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STATE OF NEW JERSEY
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ADOPTED JANUARY 27, 2020

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SYNOPSIS

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

CURRENT VERSION OF TEXT

As reported by the Assembly Appropriations Committee on March 17, 2021, with amendments.

(Sponsorship Updated As Of: 5/20/2021)

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

⁴Assembly AAP committee amendments adopted March 17, 2021.

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

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

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

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

42 b. Within 60 days after developing the ¹cybersecurity¹ program
43 required pursuant to subsection a. of this section, each water
44 purveyor shall join the New Jersey Cybersecurity and
45 Communications Integration Cell ¹**[,]**¹ ²**[established pursuant to**

1 Executive Order No. 178 (2015),² and create a cybersecurity
2 incident reporting process.

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

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

11 (cf: P.L.2017, c.133, s.4)

12

13 3. (New section) a. In addition to the requirements of section 4
14 of P.L.2017, c.133 (C.58:31-4), and the requirements established by
15 the board pursuant thereto, no later than ¹~~【120】~~ ¹180 days after the
16 effective date of P.L. , c. (C.) (pending before the
17 Legislature as this bill), each water purveyor shall update its
18 cybersecurity program developed pursuant to section 4 of P.L.2017,
19 c.133 (C.58:31-4) to apply to all of the public ²community² water
20 system's industrial control systems, and to reasonably conform to
21 the most recent version of one or more of the following industry-
22 recognized cybersecurity frameworks:

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

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

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

31 b. Whenever a final revision to one or more of the frameworks
32 listed in subsection a. of this section is published, a water purveyor
33 whose cybersecurity program reasonably conformed to that
34 framework shall revise its cybersecurity program to reasonably
35 conform to the revised framework, ¹and submit a copy of the
36 revised cybersecurity program to ²【the board, the department, and】²
37 the New Jersey Cybersecurity and Communications Integration
38 Cell,¹ no later than ¹【120】 ¹180 days after publication of the
39 revised framework.

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

1 operations, and centralized control systems, that adversely impact,
2 disable, or manipulate infrastructure, resulting in loss of service,
3 contamination of finished water, or damage to infrastructure.

4 ¹b. No later than 30 days after receiving a report of a
5 cybersecurity incident from a water purveyor pursuant to subsection
6 a. of this section, the New Jersey Cybersecurity and
7 Communications Integration Cell shall ²~~audit, or~~² cause to be
8 audited ²~~the~~² the water purveyor's cybersecurity program and any
9 actions the water purveyor took in response to the cybersecurity
10 incident. The audit shall identify cyber threats and vulnerabilities
11 to the public ²community² water system, weaknesses in the public
12 ²community² water system's cybersecurity program, and strategies
13 to address those weaknesses so as to protect the public ²community²
14 water system from the threat of future cybersecurity incidents.¹
15 ²Any audit shall be conducted by a qualified and independent
16 cybersecurity company, at the water purveyor's expense. Following
17 the audit, the water purveyor shall submit the audit and any
18 corrective action plans derived from the audit to the New Jersey
19 Cybersecurity and Communications Integration Cell.²

20

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

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

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

1 misleading statement in a certification submitted pursuant to
2 subsection a. of this section, the department shall forward the matter to
3 the Attorney General for further investigation and, if necessary,
4 criminal prosecution or other appropriate relief, pursuant to any
5 applicable State or federal law, rule, or regulation.

6 c. The department shall annually audit², or cause to be audited,²
7 for compliance with the requirements³ of³ P.L.2017, c.133 (C.58:31-7)
8 a random selection of at least 10 percent of all public² community²
9 water systems in the State.¹

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

12 ⁴e. This section shall not be construed to abrogate or limit the
13 review and fiscal oversight authority granted to the Division of Local
14 Government Services in the Department of Community Affairs by the
15 "Local Budget Law," N.J.S.40A:4-1 et seq., the "Local Fiscal Affairs
16 Law," N.J.S.40A:5-1 et seq., the "Local Authorities Fiscal Control
17 Law," P.L.1983, c.313 (C.40A:5A-1 et seq.), or any other law.⁴
18 (cf: P.L.2017, c.133, s.6)

19
20 6. Section 7 of P.L.2017, c.133 (C.58:31-7) is amended to read as
21 follows:

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

28 (1) a water main renewal program designed to achieve a 150-year
29 replacement cycle, or other **[appropriate]** ²**[shorter]** appropriate²
30 replacement cycle as determined by a detailed engineering analysis of
31 the asset condition and estimated service lives of the water mains
32 serving the public² community² water system , or by the department ;

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

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

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

1 All asset management plans and system condition reports shall be
2 certified to by the licensed operator or professional engineer of the
3 public ²community² water system and the responsible corporate officer
4 of the public ²community² water system, if privately held, executive
5 director, if an authority, or mayor or chief executive officer of the
6 municipality, if municipally owned, as applicable. The replacement
7 cycle shall be determined by dividing the miles of water main located
8 in the public ²community² water system by 150 or other appropriate
9 demonstration set forth in the certified asset management plan
10 prepared pursuant to this section.

11 b. ~~At least once every three years~~ No later than one year after
12 the effective date of P.L. _____, c. _____ (C. _____) (pending before the
13 Legislature as this bill), and ²[every three years] each year² thereafter,
14 each water purveyor shall provide to the department and the board, if
15 applicable, a report based on its asset management plan prepared
16 pursuant to subsection a. of this section identifying [the infrastructure
17 improvements to be undertaken in the coming year and the cost of
18 those improvements, as well as identifying the infrastructure
19 improvements completed in the past year and the cost of those
20 improvements] : (1) the infrastructure improvements completed in the
21 past ³[three years] year³ and the cost of those improvements,
22 including improvements funded by emergency and routine capital
23 spending; (2) the infrastructure improvements ²generally² planned to
24 be undertaken in the next three years and the estimated cost of those
25 improvements; and (3) the infrastructure improvements that ²[will]
26 may² be required over the next 10 years and the estimated cost of
27 those improvements. ⁴A report provided pursuant to this subsection
28 by a municipality, county, or authority that is a water purveyor, is
29 subject to the Local Authorities Fiscal Control Law, P.L.1983, c.313
30 (C.40A:5A-1 et seq.), and has a capital program extending beyond
31 three years shall also identify infrastructure improvements to be
32 undertaken pursuant to the asset management plan in the remaining
33 years of the capital program, along with the actual or estimated cost of
34 the improvements.⁴ ²Compliance with this subsection may be
35 demonstrated through the submission of evidence of completion of a
36 detailed, comprehensive planning study, facility master planning
37 study, or other long range planning study that is intended for use in
38 developing three- and ten-year capital improvement plans. A detailed
39 comprehensive planning study, facility master planning study, or other
40 long range planning study submitted pursuant to this subsection shall
41 not be considered a government record pursuant to P.L.1963, c.73
42 (C.47:1A-1 et seq.), and shall not be made available for public
43 inspection.² A municipal water department or municipal water
44 authority shall also submit the report required pursuant to this
45 subsection to the Division of Local Government Services in the

1 Department of Community Affairs. A water purveyor shall, upon
2 request, provide a copy of its asset management plan to the
3 department, the board, or the Division of Local Government Services
4 in the Department of Community Affairs.

5 c. The department, the board, and the Department of Community
6 Affairs shall create a centralized portal allowing for electronic
7 submittal of the report required pursuant to subsection b. of this
8 section. The lack of a centralized portal pursuant to this subsection
9 shall not negate the requirement for a water purveyor to submit a
10 report pursuant to subsection b. of this section.

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

12

13 7. (New section) a. In addition to the requirements of section
14 7 of P.L.2017, c.133 (C.58:31-7), no later than 18 months after the
15 effective date of P.L. , c. (C.) (pending before the
16 Legislature as this bill), each water purveyor shall revise its asset
17 management plan developed pursuant to section 7 of P.L.2017,
18 c.133 (C.58:31-7) to include:

19 (1) a comprehensive inventory, mapping, and ²evaluation of
20 ²the condition ²[assessment]² of the public ²community² water
21 system's ²[assets, including its pipes, lead service lines, valves,
22 tanks, pumps, wells, treatment facilities, hydrants, and other
23 components, and an assessment of the remaining useful life of each
24 identified asset] following asset classes: transmission and
25 distribution piping, valves, service lines, hydrants, water treatment
26 plant facilities, and water supply facilities including wells,
27 reservoirs, and intakes² ;

28 (2) level of service goals for the public ²community² water
29 system ², based upon industry standards such as those established
30 by the American Water Works Association², which may include,
31 but need not be limited to, goals related to customer service and
32 accountability, energy and water efficiency and conservation, water
33 main breaks and service interruptions, and social and environmental
34 considerations;

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

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

1 (5)]² a long-term funding strategy to implement the water
2 purveyor’s asset management plan, including funding sources and
3 estimated annual expenditures to address prioritized repairs,
4 upgrades, and treatment.

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

8
9 8. (New section) Any person who violates the provisions of
10 P.L.2017, c.133 (C.58:31-1 et seq.), or any rule or regulation
11 adopted pursuant thereto, shall be subject to the penalties and other
12 remedies set forth in section 10 of P.L.1977, c.224 (C.58:12A-10).
13 No later than ³[180 days] 18 months³ after the effective date of
14 P.L. , c. (C.) (pending before the Legislature as this bill), the
15 department shall adopt, pursuant to the “Administrative Procedure
16 Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), a schedule of civil
17 administrative penalties to be applied pursuant to this section for
18 specific violations of P.L.2017, c.133 (C.58:31-1 et seq.).

19
20 9. (New section) No later than one year after the effective date
21 of P.L. , c. (C.) (pending before the Legislature as this
22 bill), and annually thereafter, the department shall develop and
23 publish on its Internet website a report card for each water purveyor
24 in the State, indicating the water purveyor’s compliance with
25 federal and State drinking water quality standards, its compliance
26 with the requirements of P.L.2017, c.133 (C.58:31-1 et seq.), and
27 any other factors the department deems appropriate. The report
28 card shall be designed to inform the public about the overall
29 condition of a public ²community² water system, and the quality of
30 water coming from the public ²community² water system.

31
32 10. (New section) No later than 18 months after the effective
33 date of P.L. , c. (C.) (pending before the Legislature as
34 this bill), and every three years thereafter, the department shall
35 prepare and submit a report to the Governor and, pursuant to section
36 2 of P.L.1991, c.164 (C.52:14-19.1), the Legislature assessing:

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

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

1 11. (New section) The department and the board shall adopt,
2 pursuant to the "Administrative Procedure Act," P.L.1968, c.410
3 (C.52:14B-1 et seq.), rules and regulations as are necessary to carry
4 out the provisions of P.L.2017, c.133 (C.58:31-1 et seq.).
5

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

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

14 b. Each water purveyor shall inspect each valve that is 12 or more
15 inches in diameter at least once every ³[two] four³ years, and shall
16 inspect all other valves at least once every ³[four] eight³ years, except
17 that the requirements of this subsection shall not apply to any service
18 connection valve or customer shut-off valve. At a minimum, each
19 valve inspection conducted pursuant to this subsection shall include:

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

22 (2) cleaning out of the valve box;

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

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

27 (b) the number of turns which constitutes 15 percent of the total
28 number of turns necessary to completely open or completely close the
29 valve ; and

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

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

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

41 d. Each water purveyor shall keep a record of all inspections,
42 tests, and flushings conducted pursuant to this section for a period of at
43 least ³[six] 12³ years.

44 e. Each water purveyor that owns, solely or jointly, a fire hydrant
45 shall mark each hydrant with the initials of its name, abbreviation of
46 its name, corporate symbol, or other distinguishing mark or code by

1 which ownership may be readily and definitely ascertained. Each fire
2 hydrant shall be marked with a number or symbol, or both, by which
3 the location of the hydrant may be determined on the water purveyor's
4 office records. The markings may be made with ³[paint, brand, or
5 with]³ a soft metal plate, ³plastic, or another durable material,³ and
6 shall be of such size and so spaced and maintained as to be easily read.

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

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

12

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

15 5. In addition to any other requirements in law, or any rule or
16 regulation adopted pursuant thereto, whenever a water purveyor is
17 issued , pursuant to section 10 of P.L.1977, c.224 (C.58:12A-10) ,
18 three notices of violation for any reason or two notices of violation
19 related to an exceedance of a maximum contaminant level within
20 any 12-month period, the water purveyor, within 60 days after
21 receipt of the third or second notice, as applicable, shall submit to
22 the department a mitigation plan specifying whether the notice of
23 violation will be addressed through operational changes or require a
24 capital expenditure and providing a schedule for implementation of
25 the mitigation plan. The mitigation plan shall include a report
26 prepared by the licensed operator of the public community water
27 system and a professional engineer licensed pursuant to P.L.1938,
28 c.342 (C.45:8-27 et seq.) that includes a technical analysis of the
29 notices of violation and an explanation of how the mitigation plan
30 submitted pursuant to this section is intended to prevent a
31 recurrence of the issue that resulted in the notice of violation. Any
32 capital expenditures required pursuant to this section shall be
33 incorporated into the asset management plan required pursuant to
34 section 7 of **[this act]** P.L.2017, c.133 (C.58:31-7).²

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

36

37 ²**[12.]** 14.² This act shall take effect immediately.