

[Second Reprint]

SENATE COMMITTEE SUBSTITUTE FOR
SENATE, No. 647

STATE OF NEW JERSEY
219th LEGISLATURE

ADOPTED JANUARY 27, 2020

Sponsored by:

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Senator TROY SINGLETON

District 7 (Burlington)

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SYNOPSIS

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

CURRENT VERSION OF TEXT

As amended by the Senate on July 30, 2020.



(Sponsorship Updated As Of: 8/27/2020)

1 AN ACT concerning cybersecurity and asset management at public
2 ²community² water systems and amending and supplementing
3 P.L.2017, c.133.

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

7
8 1. Section 2 of P.L.2017, c.133 (C.58:31-2) is amended to read
9 as follows:

10 2. As used in ²**[this act]** P.L.2017, c.133 (C.58:31-1 et seq.)² :

11 "Board" means the Board of Public Utilities.

12 "Cybersecurity incident" means an event occurring on or
13 conducted through a computer network that jeopardizes the
14 integrity, confidentiality, or availability of computers, information
15 ¹[or] systems,¹ communications systems ¹[or] ,¹ networks,
16 physical or virtual infrastructure controlled by computers or
17 information systems, or information residing thereon.

18 ¹"Cybersecurity insurance policy" means an insurance policy
19 designed to mitigate losses from cybersecurity incidents, including,
20 but not limited to, data breaches, business interruption, and network
21 damage.¹

22 "Department" means the Department of Environmental
23 Protection.

24 "Industrial control system" means an information system used to
25 control industrial processes such as manufacturing, product
26 handling, production, or distribution. "Industrial control system"
27 includes supervisory control and data acquisition systems used to
28 control geographically dispersed assets, and distributed control
29 systems and smaller control systems using programmable logic
30 controllers to control localized processes.

31 "Information resource" means information and related resources,
32 such as personnel, equipment, funds, and information technology.

33 "Information system" means a discrete set of information
34 resources organized for the collection, processing, maintenance,
35 use, sharing, dissemination, or disposition of information.

36 ²"New Jersey Cybersecurity and Communications Integration
37 Cell" means the New Jersey Cybersecurity and Communications
38 Integration Cell established pursuant to Executive Order No. 178
39 (2015) in the New Jersey Office of Homeland Security and
40 Preparedness, or any successor entity.

41 "Public community water system" means the same as that term is
42 defined in subsection 1. of section 3 of P.L.1977, c.224 (C.58:12A-
43 3).²

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:

¹Senate floor amendments adopted June 15, 2020.

²Senate floor amendments adopted July 30, 2020.

1 "Public water system" means the same as the term is defined in
2 section 3 of P.L.1977, c.224 (C.58:12A-3).

3 "Water purveyor" means any person that owns a public
4 ²community² water system with more than 500 service connections.
5 (cf: P.L.2017, c.133, s.2)
6

7 2. Section 4 of P.L.2017, c.133 (C.58:31-4) is amended to read
8 as follows:

9 4. a. Within 120 days after the effective date of **[this act]**
10 P.L.2017, c.133 (C.58:31-1 et seq.), each water purveyor shall
11 develop a cybersecurity program, in accordance with requirements
12 established by the ²**[board]** New Jersey Cybersecurity and
13 Communications Integration Cell², as rules and regulations adopted
14 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
15 (C.52:14B-1 et seq.), that defines and implements organization
16 accountabilities and responsibilities for cyber risk management
17 activities, and establishes policies, plans, processes, and procedures
18 for identifying and mitigating cyber risk to its public ²community²
19 water system. As part of the ¹cybersecurity¹ program, a water
20 purveyor shall ¹: identify the individual chiefly responsible for
21 ensuring that the policies, plans processes, and procedures
22 established pursuant to this section are executed in a timely
23 manner;¹ conduct risk assessments and implement appropriate
24 controls to mitigate identified risks to the public ²community² water
25 system ¹**[,]** ¹; maintain situational awareness of cyber threats and
26 vulnerabilities to the public ²community² water system ¹**[,]** ¹; and
27 create and exercise incident response and recovery plans. No later
28 than ¹**[120]** ¹180¹ days after the effective date of P.L. _____,
29 c. (C. _____) (pending before the Legislature as this bill), a water
30 purveyor shall update its cybersecurity program to conform to the
31 requirements of section 3 of P.L. _____, c. (C. _____)(pending before
32 the Legislature as this bill).

33 A ¹water purveyor shall submit a¹ copy of the ¹cybersecurity¹
34 program developed pursuant to this subsection ¹**[shall be**
35 **provided]**¹ to ²**[**¹the board, the department, and¹²**]** the New Jersey
36 Cybersecurity and Communications Integration Cell ¹**[,]**¹
37 ²**[**established pursuant to Executive Order No. 178 (2015) in the
38 New Jersey Office of Homeland Security and Preparedness], in a
39 form and manner as determined by the New Jersey Cybersecurity
40 and Communications Integration Cell². ¹A cybersecurity program
41 submitted pursuant to this subsection shall not be considered a
42 government record under P.L.1963, c.73 (C.47:1A-1 et seq.), and
43 shall not be made available for public inspection.¹

44 b. Within 60 days after developing the ¹cybersecurity¹ program
45 required pursuant to subsection a. of this section, each water
46 purveyor shall join the New Jersey Cybersecurity and

1 Communications Integration Cell ¹['.]² established pursuant to
2 Executive Order No. 178 (2015),² and create a cybersecurity
3 incident reporting process.

4 c. ['A water purveyor that does not have an internet-connected
5 control system shall be exempt from the requirements of this
6 section.'](Deleted by amendment, P.L. , c. (pending before the
7 Legislature as this bill)

8 ¹d. No later than 180 days after the effective date of P.L. ,
9 c. (C.)(pending before the Legislature as this bill), each water
10 purveyor shall obtain a cybersecurity insurance policy that meets
11 any applicable standards adopted by the board.¹
12 (cf: P.L.2017, c.133, s.4)
13

14 3. (New section) a. In addition to the requirements of section 4
15 of P.L.2017, c.133 (C.58:31-4), and the requirements established by
16 the board pursuant thereto, no later than ¹['120'] ¹180¹ days after the
17 effective date of P.L. , c. (C.)(pending before the
18 Legislature as this bill), each water purveyor shall update its
19 cybersecurity program developed pursuant to section 4 of P.L.2017,
20 c.133 (C.58:31-4) to apply to all of the public ²community² water
21 system's industrial control systems, and to reasonably conform to
22 the most recent version of one or more of the following industry-
23 recognized cybersecurity frameworks:

24 (1) the Framework for Improving Critical Infrastructure
25 Cybersecurity developed by the National Institute of Standards and
26 Technology;

27 (2) the Center for Internet Security Critical Security Controls for
28 Effective Cyber Defense; or

29 (3) the International Organization for Standardization and
30 International Electrotechnical Commission 27000 family of
31 standards for an information security management system.

32 b. Whenever a final revision to one or more of the frameworks
33 listed in subsection a. of this section is published, a water purveyor
34 whose cybersecurity program reasonably conformed to that
35 framework shall revise its cybersecurity program to reasonably
36 conform to the revised framework, ¹and submit a copy of the
37 revised cybersecurity program to ²['the board, the department, and']²
38 the New Jersey Cybersecurity and Communications Integration
39 Cell,¹ no later than ¹['120'] ¹180¹ days after publication of the
40 revised framework.

41 c. No later than one year after the effective date of P.L. ,
42 c. (C.)(pending before the Legislature as this bill), and each
43 year thereafter, each water purveyor shall submit to the ¹board, the¹
44 department ¹,¹ and ¹['to']¹ the New Jersey Cybersecurity and
45 Communications Integration Cell ¹['.]² established pursuant to
46 Executive Order No. 178 (2015),² a certification demonstrating

1 that the water purveyor is in compliance with the requirements of
 2 this section. The certification shall be made in the form and manner
 3 as determined by the department, in consultation with the New
 4 Jersey Cybersecurity and Communications Integration Cell. ¹The
 5 certification shall be signed by the responsible corporate officer of
 6 the public ²community² water system, if privately held, executive
 7 director, if an authority, or mayor or chief executive officer of the
 8 municipality, if municipally owned, as applicable.¹

9 d. ¹The New Jersey Cybersecurity and Communications
 10 Integration Cell shall ²~~audit, or~~² cause to be audited, for
 11 compliance with the requirements of section 4 of P.L.2017, c.133
 12 (C.58:31-4) and this section, any public ²community² water system
 13 that fails to submit a cybersecurity program as required pursuant to
 14 subsection a. of section 4 of P.L.2017, c.133 (C.58:31-4), a revision
 15 pursuant to subsection b. of this section, or a certification pursuant
 16 to this section. ²Any audit shall be conducted by a qualified and
 17 independent cybersecurity company, at the water purveyor's
 18 expense. Following the audit, the water purveyor shall submit the
 19 audit and any corrective action plans derived from the audit to the
 20 New Jersey Cybersecurity and Communications Integration Cell.²

21 e.¹ A water purveyor shall, upon the request of the ¹board, the¹
 22 department ¹,¹ or the New Jersey Cybersecurity and
 23 Communications Integration Cell, provide proof of compliance with
 24 the requirements of this section, in a form and manner as
 25 determined by the ²board, the² department ²,² or by the New Jersey
 26 Cybersecurity and Communications Integration Cell.

27 ¹[e.] f.¹ The board shall update any requirements it has
 28 established for cybersecurity programs pursuant to subsection a. of
 29 section 4 of P.L.2017, c.133 (C.58:31-4) to conform to the
 30 requirements of this section.

31
 32 4. (New section) ¹a.¹ Beginning 90 days after the effective date
 33 of P.L. , c. (C.) (pending before the Legislature as this
 34 bill), ¹[each] a¹ water purveyor shall ¹[immediately]¹ report to the
 35 ²[¹board, the department, and the¹]² New Jersey Cybersecurity and
 36 Communications Integration Cell, ²[immediately] promptly² after
 37 an employee is made aware of a cybersecurity incident.¹ and in
 38 accordance with all applicable laws, rules ¹,¹ and regulations:

39 ¹[a.] (1)¹ any cybersecurity incident that results in the
 40 compromise of the confidentiality, integrity, availability, or privacy
 41 of the water purveyor's utility billing, communications, data
 42 management, or business information systems, or the information
 43 thereon; and

44 ¹[b.] (2)¹ any cybersecurity incident against the water
 45 purveyor's industrial control system, including monitoring,
 46 operations, and centralized control systems, that adversely impact,

disable, or manipulate infrastructure, resulting in loss of service, contamination of finished water, or damage to infrastructure.

¹b. No later than 30 days after receiving a report of a cybersecurity incident from a water purveyor pursuant to subsection a. of this section, the New Jersey Cybersecurity and Communications Integration Cell shall ²~~audit, or~~² cause to be audited ²~~the~~² the water purveyor's cybersecurity program and any actions the water purveyor took in response to the cybersecurity incident. The audit shall identify cyber threats and vulnerabilities to the public ²community² water system, weaknesses in the public ²community² water system's cybersecurity program, and strategies to address those weaknesses so as to protect the public ²community² water system from the threat of future cybersecurity incidents.¹

²Any audit shall be conducted by a qualified and independent cybersecurity company, at the water purveyor's expense. Following the audit, the water purveyor shall submit the audit and any corrective action plans derived from the audit to the New Jersey Cybersecurity and Communications Integration Cell.²

5. Section 6 of P.L.2017, c.133 (C.58:31-6) is amended to read as follows:

6. ¹a.¹ In addition to any other certifications required pursuant to law, rule, or regulation, the responsible corporate officer of the public ²community² water system, if privately held, executive director, if an authority, or mayor or chief executive officer of the municipality, if municipally owned, as applicable, shall be required to certify in writing each year to the ~~Department of Environmental Protection~~ department and, if applicable, the ¹~~Board of Public Utilities~~ board, in a form and manner as determined by the department,¹ that the water purveyor complies with: all federal and State drinking water regulations, including water quality sampling, testing, and reporting requirements; the hydrant and valve requirements set forth in section 3 of ~~this act~~ P.L.2017, c.133 (C.58:31-3); the notice of violation mitigation plan requirements set forth in section 5 of ~~this act~~ P.L.2017, c.133 (C.58:31-5), if applicable; and the infrastructure improvement investment required pursuant to section 7 of ~~this act~~ P.L.2017, c.133 (C.58:31-7). A water purveyor shall post the annual certification required pursuant to this section on its Internet website, if applicable.

¹b. The department shall audit, or cause to be audited, for compliance with the requirements of P.L.2017, c.133 (C.58:31-7), any public ²community² water system that fails to submit the certification required pursuant to subsection a. of this section in a timely manner. If the department finds that a water purveyor has made a false or misleading statement in a certification submitted pursuant to subsection a. of this section, the department shall

1 forward the matter to the Attorney General for further investigation
2 and, if necessary, criminal prosecution or other appropriate relief,
3 pursuant to any applicable State or federal law, rule, or regulation.

4 c. The department shall annually audit ², or cause to be
5 audited,² for compliance with the requirements P.L.2017, c.133
6 (C.58:31-7) a random selection of at least 10 percent of all public
7 ²community² water systems in the State.¹

8 ²d. The department may require a water purveyor to pay the cost
9 of an audit ordered pursuant to this section.²

10 (cf: P.L.2017, c.133, s.6)

11
12 6. Section 7 of P.L.2017, c.133 (C.58:31-7) is amended to read
13 as follows:

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

20 (1) a water main renewal program designed to achieve a 150-
21 year replacement cycle, or other **【appropriate】** ²**【shorter】**
22 appropriate² replacement cycle as determined by a detailed
23 engineering analysis of the asset condition and estimated service
24 lives of the water mains serving the public ²community² water
25 system , or by the department ;

26 (2) a water supply and treatment program designed to inspect,
27 maintain, repair, renew, and upgrade wells, intakes, pumps, and
28 treatment facilities in accordance with all federal and State
29 regulations, standards established by the American Water Works
30 Association, and any mitigation plan required pursuant to section 5
31 of **【this act】** P.L.2017, c.133 (C.58:31-5); and

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

36 Each water purveyor shall dedicate ²adequate² funds on an
37 annual basis to address and remediate the highest priority projects
38 as determined by its asset management plan.

39 All asset management plans and system condition reports shall
40 be certified to by the licensed operator or professional engineer of
41 the public ²community² water system and the responsible corporate
42 officer of the public ²community² water system, if privately held,
43 executive director, if an authority, or mayor or chief executive
44 officer of the municipality, if municipally owned, as applicable.
45 The replacement cycle shall be determined by dividing the miles of
46 water main located in the public ²community² water system by 150

1 or other appropriate demonstration set forth in the certified asset
2 management plan prepared pursuant to this section.

3 b. **【At least once every three years】** No later than one year
4 after the effective date of P.L. , c. (C.) (pending before
5 the Legislature as this bill), and ²【every three years】 each year²
6 thereafter, each water purveyor shall provide to the department and
7 the board, if applicable, a report based on its asset management plan
8 prepared pursuant to subsection a. of this section identifying **【the**
9 **infrastructure improvements to be undertaken in the coming year**
10 **and the cost of those improvements, as well as identifying the**
11 **infrastructure improvements completed in the past year and the cost**
12 **of those improvements】** : (1) the infrastructure improvements
13 completed in the past three years and the cost of those
14 improvements, including improvements funded by emergency and
15 routine capital spending; (2) the infrastructure improvements
16 ²generally² planned to be undertaken in the next three years and the
17 estimated cost of those improvements; and (3) the infrastructure
18 improvements that ²【will】 may² be required over the next 10 years
19 and the estimated cost of those improvements. ²Compliance with
20 this subsection may be demonstrated through the submission of
21 evidence of completion of a detailed, comprehensive planning
22 study, facility master planning study, or other long range planning
23 study that is intended for use in developing three- and ten-year
24 capital improvement plans. A detailed comprehensive planning
25 study, facility master planning study, or other long range planning
26 study submitted pursuant to this subsection shall not be considered
27 a government record pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.),
28 and shall not be made available for public inspection.² A municipal
29 water department or municipal water authority shall also submit the
30 report required pursuant to this subsection to the Division of Local
31 Government Services in the Department of Community Affairs. A
32 water purveyor shall, upon request, provide a copy of its asset
33 management plan to the department, the board, or the Division of
34 Local Government Services in the Department of Community
35 Affairs.

36 c. The department, the board, and the Department of
37 Community Affairs shall create a centralized portal allowing for
38 electronic submittal of the report required pursuant to subsection b.
39 of this section. The lack of a centralized portal pursuant to this
40 subsection shall not negate the requirement for a water purveyor to
41 submit a report pursuant to subsection b. of this section.
42 (cf: P.L.2017, c.133, s.7)

43

44 7. (New section) a. In addition to the requirements of section
45 7 of P.L.2017, c.133 (C.58:31-7), no later than 18 months after the
46 effective date of P.L. , c. (C.) (pending before the
47 Legislature as this bill), each water purveyor shall revise its asset

1 management plan developed pursuant to section 7 of P.L.2017,
2 c.133 (C.58:31-7) to include:

3 (1) a comprehensive inventory, mapping, and ²evaluation of
4 the² condition ²[assessment]² of the public ²community² water
5 system's ²[assets, including its pipes, lead service lines, valves,
6 tanks, pumps, wells, treatment facilities, hydrants, and other
7 components, and an assessment of the remaining useful life of each
8 identified asset] following asset classes: transmission and
9 distribution piping, valves, service lines, hydrants, water treatment
10 plant facilities, and water supply facilities including wells,
11 reservoirs, and intakes² ;

12 (2) level of service goals for the public ²community² water
13 system ², based upon industry standards such as those established
14 by the American Water Works Association², which may include,
15 but need not be limited to, goals related to customer service and
16 accountability, energy and water efficiency and conservation, water
17 main breaks and service interruptions, and social and environmental
18 considerations;

19 (3) a priority order in which the public ²community² water
20 system's assets, identified in the comprehensive inventory prepared
21 pursuant to paragraph (1) of this subsection, will be repaired or
22 replaced as part of the water purveyor's asset management plan,
23 based on each assets' importance to the proper function of the
24 public ²community² water system, or business risk exposure; ²and²

25 (4) ²[the life cycle costs of the public water system's assets,
26 including a schedule for the maintenance, repair, or replacement of
27 the assets, and for capital improvements to the public water system,
28 informed by the priority order developed pursuant to paragraph (3)
29 of this subsection; and

30 (5)² a long-term funding strategy to implement the water
31 purveyor's asset management plan, including funding sources and
32 estimated annual expenditures to address prioritized repairs,
33 upgrades, and treatment.

34 b. The department shall, pursuant to the "Administrative
35 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules
36 and regulations to implement the requirements of this section.

37
38 8. (New section) Any person who violates the provisions of
39 P.L.2017, c.133 (C.58:31-1 et seq.), or any rule or regulation
40 adopted pursuant thereto, shall be subject to the penalties and other
41 remedies set forth in section 10 of P.L.1977, c.224 (C.58:12A-10).
42 No later than 180 days after the effective date of P.L. ,
43 c. (C.)(pending before the Legislature as this bill), the
44 department shall adopt, pursuant to the "Administrative Procedure
45 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), a schedule of civil
46 administrative penalties to be applied pursuant to this section for
47 specific violations of P.L.2017, c.133 (C.58:31-1 et seq.).

1 9. (New section) No later than one year after the effective date
2 of P.L. , c. (C.) (pending before the Legislature as this
3 bill), and annually thereafter, the department shall develop and
4 publish on its Internet website a report card for each water purveyor
5 in the State, indicating the water purveyor's compliance with
6 federal and State drinking water quality standards, its compliance
7 with the requirements of P.L.2017, c.133 (C.58:31-1 et seq.), and
8 any other factors the department deems appropriate. The report
9 card shall be designed to inform the public about the overall
10 condition of a public ²community² water system, and the quality of
11 water coming from the public ²community² water system.

12
13 10. (New section) No later than 18 months after the effective
14 date of P.L. , c. (C.) (pending before the Legislature as
15 this bill), and every three years thereafter, the department shall
16 prepare and submit a report to the Governor and, pursuant to section
17 2 of P.L.1991, c.164 (C.52:14-19.1), the Legislature assessing:

18 a. the data submitted by public ²community² water systems
19 pursuant to subsections b. and c. of section 7 of P.L.2017, c.133
20 (C.58:31-7). The assessment shall include, but need not be limited
21 to, an analysis of the total estimated cost of infrastructure
22 improvements to public ²community² water systems, Statewide,
23 required over the next 10 years; and

24 b. the compliance of public ²community² water systems with
25 the requirements of P.L.2017, c.133 (C.58:31-1 et seq.) and the
26 rules and regulations adopted pursuant thereto.

27
28 11. (New section) The department and the board shall adopt,
29 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
30 (C.52:14B-1 et seq.), rules and regulations as are necessary to carry
31 out the provisions of P.L.2017, c.133 (C.58:31-1 et seq.).

32
33 ²12. Section 3 of P.L.2017, c.133 (C.58:31-3) is amended to
34 read as follows:

35 3. a. Each water purveyor shall inspect each valve in its public
36 community water system in accordance with the provisions of
37 subsection b. of this section in order to determine (1) accessibility
38 of the valve for operational purposes, and (2) the valve's operating
39 condition. A water purveyor shall repair or replace any valve found
40 to be broken or otherwise not operational.

41 b. Each water purveyor shall inspect each valve that is 12 or
42 more inches in diameter at least once every two years, and shall
43 inspect all other valves at least once every four years , except that
44 the requirements of this subsection shall not apply to any service
45 connection valve or customer shut-off valve . At a minimum, each
46 valve inspection conducted pursuant to this subsection shall
47 include:

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

3 (2) cleaning out of the valve box;

4 (3) dynamic testing of the valve, by opening and then closing
5 the valve for either of the following number of turns:

6 (a) the number of turns recommended by the valve manufacturer
7 to constitute a credible test; or

8 (b) the number of turns which constitutes 15 percent of the total
9 number of turns necessary to completely open or completely close
10 the valve ; and

11 (4) complying with any other criteria as may be required by the
12 department pursuant to rules and regulations adopted pursuant to
13 the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et
14 seq.).

15 c. (1) Each water purveyor shall, once a year, test every fire
16 hydrant in its system in order to determine the hydrant's working
17 condition.

18 (2) Each water purveyor shall formulate and implement a plan
19 for flushing every fire hydrant in the public community water
20 system, and every dead end of a main in the public community
21 water system. This plan for flushing may be combined with the
22 periodic testing of fire hydrants required pursuant to paragraph (1)
23 of this subsection.

24 d. Each water purveyor shall keep a record of all inspections,
25 tests, and flushings conducted pursuant to this section for a period
26 of at least six years.

27 e. Each water purveyor that owns, solely or jointly, a fire
28 hydrant shall mark each hydrant with the initials of its name,
29 abbreviation of its name, corporate symbol, or other distinguishing
30 mark or code by which ownership may be readily and definitely
31 ascertained. Each fire hydrant shall be marked with a number or
32 symbol, or both, by which the location of the hydrant may be
33 determined on the water purveyor's office records. The markings
34 may be made with paint, brand, or with a soft metal plate, and shall
35 be of such size and so spaced and maintained as to be easily read.

36 f. Each water purveyor shall identify, to the extent possible,
37 the geographic location of each valve and fire hydrant in its public
38 community water system using a global positioning system based
39 on satellite or other location technology.²

40 (cf: P.L.2017, c.133, s.3)

41
42 ²13. Section 5 of P.L.2017, c.133 (C.58:31-5) is amended to
43 read as follows:

44 5. In addition to any other requirements in law, or any rule or
45 regulation adopted pursuant thereto, whenever a water purveyor is
46 issued , pursuant to section 10 of P.L.1977, c.224 (C.58:12A-10) ,
47 three notices of violation for any reason or two notices of violation
48 related to an exceedance of a maximum contaminant level within

1 any 12-month period, the water purveyor, within 60 days after
2 receipt of the third or second notice, as applicable, shall submit to
3 the department a mitigation plan specifying whether the notice of
4 violation will be addressed through operational changes or require a
5 capital expenditure and providing a schedule for implementation of
6 the mitigation plan. The mitigation plan shall include a report
7 prepared by the licensed operator of the public community water
8 system and a professional engineer licensed pursuant to P.L.1938,
9 c.342 (C.45:8-27 et seq.) that includes a technical analysis of the
10 notices of violation and an explanation of how the mitigation plan
11 submitted pursuant to this section is intended to prevent a
12 recurrence of the issue that resulted in the notice of violation. Any
13 capital expenditures required pursuant to this section shall be
14 incorporated into the asset management plan required pursuant to
15 section 7 of **[this act]** P.L.2017, c.133 (C.58:31-7).²
16 (cf: P.L.2017, c.133, s.5)

17
18 ²**[12.] 14.**² This act shall take effect immediately.