

SENATE, No. 726

STATE OF NEW JERSEY 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

Sponsored by:

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District 14 (Mercer and Middlesex)

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SYNOPSIS

Requires water purveyors to develop and implement leak detection programs.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



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. Section 3 of P.L.1981, c.262 (C.58:1A-3) is amended to read
8 as follows:

9 3. As used in the provisions of P.L.1981, c.262 (C.58:1A-1 et
10 **[seq.] al.**), P.L.1993, c.202 (C.58:1A-7.3 et al.) and P.L.2003,
11 c.251 (C.58:1A-13.1 et al.):

12 "Aquaculture" means the propagation, rearing and subsequent
13 harvesting of aquatic organisms in controlled or selected
14 environments, and the subsequent processing, packaging and
15 marketing, and shall include, but need not be limited to, activities to
16 intervene in the rearing process to increase production such as
17 stocking, feeding, transplanting, and providing for protection from
18 predators. "Aquaculture" shall not include the construction of
19 facilities and appurtenant structures that might otherwise be
20 regulated pursuant to any State or federal law or regulation.

21 "Aquatic organism" means and includes, but need not be limited
22 to, finfish, mollusks, crustaceans, and aquatic plants which are the
23 property of a person engaged in aquaculture.

24 **[a.]** "Commissioner" means the Commissioner of **[the**
25 Department of**]** Environmental Protection or the commissioner's
26 designated representative **[:]** .

27 **[b.]** "Consumptive use" means any use of water diverted from
28 surface or ground waters other than a nonconsumptive use as
29 defined in this section **[:]** .

30 **[c.]** "Department" means the Department of Environmental
31 Protection **[:]** .

32 **[d.]** "Diversion" means the taking or impoundment of water
33 from a river, stream, lake, pond, aquifer, well, other underground
34 source, or other water body, whether or not the water is returned
35 thereto, consumed, made to flow into another stream or basin, or
36 discharged elsewhere**[:]** .

37 **[e.]** "Nonconsumptive use" means the use of water diverted
38 from surface or ground waters in such a manner that it is returned to
39 the surface or ground water at or near the point from which it was
40 taken without substantial diminution in quantity or substantial
41 impairment of quality **[:]** .

42 **[f.]** "Person" means any individual, corporation, company,
43 partnership, firm, association, owner or operator of a **[water supply**

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 facility **】** public water system, political subdivision of the State and
2 any state, or interstate agency or Federal agency **【;】** .

3 "Public community water system" means a public water system
4 which serves at least 15 service connections used by year-round
5 residents or regularly serves at least 25 year-round residents.

6 "Public water system" means a system for the provision to the
7 public of water for human consumption through pipes or other
8 constructed conveyances, if such system has at least 15 service
9 connections or regularly serves an average of at least 25 individuals
10 daily at least 60 days out of the year. "Public water system"
11 includes: (1) any collection, treatment, storage and distribution
12 facilities under control of the operator of such system and used
13 primarily in connection with such system; and (2) any collection or
14 pre-treatment storage facilities not under such control which are
15 used primarily in connection with such system.

16 **【**g. "Waters" or "waters of the State" means all surface waters
17 and ground waters in the State;

18 **h.】** "Safe or dependable yield" or "safe yield" means that
19 maintainable yield of water from a surface or ground water source
20 or sources which is available continuously during projected future
21 conditions, including a repetition of the most severe drought of
22 record, without creating undesirable effects, as determined by the
23 department **【;】** .

24 **【**i. "Aquaculture" means the propagation, rearing and
25 subsequent harvesting of aquatic species in controlled or selected
26 environments, and the subsequent processing, packaging and
27 marketing, and shall include, but need not be limited to, activities to
28 intervene in the rearing process to increase production such as
29 stocking, feeding, transplanting, and providing for protection from
30 predators. "Aquaculture" shall not include the construction of
31 facilities and appurtenant structures that might otherwise be
32 regulated pursuant to any State or federal law or regulation;

33 **j.** "Aquatic organism" means and includes, but need not be
34 limited to, finfish, mollusks, crustaceans, and aquatic plants which
35 are the property of a person engaged in aquaculture;

36 **k.】** "Six Mile Run Reservoir Site" means the land acquired by
37 the State for development of the Six Mile Run Reservoir in Franklin
38 Township, Somerset County, as identified by the Eastern Raritan
39 Feasibility Study and the New Jersey Statewide Water Supply Plan
40 prepared and adopted by the department pursuant to section 13 of
41 P.L.1981, c.262 (C.58:1A-13).

42 "Unaccounted-for-water" means the difference between the
43 amount of water that leaves a water purveyor's public water system
44 and the amount of water delivered through service meters for which
45 the water purveyor bills, expressed as a total amount and as a
46 percentage of the water purveyor's total water output.

1 "Water purveyor" means any person that owns or operates a
2 public water system.

3 "Water supply facility" means and refers to the real property and
4 the plants, structures, interconnections between existing water
5 supply facilities, machinery and equipment and other property, real,
6 personal and mixed, acquired, constructed or operated, or to be
7 acquired, constructed or operated, in whole or in part, by or on
8 behalf of a water purveyor, or by or on behalf of the State or a local
9 government unit, for the purpose of augmenting the natural water
10 resources of the State and making available an increased supply of
11 water for all uses, or of conserving existing water resources, and
12 any and all appurtenances necessary, useful or convenient for the
13 collecting, impounding, storing, improving, treating, filtering,
14 conserving or transmitting of water, and for the preservation and
15 protection of these resources and facilities, whether in public or
16 private ownership, and providing for the conservation and
17 development of future water supply resources, and facilitating
18 incidental recreational uses thereof.

19 "Water supply project" means any work relating to the
20 acquisition, construction, improvement, repair or reconstruction of
21 all or part of any structure, facility or equipment, or real or personal
22 property necessary for or ancillary to a water supply facility that
23 meets the requirements set forth in sections 24, 25, and 26 of
24 P.L.1997, c.224 (C.58:11B-20.1, C.58:11B-21.1, and C.58:11B-
25 22.1), or any work relating to any other project eligible for funding
26 pursuant to the federal "Safe Drinking Water Act Amendments of
27 1996," Pub.L.104-182, and any amendatory and supplementary acts
28 thereto.

29 "Waters" or "waters of the State" means all surface waters and
30 ground waters in the State.

31 (cf: P.L.2003, c.251, s.1)

32

33 2. (New section) a. Every water purveyor shall annually
34 provide the commissioner with the following information:

35 (1) The amount of unaccounted-for-water leaving its public
36 water system during the current calendar year;

37 (2) A discussion of short-term measures that are underway or
38 could be initiated to reduce the amount of unaccounted-for-water;
39 and

40 (3) A plan of action containing long-term measures to reduce
41 the amount of unaccounted-for-water.

42 b. Any approval granted by the department for a water supply
43 project, which has been financed, directly or indirectly, out of
44 public funds, in whole or in part, or any renewal of a water supply
45 project approval shall be subject to the satisfactory compliance with
46 the provisions of this section.

47

48 3. (New section) a. Each water purveyor that distributes water

1 supplies in excess of an average of 100,000 gallons per day during
2 any 30-day period shall develop and undertake a systematic
3 program to monitor and control leakage within its public water
4 system.

5 b. The leak detection program developed and undertaken
6 pursuant to subsection a. of this section shall, at a minimum,
7 include:

8 (1) periodic surveys to monitor leakage, enumerate
9 unaccounted-for-water, and determine the current status of system
10 infrastructure;

11 (2) recommendations to monitor and control leakage; and

12 (3) a schedule for the implementation of these
13 recommendations.

14 c. Each leak detection program developed by a water purveyor
15 shall be subject to review and approval by the department.

16 d. Each water purveyor that distributes in excess of one million
17 gallons per day shall submit its initial program to monitor and
18 control leakage to the department within six months after the
19 effective date of P.L. , c. (C.) (pending in the Legislature
20 as this bill), and each water purveyor that distributes between
21 100,000 gallons per days and one million gallons per day shall
22 submit its initial program to monitor and control leakage to the
23 department within nine months after the effective date of P.L. ,
24 c. (C.) (pending in the Legislature as this bill).

25 e. Each water purveyor shall prepare and submit to the
26 department a revised and updated program to monitor and control
27 leakage every three years thereafter. The department may require
28 more frequent leak detection program updates from water purveyors
29 with unaccounted-for-water that is in excess of 15 percent.

30

31 4. (New section) The commissioner shall adopt, pursuant to
32 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
33 seq.), rules and regulations as are necessary to effectuate the
34 provisions of P.L. , c. (C.) (pending in the Legislature as
35 this bill).

36

37 5. Section 9 of P.L.1981, c.262 (C.58:1A-9) is amended to read
38 as follows:

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

46

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

48 48:2-23. a. The board may, after public hearing, upon notice, by

1 order in writing, require any public utility to furnish safe, adequate
2 and proper service, including furnishing and performance of service
3 in a manner that tends to conserve and preserve the quality of the
4 environment and prevent the pollution of the waters, land and air of
5 this State, and including furnishing and performance of service in a
6 manner which preserves and protects the water quality of a public
7 water supply, and to maintain its property and equipment in such
8 condition as to enable it to do so.

9 The board may, pending any such proceeding, require any public
10 utility to continue to furnish service and to maintain its property and
11 equipment in such condition as to enable it to do so.

12 The board, in requiring any public water utility to furnish safe,
13 adequate and proper service, may require the public water utility to
14 retain in its rate base any property which the board determines is
15 necessary to protect the water quality of a public water supply.

16 b. Every public water utility shall annually provide the board
17 with the following information:

18 (1) the amount of unaccounted-for-water leaving its public
19 water system during the current calendar year;

20 (2) a discussion of short-term measures that are underway or
21 could be initiated to reduce the amount of unaccounted-for-water;
22 and

23 (3) a plan of action containing long-term measures to reduce the
24 amount of unaccounted-for-water.

25 For the purposes of this subsection, "unaccounted-for-water"
26 means the difference between the amount of water that leaves a
27 public water utility's public water system and the amount of water
28 delivered through service meters for which the public water utility
29 bills, as provided in section 1 of P.L.1973, c.230 (C.48:19-18.1),
30 expressed as a total amount and as a percentage of the water
31 purveyor's total water output.

32 (cf: P.L.1988, c.163, s.5)

33
34 7. This act shall take effect immediately.
35
36

37 STATEMENT

38
39 This bill would require the State's public and private water
40 providers to develop and implement water leakage prevention and
41 reduction plans. Specifically, every water purveyor would be
42 required to annually provide the Commissioner of Environmental
43 Protection with the following information: (1) the amount of
44 unaccounted-for-water leaving its public water system during the
45 current calendar year; (2) a discussion of short-term measures that
46 are underway or could be initiated to reduce the amount of
47 unaccounted-for-water; and (3) a plan of action containing long-
48 term measures to reduce the amount of unaccounted-for-water.

1 Public water utilities would also be required to provide this
2 information to the Board of Public Utilities.

3 Any approvals granted by the Department of Environmental
4 Protection (DEP) for a water supply project, which has been
5 financed, directly or indirectly, out of public funds, in whole or in
6 part, or any renewal of an approval for a water supply project would
7 be subject to the satisfactory compliance with the provisions of this
8 bill.

9 The bill would also require every water purveyor that distributes
10 water supplies in excess of an average of 100,000 gallons per day
11 during any 30-day period to develop and undertake a systematic
12 program to monitor and control leakage within its public water
13 system. The leak detection program must include, at a minimum:
14 (1) periodic surveys to monitor leakage, enumerate unaccounted-
15 for-water, and determine the current status of system infrastructure;
16 (2) recommendations to monitor and control leakage; and (3) a
17 schedule for the implementation of these recommendations.

18 Each leak detection program developed by a water purveyor
19 would be subject to the review and approval of the DEP. Each
20 water purveyor that distributes in excess of one million gallons per
21 day would be required to submit its initial program to monitor and
22 control leakage to the DEP within six months after the date of
23 enactment of the bill into law, and each water purveyor that
24 distributes between 100,000 gallons per day and one million gallons
25 per day would be required to submit its initial program to monitor
26 and control leakage to the DEP within nine months after the date of
27 enactment of the bill into law. Further, each water purveyor would
28 be required to prepare and submit a revised and updated program to
29 monitor and control leakage every three years thereafter. Lastly,
30 the DEP may require more frequent leak detection program
31 submissions from water purveyors with unaccounted-for-water that
32 is in excess of 15 percent.