acts and issue such orders as are  
33 necessary to carry out the purposes and requirements of P.L.1981,  
34 c.262 (C.58:1A-1 et al.) or P.L.1993, c.202 (C.58:1A-7.3 et al.);

35 b. Administer and enforce the provisions of P.L.1981, c.262  
36 (C.58:1A-1 et al.) or P.L.1993, c.202 (C.58:1A-7.3 et al.) and rules,  
37 regulations and orders adopted, issued or effective thereunder;

38 c. Present proper identification and then enter upon any land or  
39 water for the purpose of making any investigation, examination or  
40 survey contemplated by P.L.1981, c.262 (C.58:1A-1 et al.) or  
41 P.L.1993, c.202 (C.58:1A-7.3 et al.);

42 d. **【Subpena】** Subpoena and require the attendance of  
43 witnesses and the production by them of books and papers pertinent  
44 to the investigations and inquiries the department is authorized to  
45 make under P.L.1981, c.262 (C.58:1A-1 et al.) or P.L.1993, c.202  
46 (C.58:1A-7.3 et al.), and examine them and those public records as  
47 shall be required in relation thereto;

48 e. Order the interconnection of public water **【supply】** systems,

1 whether in public or private ownership, whenever the department  
2 determines that the public interest requires that this interconnection  
3 be made, and require the furnishing of water by means of that  
4 system to another system, but no order shall be issued before  
5 comments have been solicited at a public hearing, notice of which  
6 has been published at least 30 days before the hearing, in one  
7 newspaper circulating generally in the area served by each involved  
8 public water [supply] system, called for the purpose of soliciting  
9 comments on the proposed action. Nothing in this subsection shall  
10 be construed to alter or restrict the authority of the commissioner to  
11 order any person to make emergency interconnections between  
12 systems during a state of water emergency as provided in section 4  
13 of P.L.1981, c.262 (C.58:1A-4).

14 f. Order any person diverting water to improve or repair its  
15 water supply facilities so that water loss is eliminated so far as  
16 practicable, safe yield is maintained, and the drinking water quality  
17 standards adopted pursuant to the "Safe Drinking Water Act,"  
18 P.L.1977, c.224 (C.58:12A-1 et al.) are met;

19 g. Enter into agreements, contracts, or cooperative  
20 arrangements under such terms and conditions as the department  
21 deems appropriate with other states, other State agencies, federal  
22 agencies, municipalities, counties, educational institutions, investor-  
23 owned water companies, municipal utilities authorities, or other  
24 organizations or persons;

25 h. Receive financial and technical assistance from the federal  
26 government and other public or private agencies;

27 i. Participate in related programs of the federal government,  
28 other states, interstate agencies, or other public or private agencies  
29 or organizations;

30 j. Establish adequate fiscal controls and accounting procedures  
31 to assure proper disbursement of and accounting for funds  
32 appropriated or otherwise provided for the purpose of carrying out  
33 the provisions of P.L.1981, c.262 (C.58:1A-1 et al.) or P.L.1993,  
34 c.202 (C.58:1A-7.3 et al.);

35 k. Delegate those responsibilities and duties to personnel of the  
36 department as deemed appropriate for the purpose of administering  
37 the requirements of P.L.1981, c.262 (C.58:1A-1 et al.) or P.L.1993,  
38 c.202 (C.58:1A-7.3 et al.);

39 l. Combine permits issued pursuant to P.L.1981, c.262  
40 (C.58:1A-1 et al.) or P.L.1993, c.202 (C.58:1A-7.3 et al.) with  
41 permits issued pursuant to any other act whatsoever whenever that  
42 action would improve the administration of those acts;

43 m. Evaluate and determine the adequacy of ground and surface  
44 water supplies and develop methods to protect aquifer recharge  
45 areas.

46 (cf: P.L.1993, c.202, s.9)

47  
48 6. R.S.48:2-23 is amended to read as follows:

7. This act shall take effect immediately.

Every water purveyor would be required to implement the drought interconnection system approved by the department within five years after the date the bill is enacted into law.