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STATE OF NEW JERSEY
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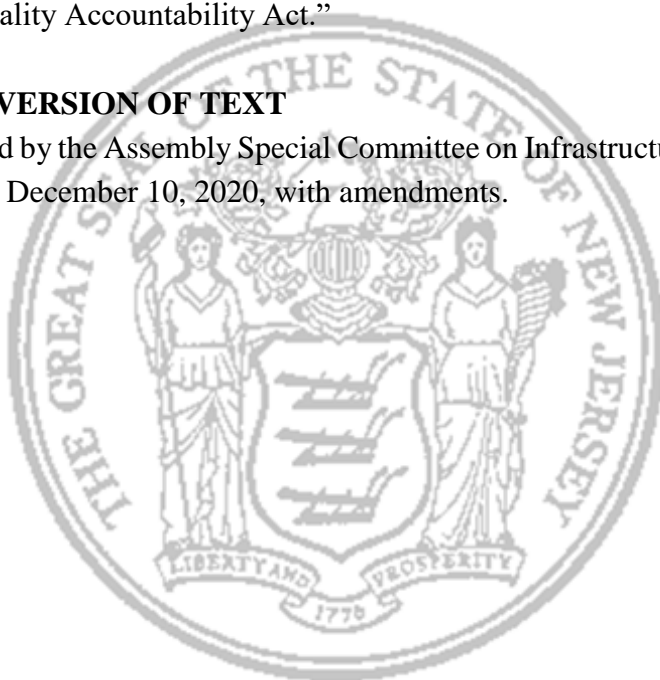
Senators Ruiz and Pou

SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Assembly Special Committee on Infrastructure and Natural Resources on December 10, 2020, with amendments.



(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 as
9 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 conducted
13 through a computer network that jeopardizes the integrity,
14 confidentiality, or availability of computers, information ¹**[or]**
15 systems,¹ communications systems ¹**[or]** ,¹ networks, physical or
16 virtual infrastructure controlled by computers or information systems,
17 or information residing thereon.

18 ^{3,3} "Cybersecurity insurance policy" means an insurance policy
19 designed to mitigate losses from cybersecurity incidents, including, but
20 not limited to, data breaches, business interruption, and network
21 damage.¹

22 "Department" means the Department of Environmental Protection.

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

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

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

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

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

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

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.

³Assembly ANR committee amendments adopted December 10, 2020.

"Water purveyor" means any person that owns a public ²community² water system with more than 500 service connections.

(cf: P.L.2017, c.133, s.2)

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

4. a. Within 120 days after the effective date of **[this act]** P.L.2017, c.133 (C.58:31-1 et seq.), each water purveyor shall develop a cybersecurity program, in accordance with requirements established by the ²**[board]** New Jersey Cybersecurity and Communications Integration Cell², as rules and regulations adopted pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), that defines and implements organization accountabilities and responsibilities for cyber risk management activities, and establishes policies, plans, processes, and procedures for identifying and mitigating cyber risk to its public ²community² water system. As part of the ¹cybersecurity¹ program, a water purveyor shall ¹: identify the individual chiefly responsible for ensuring that the policies, plans processes, and procedures established pursuant to this section are executed in a timely manner;¹ conduct risk assessments and implement appropriate controls to mitigate identified risks to the public ²community² water system ¹**[.]** ¹:¹ maintain situational awareness of cyber threats and vulnerabilities to the public ²community² water system ¹**[.]** ¹:¹ and create and exercise incident response and recovery plans. No later than ¹**[120]** 180¹ days after the effective date of P.L. , c. (C.) (pending before the Legislature as this bill), a water purveyor shall update its cybersecurity program to conform to the requirements of section 3 of P.L. , c. (C.)(pending before the Legislature as this bill).

A ¹water purveyor shall submit a¹ copy of the ¹cybersecurity¹ program developed pursuant to this subsection ¹**[shall be provided]**¹ to ²**[¹the board, the department, and¹]**² the New Jersey Cybersecurity and Communications Integration Cell ¹**[.]**¹ ²**[established pursuant to Executive Order No. 178 (2015) in the New Jersey Office of Homeland Security and Preparedness]**, in a form and manner as determined by the New Jersey Cybersecurity and Communications Integration Cell². ¹A cybersecurity program submitted pursuant to this subsection shall not be considered a government record under P.L.1963, c.73 (C.47:1A-1 et seq.), and shall not be made available for public inspection.¹

b. Within 60 days after developing the ¹cybersecurity¹ program required pursuant to subsection a. of this section, each water purveyor shall join the New Jersey Cybersecurity and Communications Integration Cell ¹**[.]**¹ ²**[established pursuant to Executive Order No. 178 (2015),]**² and create a cybersecurity incident reporting process.

1 c. **【A water purveyor that does not have an internet-connected**
2 **control system shall be exempt from the requirements of this**
3 **section.】** (Deleted by amendment, P.L. , c. (pending before the
4 Legislature as this bill)

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

10
11 3. (New section) a. In addition to the requirements of section 4
12 of P.L.2017, c.133 (C.58:31-4), and the requirements established by
13 the board pursuant thereto, no later than ¹**【120】 180**¹ days after the
14 effective date of P.L. , c. (C.) (pending before the Legislature
15 as this bill), each water purveyor shall update its cybersecurity
16 program developed pursuant to section 4 of P.L.2017, c.133
17 (C.58:31-4) to apply to all of the public ²community² water system's
18 industrial control systems, and to reasonably conform to the most
19 recent version of one or more of the following industry-recognized
20 cybersecurity frameworks:

21 (1) the Framework for Improving Critical Infrastructure
22 Cybersecurity developed by the National Institute of Standards and
23 Technology;

24 (2) the Center for Internet Security Critical Security Controls for
25 Effective Cyber Defense; or

26 (3) the International Organization for Standardization and
27 International Electrotechnical Commission 27000 family of
28 standards for an information security management system.

29 b. Whenever a final revision to one or more of the frameworks
30 listed in subsection a. of this section is published, a water purveyor
31 whose cybersecurity program reasonably conformed to that
32 framework shall revise its cybersecurity program to reasonably
33 conform to the revised framework, ¹and submit a copy of the revised
34 cybersecurity program to ²**【the board, the department, and】**² the New
35 Jersey Cybersecurity and Communications Integration Cell.¹ no later
36 than ¹**【120】 180**¹ days after publication of the revised framework.

37 c. No later than one year after the effective date of P.L. ,
38 c. (C.) (pending before the Legislature as this bill), and each
39 year thereafter, each water purveyor shall submit to the ¹board, the¹
40 department ¹,¹ and ¹**【to】**¹ the New Jersey Cybersecurity and
41 Communications Integration Cell ¹**【,】**¹ ²**【established pursuant to**
42 **Executive Order No. 178 (2015),】**² a certification demonstrating that
43 the water purveyor is in compliance with the requirements of this
44 section. The certification shall be made in the form and manner as
45 determined by the department, in consultation with the New Jersey
46 Cybersecurity and Communications Integration Cell. ¹The

1 certification shall be signed by the responsible corporate officer of
2 the public ²community² water system, if privately held, executive
3 director, if an authority, or mayor or chief executive officer of the
4 municipality, if municipally owned, as applicable.¹

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

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

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

27

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

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

40 ¹[b.] (2)¹ any cybersecurity incident against the water
41 purveyor's industrial control system, including monitoring,
42 operations, and centralized control systems, that adversely impact,
43 disable, or manipulate infrastructure, resulting in loss of service,
44 contamination of finished water, or damage to infrastructure.

45 ¹b. No later than 30 days after receiving a report of a
46 cybersecurity incident from a water purveyor pursuant to subsection

1 a. of this section, the New Jersey Cybersecurity and Communications
2 Integration Cell shall ²audit, or² cause to be audited ²the water
3 purveyor's cybersecurity program and any actions the water purveyor
4 took in response to the cybersecurity incident. The audit shall
5 identify cyber threats and vulnerabilities to the public ²community²
6 water system, weaknesses in the public ²community² water system's
7 cybersecurity program, and strategies to address those weaknesses so
8 as to protect the public ²community² water system from the threat of
9 future cybersecurity incidents.¹ ²Any audit shall be conducted by a
10 qualified and independent cybersecurity company, at the water
11 purveyor's expense. Following the audit, the water purveyor shall
12 submit the audit and any corrective action plans derived from the
13 audit to the New Jersey Cybersecurity and Communications
14 Integration Cell.²
15

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

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

35 ¹b. The department shall audit, or cause to be audited, for
36 compliance with the requirements of P.L.2017, c.133 (C.58:31-7), any
37 public ²community² water system that fails to submit the certification
38 required pursuant to subsection a. of this section in a timely manner. If
39 the department finds that a water purveyor has made a false or
40 misleading statement in a certification submitted pursuant to subsection
41 a. of this section, the department shall forward the matter to the Attorney
42 General for further investigation and, if necessary, criminal prosecution
43 or other appropriate relief, pursuant to any applicable State or federal
44 law, rule, or regulation.

45 c. The department shall annually audit ², or cause to be audited,² for
46 compliance with the requirements ³of³ P.L.2017, c.133 (C.58:31-7) a

1 random selection of at least 10 percent of all public ²community² water
2 systems in the State.¹

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

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

6

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

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

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

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 regulations,
23 standards established by the American Water Works Association, and
24 any mitigation plan required pursuant to section 5 of **【this act】**
25 P.L.2017, c.133 (C.58:31-5); and

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

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

32 All asset management plans and system condition reports shall be
33 certified to by the licensed operator or professional engineer of the
34 public ²community² water system and the responsible corporate officer
35 of the public ²community² water system, if privately held, executive
36 director, if an authority, or mayor or chief executive officer of the
37 municipality, if municipally owned, as applicable. The replacement
38 cycle shall be determined by dividing the miles of water main located
39 in the public ²community² water system by 150 or other appropriate
40 demonstration set forth in the certified asset management plan prepared
41 pursuant to this section.

42 b. **【At least once every three years】** No later than one year after the
43 effective date of P.L. , c. (C.) (pending before the Legislature
44 as this bill), and ²**【every three years】** each year² thereafter, each water
45 purveyor shall provide to the department and the board, if applicable, a
46 report based on its asset management plan prepared pursuant to

1 subsection a. of this section identifying **the infrastructure**
 2 improvements to be undertaken in the coming year and the cost of those
 3 improvements, as well as identifying the infrastructure improvements
 4 completed in the past year and the cost of those improvements **]; (1) the**
 5 infrastructure improvements completed in the past ³**[three years]** year³
 6 and the cost of those improvements, including improvements funded by
 7 emergency and routine capital spending; (2) the infrastructure
 8 improvements ²generally² planned to be undertaken in the next three
 9 years and the estimated cost of those improvements; and (3) the
 10 infrastructure improvements that ²**[will]** may² be required over the next
 11 10 years and the estimated cost of those improvements. ²Compliance
 12 with this subsection may be demonstrated through the submission of
 13 evidence of completion of a detailed, comprehensive planning study,
 14 facility master planning study, or other long range planning study that
 15 is intended for use in developing three- and ten-year capital
 16 improvement plans. A detailed comprehensive planning study, facility
 17 master planning study, or other long range planning study submitted
 18 pursuant to this subsection shall not be considered a government record
 19 pursuant to P.L.1963, c.73 (C.47:1A-1 et seq.), and shall not be made
 20 available for public inspection.² A municipal water department or
 21 municipal water authority shall also submit the report required pursuant
 22 to this subsection to the Division of Local Government Services in the
 23 Department of Community Affairs. A water purveyor shall, upon
 24 request, provide a copy of its asset management plan to the department,
 25 the board, or the Division of Local Government Services in the
 26 Department of Community Affairs.

27 c. The department, the board, and the Department of Community
 28 Affairs shall create a centralized portal allowing for electronic submittal
 29 of the report required pursuant to subsection b. of this section. The lack
 30 of a centralized portal pursuant to this subsection shall not negate the
 31 requirement for a water purveyor to submit a report pursuant to
 32 subsection b. of this section.

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

34

35 7. (New section) a. In addition to the requirements of section 7
 36 of P.L.2017, c.133 (C.58:31-7), no later than 18 months after the
 37 effective date of P.L. , c. (C.) (pending before the Legislature
 38 as this bill), each water purveyor shall revise its asset management
 39 plan developed pursuant to section 7 of P.L.2017, c.133 (C.58:31-7)
 40 to include:

41 (1) a comprehensive inventory, mapping, and ²evaluation of the²
 42 condition ²**[assessment]**² of the public ²community² water system's
 43 ²**[assets, including its pipes, lead service lines, valves, tanks, pumps,**
 44 wells, treatment facilities, hydrants, and other components, and an
 45 assessment of the remaining useful life of each identified asset]
 46 following asset classes: transmission and distribution piping, valves,

1 service lines, hydrants, water treatment plant facilities, and water
2 supply facilities including wells, reservoirs, and intakes² ;

3 (2) level of service goals for the public ²community² water
4 system ², based upon industry standards such as those established by
5 the American Water Works Association², which may include, but
6 need not be limited to, goals related to customer service and
7 accountability, energy and water efficiency and conservation, water
8 main breaks and service interruptions, and social and environmental
9 considerations;

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

16 (4) ²the life cycle costs of the public water system's assets,
17 including a schedule for the maintenance, repair, or replacement of
18 the assets, and for capital improvements to the public water system,
19 informed by the priority order developed pursuant to paragraph (3)
20 of this subsection; and

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

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

28
29 8. (New section) Any person who violates the provisions of
30 P.L.2017, c.133 (C.58:31-1 et seq.), or any rule or regulation adopted
31 pursuant thereto, shall be subject to the penalties and other remedies
32 set forth in section 10 of P.L.1977, c.224 (C.58:12A-10). No later
33 than ³180 days ³18 months³ after the effective date of P.L. ,
34 c. (C.)(pending before the Legislature as this bill), the
35 department shall adopt, pursuant to the "Administrative Procedure
36 Act," P.L.1968, c.410 (C.52:14B-1 et seq.), a schedule of civil
37 administrative penalties to be applied pursuant to this section for
38 specific violations of P.L.2017, c.133 (C.58:31-1 et seq.).

39
40 9. (New section) No later than one year after the effective date
41 of P.L. , c. (C.)(pending before the Legislature as this bill),
42 and annually thereafter, the department shall develop and publish on
43 its Internet website a report card for each water purveyor in the State,
44 indicating the water purveyor's compliance with federal and State
45 drinking water quality standards, its compliance with the
46 requirements of P.L.2017, c.133 (C.58:31-1 et seq.), and any other
47 factors the department deems appropriate. The report card shall be

1 designed to inform the public about the overall condition of a public
2 ²community² water system, and the quality of water coming from the
3 public ²community² water system.
4

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

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

16 b. the compliance of public ²community² water systems with the
17 requirements of P.L.2017, c.133 (C.58:31-1 et seq.) and the rules and
18 regulations adopted pursuant thereto.
19

20 11. (New section) The department and the board shall adopt,
21 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
22 (C.52:14B-1 et seq.), rules and regulations as are necessary to carry
23 out the provisions of P.L.2017, c.133 (C.58:31-1 et seq.).
24

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

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

33 b. Each water purveyor shall inspect each valve that is 12 or more
34 inches in diameter at least once every ³~~two~~ four³ years, and shall
35 inspect all other valves at least once every ³~~four~~ eight³ years, except
36 that the requirements of this subsection shall not apply to any service
37 connection valve or customer shut-off valve. At a minimum, each valve
38 inspection conducted pursuant to this subsection shall include:

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

41 (2) cleaning out of the valve box;

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

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

1 (b) the number of turns which constitutes 15 percent of the total
2 number of turns necessary to completely open or completely close the
3 valve ; and

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

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

10 (2) Each water purveyor shall formulate and implement a plan for
11 flushing every fire hydrant in the public community water system, and
12 every dead end of a main in the public community water system. This
13 plan for flushing may be combined with the periodic testing of fire
14 hydrants required pursuant to paragraph (1) of this subsection.

15 d. Each water purveyor shall keep a record of all inspections, tests,
16 and flushings conducted pursuant to this section for a period of at least
17 ³~~six~~ 12³ years.

18 e. Each water purveyor that owns, solely or jointly, a fire hydrant
19 shall mark each hydrant with the initials of its name, abbreviation of its
20 name, corporate symbol, or other distinguishing mark or code by which
21 ownership may be readily and definitely ascertained. Each fire hydrant
22 shall be marked with a number or symbol, or both, by which the location
23 of the hydrant may be determined on the water purveyor's office records.
24 The markings may be made with ³~~paint, brand, or with~~³ a soft metal
25 plate, ³~~plastic, or another durable material,~~³ and shall be of such size
26 and so spaced and maintained as to be easily read.

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

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

32
33 ²13. Section 5 of P.L.2017, c.133 (C.58:31-5) is amended to read
34 as follows:

35 5. In addition to any other requirements in law, or any rule or
36 regulation adopted pursuant thereto, whenever a water purveyor is
37 issued , pursuant to section 10 of P.L.1977, c.224 (C.58:12A-10) ,
38 three notices of violation for any reason or two notices of violation
39 related to an exceedance of a maximum contaminant level within any
40 12-month period, the water purveyor, within 60 days after receipt of
41 the third or second notice, as applicable, shall submit to the
42 department a mitigation plan specifying whether the notice of
43 violation will be addressed through operational changes or require a
44 capital expenditure and providing a schedule for implementation of
45 the mitigation plan. The mitigation plan shall include a report
46 prepared by the licensed operator of the public community water
47 system and a professional engineer licensed pursuant to P.L.1938,

1 c.342 (C.45:8-27 et seq.) that includes a technical analysis of the
2 notices of violation and an explanation of how the mitigation plan
3 submitted pursuant to this section is intended to prevent a recurrence
4 of the issue that resulted in the notice of violation. Any capital
5 expenditures required pursuant to this section shall be incorporated
6 into the asset management plan required pursuant to section 7 of **this**
7 **act** P.L.2017, c.133 (C.58:31-7).²
8 (cf: P.L.2017, c.133, s.5)
9
10 ²**[12.] 14.**² This act shall take effect immediately.