SENNATE, No. 647

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:
Senator LINDA R. GREENSTEIN
District 14 (Mercer and Middlesex)
Senator TROY SINGLETON
District 7 (Burlington)

SYNOPSIS
Revises asset management and related reporting requirements in “Water Quality Accountability Act.”

CURRENT VERSION OF TEXT
Introduced Pending Technical Review by Legislative Counsel.

(Sponsorship Updated As Of: 1/27/2020)
AN ACT concerning asset management at public water systems and
amending and supplementing P.L. 2017, c. 133.

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

1. Section 7 of P.L. 2017, c. 133 (C. 58:31-7) is amended to read
as follows:

7. a. Beginning no later than 18 months after the effective date
of [this act] P.L. 2017, c. 133 (C. 58:31-1 et seq.), every water
purveyor shall implement an asset management plan designed to
inspect, maintain, repair, and renew its infrastructure consistent
with standards established by the American Water Works
Association. The asset management plan shall include:

(1) a water main renewal program designed to achieve a 150-
year replacement cycle, or other [appropriate] shorter 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;

(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, standards established by the American Water Works
Association, and any mitigation plan required pursuant to section 5
of [this act] P.L. 2017, c. 133 (C. 58:31-5); and

(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 once every three years] Within one year after the
effective date of P.L. , c. (C. ) (pending before the
Legislature as this bill), and every three years thereafter, each water

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.
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]: (1) the infrastructure improvements completed in the past three years and the cost of those improvements; (2) the infrastructure improvements planned to be undertaken in the next three years and the estimated cost of those improvements; and (3) the infrastructure improvements that will be required over the next 10 years and the estimated 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.

(cf: P.L.2017, c.133, s.7)

2. (New section) No later than 18 months after the effective date of P.L. , c. (C. ) (pending before the Legislature as this bill), and every three years thereafter, the department shall conduct an assessment of the data submitted by public water systems pursuant to subsections b. and c. of section 7 of P.L.2017, c.133 (C.58:31-7). The assessment shall include, but need not be limited to, an analysis of the total estimated cost of infrastructure improvements to public water systems, Statewide, required over the next 10 years. The department shall submit a report containing the results of each such assessment to the Governor and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), the Legislature.

3. (New section) The department shall adopt, pursuant to the “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), such rules and regulations as are necessary to carry out the provisions of P.L.2017, c.133 (C.58:31-1 et seq.).

4. This act shall take effect immediately.

STATEMENT

This bill would revise the asset management requirements in the “Water Quality Accountability Act” (WQAA), and related reporting
The WQAA currently requires water purveyors, as part of their asset management plans, to develop 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. This bill would specify that water main renewal programs must be designed to achieve a 150-year or shorter replacement cycle. Additionally, the bill would require each water purveyor, within one year after the effective date of this bill, and every three years thereafter, to submit to the DEP a more detailed report based on its asset management plan. The report would identify: (1) the infrastructure improvements completed in the past three years and the cost of those improvements; (2) the infrastructure improvements planned to be undertaken in the next three years and the estimated cost of those improvements; and (3) the infrastructure improvements that will be required over the next 10 years and the estimated cost of those improvements.

Under the WQAA, the DEP is permitted, but not required, to adopt rules implementing the WQAA. This bill would require the DEP to adopt such rules, providing needed guidance to water purveyors. Additionally, the bill would require the DEP, within 18 months after the effective date of this bill, and every three years thereafter, to conduct an assessment of the data submitted by water purveyors under the bill. The assessment would include, but need not be limited to, an analysis of the total estimated cost of infrastructure improvements to water purveyors, Statewide, required over the next 10 years. The department would submit a report containing the results of each such assessment to the Governor and the Legislature.

This bill is based on recommendations in the Joint Legislative Task Force on Drinking Water Infrastructure’s final report, issued in January 2018.