

SENATE, 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)

1 **AN ACT** concerning asset management at public water systems and
2 amending and supplementing P.L.2017, c.133.

3

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

6

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

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

15 (1) a water main renewal program designed to achieve a 150-
16 year replacement cycle, or other **[appropriate]** shorter replacement
17 cycle as determined by a detailed engineering analysis of the asset
18 condition and estimated service lives of the water mains serving the
19 public water system;

20 (2) a water supply and treatment program designed to inspect,
21 maintain, repair, renew, and upgrade wells, intakes, pumps, and
22 treatment facilities in accordance with all federal and State
23 regulations, standards established by the American Water Works
24 Association, and any mitigation plan required pursuant to section 5
25 of **[this act]** P.L.2017, c.133 (C.58:31-5); and

26 (3) any other programs, plans, or provisions as may be required
27 by the department pursuant to rules and regulations adopted
28 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
29 (C.52:14B-1 et seq.).

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

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

43 b. **[At least once every three years]** Within one year after the
44 effective date of P.L. , c. (C.) (pending before the
45 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.

1 purveyor shall provide to the department and the board, if
2 applicable, a report based on its asset management plan prepared
3 pursuant to subsection a. of this section identifying **the**
4 infrastructure improvements to be undertaken in the coming year
5 and the cost of those improvements, as well as identifying the
6 infrastructure improvements completed in the past year and the cost
7 of those improvements**】** : (1) the infrastructure improvements
8 completed in the past three years and the cost of those
9 improvements; (2) the infrastructure improvements planned to be
10 undertaken in the next three years and the estimated cost of those
11 improvements; and (3) the infrastructure improvements that will be
12 required over the next 10 years and the estimated cost of those
13 improvements. A municipal water department or municipal water
14 authority shall also submit the report required pursuant to this
15 subsection to the Division of Local Government Services in the
16 Department of Community Affairs.

17 c. The department, the board, and the Department of
18 Community Affairs shall create a centralized portal allowing for
19 electronic submittal of the report required pursuant to subsection b.
20 of this section. The lack of a centralized portal pursuant to this
21 subsection shall not negate the requirement for a water purveyor to
22 submit a report pursuant to subsection b. of this section.

23 (cf: P.L.2017, c.133, s.7)
24

25 2. (New section) No later than 18 months after the effective
26 date of P.L. , c. (C.) (pending before the Legislature as
27 this bill), and every three years thereafter, the department shall
28 conduct an assessment of the data submitted by public water
29 systems pursuant to subsections b. and c. of section 7 of P.L.2017,
30 c.133 (C.58:31-7). The assessment shall include, but need not be
31 limited to, an analysis of the total estimated cost of infrastructure
32 improvements to public water systems, Statewide, required over the
33 next 10 years. The department shall submit a report containing the
34 results of each such assessment to the Governor and, pursuant to
35 section 2 of P.L.1991, c.164 (C.52:14-19.1), the Legislature.
36

37 3. (New section) The department shall adopt, pursuant to the
38 “Administrative Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et
39 seq.), such rules and regulations as are necessary to carry out the
40 provisions of P.L.2017, c.133 (C.58:31-1 et seq.).
41

42 4. This act shall take effect immediately.
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45 STATEMENT

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47 This bill would revise the asset management requirements in the
48 “Water Quality Accountability Act” (WQAA), and related reporting

1 requirements, and require the Department of Environmental
2 Protection (DEP) to adopt rules implementing the WQAA.

3 The WQAA currently requires water purveyors, as part of their
4 asset management plans, to develop a water main renewal program
5 designed to achieve a 150-year replacement cycle, or other
6 appropriate replacement cycle as determined by a detailed
7 engineering analysis. This bill would specify that water main
8 renewal programs must be designed to achieve a 150-year or shorter
9 replacement cycle. Additionally, the bill would require each water
10 purveyor, within one year after the effective date of this bill, and
11 every three years thereafter, to submit to the DEP a more detailed
12 report based on its asset management plan. The report would
13 identify: (1) the infrastructure improvements completed in the past
14 three years and the cost of those improvements; (2) the
15 infrastructure improvements planned to be undertaken in the next
16 three years and the estimated cost of those improvements; and (3)
17 the infrastructure improvements that will be required over the next
18 10 years and the estimated cost of those improvements.

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

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