

[First Reprint]  
**SENATE, No. 2834**

**STATE OF NEW JERSEY**  
**217th LEGISLATURE**

INTRODUCED DECEMBER 12, 2016

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**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 Senate Budget and Appropriations Committee on May 18, 2017, with amendments.

(Sponsorship Updated As Of: 6/9/2017)

1 AN ACT concerning the operation and management of public water  
2 systems, and supplementing Title 58 of the Revised Statutes.

3

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

6

7 1. This act shall be known and may be cited as the “Water  
8 Quality Accountability Act.”

9

10 2. As used in this act:

11 “Board” means the Board of Public Utilities.

12 “Department” means the Department of Environmental  
13 Protection.

14 “Public water system” means <sup>1</sup>[a system for the provision to the  
15 public of water for human consumption through pipes or other  
16 constructed conveyances, if such system has at least 15 service  
17 connections or regularly serves an average of at least 25 individuals  
18 daily at least 60 days out of the year. "Public water system"  
19 includes: (1) any collection, treatment, storage and distribution  
20 facilities under control of the operator of such system and used  
21 primarily in connection with such system; and (2) any collection or  
22 pre-treatment storage facilities not under such control which are  
23 used primarily in connection with such system] the same as the  
24 term is defined in section 3 of P.L.1977, c.224 (C.58:12A-3)<sup>1</sup>.

25 “Water purveyor” means any person that owns a public water  
26 system <sup>1</sup>with more than 500 service connections<sup>1</sup>.

27

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

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

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

43 (2) cleaning out of the valve box; <sup>1</sup>[and]<sup>1</sup>

**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>Senate SBA committee amendments adopted May 18, 2017.

- 1 (3) dynamic testing of the valve, by opening and then closing the  
2 valve for either of the following number of turns:
- 3 (a) the number of turns recommended by the valve manufacturer  
4 to constitute a credible test; or
- 5 (b) the number of turns which constitutes 15 percent of the total  
6 number of turns necessary to completely open or completely close  
7 the valve <sup>1</sup>; and
- 8 (4) complying with any other criteria as may be required by the  
9 department pursuant to rules and regulations adopted pursuant to  
10 the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1  
11 et seq.)<sup>1</sup>.
- 12 c. (1) Each water purveyor shall, once a year, test every fire  
13 hydrant in its system in order to determine the hydrant's working  
14 condition.
- 15 (2) Each water purveyor shall formulate and implement a plan  
16 for flushing every fire hydrant in the public water system, and every  
17 dead end of a main in the public water system. This plan for  
18 flushing may be combined with the periodic testing of fire hydrants  
19 required pursuant to paragraph (1) of this subsection.
- 20 d. Each water purveyor shall keep a record of all inspections,  
21 tests, and flushings conducted pursuant to this section for a period  
22 of at least six years.
- 23 e. Each water purveyor that owns, solely or jointly, a fire  
24 hydrant shall mark each hydrant with the initials of its name,  
25 abbreviation of its name, corporate symbol, or other distinguishing  
26 mark or code by which ownership may be readily and definitely  
27 ascertained. Each <sup>1</sup>fire<sup>1</sup> hydrant shall be marked with a number or  
28 symbol, or both, by which the location of the hydrant may be  
29 determined on the water purveyor’s office records. The markings  
30 may be made with paint, brand, or with a soft metal plate, and shall  
31 be of such size and so spaced and maintained as to be easily read.
- 32 <sup>1</sup>f. Each water purveyor shall identify, to the extent possible,  
33 the geographic location of each valve and fire hydrant in its public  
34 water system using a global positioning system based on satellite or  
35 other location technology.<sup>1</sup>
- 36
- 37 4. a. Within 120 days after the effective date of this act, each  
38 water purveyor shall develop a cybersecurity program, in  
39 accordance with requirements established by the board, that defines  
40 and implements organization accountabilities and responsibilities  
41 for cyber risk management activities, and establishes policies,  
42 plans, processes, and procedures for identifying and mitigating  
43 cyber risk to its public water system. As part of the program, a  
44 water purveyor shall conduct risk assessments and implement  
45 appropriate controls to mitigate identified risks to the public water  
46 system, maintain situational awareness of cyber threats and

1 vulnerabilities to the public water system, and create and exercise  
2 incident response and recovery plans.

3 A copy of the program developed pursuant to this subsection  
4 shall be provided to the New Jersey Cybersecurity and  
5 Communications Integration Cell, established pursuant to Executive  
6 Order No. 178 (2015) in the New Jersey Office of Homeland  
7 Security and Preparedness.

8 b. Within 60 days after developing the program required  
9 pursuant to subsection a. of this section, each water purveyor shall  
10 join the New Jersey Cybersecurity and Communications Integration  
11 Cell, established pursuant to Executive Order No. 178 (2015), and  
12 create a cybersecurity incident reporting process.

13 <sup>1</sup>c. A water purveyor that does not have an internet-connected  
14 control system shall be exempt from the requirements of this  
15 section.<sup>1</sup>  
16

17 5. In addition to any other requirements in law, or <sup>1</sup>any<sup>1</sup> rule or  
18 regulation adopted pursuant thereto, whenever a water purveyor is  
19 issued <sup>1</sup><sub>2</sub><sup>1</sup> pursuant to section 10 of P.L.1977, c.224 (C.58:12A-10)  
20 <sup>1</sup><sub>2</sub><sup>1</sup> three notices of violation for any reason or two notices of  
21 violation related to an exceedance of a maximum contaminant level  
22 within any 12-month period, the water purveyor, within 60 days  
23 after receipt of the third or second notice, as applicable, shall  
24 submit to the department a mitigation plan specifying whether the  
25 notice of violation will be addressed through operational changes or  
26 require a capital expenditure and providing a schedule for  
27 implementation of the mitigation plan. The mitigation plan shall  
28 include a report prepared by <sup>1</sup>the licensed operator of the public  
29 water system and<sup>1</sup> a professional engineer licensed pursuant to  
30 P.L.1938, c.342 (C.45:8-27 et seq.) that includes a technical  
31 analysis of the notices of violation and an explanation of how the  
32 mitigation plan submitted pursuant to this section is intended to  
33 prevent a recurrence of the issue that resulted in the notice of  
34 violation. Any capital expenditures required pursuant to this  
35 section shall be incorporated into the asset management plan  
36 required pursuant to section 7 of this act.  
37

38 6. In addition to any other certifications required pursuant to  
39 law, rule, or regulation, the responsible corporate officer of the  
40 public water system, if privately held, executive director, if an  
41 authority, or mayor or chief executive officer of the municipality, if  
42 municipally owned, as applicable, shall be required to certify in  
43 writing each year to the Department of Environmental Protection  
44 and, if applicable, the Board of Public Utilities that the water  
45 purveyor complies with: all federal and State <sup>1</sup>drinking water<sup>1</sup>  
46 regulations, including water quality sampling, testing, and reporting  
47 requirements; the hydrant and valve requirements set forth in

1 section 3 of this act; the notice of violation mitigation plan  
2 requirements set forth in section 5 of this act, if applicable; and the  
3 infrastructure improvement investment required pursuant to section  
4 7 of this act.

5  
6 7. a. Beginning no later than <sup>1</sup>~~one year~~ 18 months<sup>1</sup> after the  
7 effective date of this act, every water purveyor shall implement an  
8 asset management plan designed to inspect, maintain, repair, and  
9 renew its infrastructure consistent with <sup>1</sup>~~industry standard best~~  
10 ~~practices~~ standards established by the American Water Works  
11 Association<sup>1</sup>. The asset management plan shall include:

12 <sup>1</sup>(1)<sup>1</sup> a water main renewal program designed to achieve a 150-  
13 year replacement cycle, or other appropriate replacement cycle as  
14 determined by a detailed engineering analysis of the asset condition  
15 and estimated service lives of the water mains serving the public  
16 water system; <sup>1</sup>~~and~~

17 <sup>1</sup>(2)<sup>1</sup> a water supply and treatment program designed to inspect,  
18 maintain, repair, renew, and upgrade wells, intakes, pumps, and  
19 treatment facilities in accordance with all federal and State  
20 regulations, <sup>1</sup>~~industry~~<sup>1</sup> standards <sup>1</sup>established by the American  
21 Water Works Association<sup>1</sup>, and any mitigation plan required  
22 pursuant to section 5 of this act <sup>1</sup>; and

23 <sup>1</sup>(3)<sup>1</sup> any other programs, plans, or provisions as may be required  
24 by the department pursuant to rules and regulations adopted  
25 pursuant to the “Administrative Procedure Act,” P.L.1968, c.410  
26 (C.52:14B-1 et seq.)<sup>1</sup>.

27 Each water purveyor shall dedicate funds on an annual basis to  
28 address and remediate the highest priority projects as determined by  
29 its asset management plan.

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

40 b. At least <sup>1</sup>~~annually~~ once every three years<sup>1</sup>, each water  
41 purveyor shall provide to the department and the board, if  
42 applicable, a report based on its asset management plan prepared  
43 pursuant to subsection a. of this section identifying the  
44 infrastructure improvements to be undertaken in the coming year  
45 and the cost of those improvements, as well as identifying the  
46 infrastructure improvements completed in the past year and the cost  
47 of those improvements. A municipal water department or

1 municipal water authority shall also submit the report required  
2 pursuant to this subsection to the Division of Local Government  
3 Services in the Department of Community Affairs.

4 <sup>1</sup>c. The department, the board, and the Department of  
5 Community Affairs shall create a centralized portal allowing for  
6 electronic submittal of the report required pursuant to subsection b.  
7 of this section. The lack of a centralized portal pursuant to this  
8 subsection shall not negate the requirement for a water purveyor to  
9 submit a report pursuant to subsection b. of this section.<sup>1</sup>

10

11 8. This act shall take effect <sup>1</sup>**[immediately]** on the 90th day  
12 after the date of enactment<sup>1</sup>.