

§§3,4
C.58:31-4.1 and
58:31-4.2
§§7-11
C.58:31-8 to
58:31-12

P.L. 2021, CHAPTER 262, *approved November 8, 2021*
Senate Committee Substitute (*Fourth Reprint*) for
Senate, No. 647

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} ¹Cybersecurity 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.

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 ²“New Jersey Cybersecurity and Communications Integration
 2 Cell” means the New Jersey Cybersecurity and Communications
 3 Integration Cell established pursuant to Executive Order No. 178
 4 (2015) in the New Jersey Office of Homeland Security and
 5 Preparedness, or any successor entity.

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

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

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

13
 14 2. Section 4 of P.L.2017, c.133 (C.58:31-4) is amended to read
 15 as follows:

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

40 A ¹water purveyor shall submit a¹ copy of the ¹cybersecurity¹
 41 program developed pursuant to this subsection ¹**[shall be**
 42 provided]¹ to ²**[¹the board, the department, and¹]**² the New Jersey
 43 Cybersecurity and Communications Integration Cell ¹**[,]**¹
 44 ²**[established pursuant to Executive Order No. 178 (2015) in the**

1 New Jersey Office of Homeland Security and Preparedness¹, in a
2 form and manner as determined by the New Jersey Cybersecurity
3 and Communications Integration Cell². ¹A cybersecurity program
4 submitted pursuant to this subsection shall not be considered a
5 government record under P.L.1963, c.73 (C.47:1A-1 et seq.), and
6 shall not be made available for public inspection.¹

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

13 c. ¹[A water purveyor that does not have an internet-connected
14 control system shall be exempt from the requirements of this
15 section.] (Deleted by amendment, P.L. , c. (pending before the
16 Legislature as this bill)

17 ¹d. No later than 180 days after the effective date of P.L. ,
18 c. (C.)(pending before the Legislature as this bill), each water
19 purveyor shall obtain a cybersecurity insurance policy that meets
20 any applicable standards adopted by the board.¹
21 (cf: P.L.2017, c.133, s.4)
22

23 3. (New section) a. In addition to the requirements of section 4
24 of P.L.2017, c.133 (C.58:31-4), and the requirements established by
25 the board pursuant thereto, no later than ¹[120] 180¹ days after the
26 effective date of P.L. , c. (C.) (pending before the
27 Legislature as this bill), each water purveyor shall update its
28 cybersecurity program developed pursuant to section 4 of P.L.2017,
29 c.133 (C.58:31-4) to apply to all of the public ²community² water
30 system's industrial control systems, and to reasonably conform to
31 the most recent version of one or more of the following industry-
32 recognized cybersecurity frameworks:

33 (1) the Framework for Improving Critical Infrastructure
34 Cybersecurity developed by the National Institute of Standards and
35 Technology;

36 (2) the Center for Internet Security Critical Security Controls for
37 Effective Cyber Defense; or

38 (3) the International Organization for Standardization and
39 International Electrotechnical Commission 27000 family of
40 standards for an information security management system.

41 b. Whenever a final revision to one or more of the frameworks
42 listed in subsection a. of this section is published, a water purveyor
43 whose cybersecurity program reasonably conformed to that
44 framework shall revise its cybersecurity program to reasonably

1 conform to the revised framework, ¹and submit a copy of the
2 revised cybersecurity program to ²the board, the department, and²
3 the New Jersey Cybersecurity and Communications Integration
4 Cell,¹ no later than ¹120¹ 180¹ days after publication of the
5 revised framework.

6 c. No later than one year after the effective date of P.L. ,
7 c. (C.) (pending before the Legislature as this bill), and each
8 year thereafter, each water purveyor shall submit to the ¹board, the¹
9 department ¹,¹ and ¹to¹ the New Jersey Cybersecurity and
10 Communications Integration Cell ¹,¹ ²established pursuant to
11 Executive Order No. 178 (2015),² a certification demonstrating
12 that the water purveyor is in compliance with the requirements of
13 this section. The certification shall be made in the form and manner
14 as determined by the department, in consultation with the New
15 Jersey Cybersecurity and Communications Integration Cell. ¹The
16 certification shall be signed by the responsible corporate officer of
17 the public ²community² water system, if privately held, executive
18 director, if an authority, or mayor or chief executive officer of the
19 municipality, if municipally owned, as applicable.¹

20 d. ¹The New Jersey Cybersecurity and Communications
21 Integration Cell shall ²audit, or² cause to be audited, for
22 compliance with the requirements of section 4 of P.L.2017, c.133
23 (C.58:31-4) and this section, any public ²community² water system
24 that fails to submit a cybersecurity program as required pursuant to
25 subsection a. of section 4 of P.L.2017, c.133 (C.58:31-4), a revision
26 pursuant to subsection b. of this section, or a certification pursuant
27 to this section. ²Any audit shall be conducted by a qualified and
28 independent cybersecurity company, at the water purveyor's
29 expense. Following the audit, the water purveyor shall submit the
30 audit and any corrective action plans derived from the audit to the
31 New Jersey Cybersecurity and Communications Integration Cell.²

32 e.¹ A water purveyor shall, upon the request of the ¹board, the¹
33 department ¹,¹ or the New Jersey Cybersecurity and
34 Communications Integration Cell, provide proof of compliance with
35 the requirements of this section, in a form and manner as
36 determined by the ²board, the² department ²,² or by the New Jersey
37 Cybersecurity and Communications Integration Cell.

38 ¹[e.] f.¹ The board shall update any requirements it has
39 established for cybersecurity programs pursuant to subsection a. of
40 section 4 of P.L.2017, c.133 (C.58:31-4) to conform to the
41 requirements of this section.
42

43 4. (New section) ¹a.¹ Beginning 90 days after the effective date
44 of P.L. , c. (C.) (pending before the Legislature as this

1 bill), ¹**each** a¹ water purveyor shall ¹**immediately**¹ report to the
 2 ²**board, the department, and the**¹² New Jersey Cybersecurity and
 3 Communications Integration Cell, ²**immediately**² promptly² after
 4 an employee is made aware of a cybersecurity incident,¹ and in
 5 accordance with all applicable laws, rules ¹,¹ and regulations:

6 ¹**a.** (1)¹ any cybersecurity incident that results in the
 7 compromise of the confidentiality, integrity, availability, or privacy
 8 of the water purveyor's utility billing, communications, data
 9 management, or business information systems, or the information
 10 thereon; and

11 ¹**b.** (2)¹ any cybersecurity incident against the water
 12 purveyor's industrial control system, including monitoring,
 13 operations, and centralized control systems, that adversely impact,
 14 disable, or manipulate infrastructure, resulting in loss of service,
 15 contamination of finished water, or damage to infrastructure.

16 ¹b. No later than 30 days after receiving a report of a
 17 cybersecurity incident from a water purveyor pursuant to subsection
 18 a. of this section, the New Jersey Cybersecurity and
 19 Communications Integration Cell shall ²**audit, or**² cause to be
 20 audited ²**.**² the water purveyor's cybersecurity program and any
 21 actions the water purveyor took in response to the cybersecurity
 22 incident. The audit shall identify cyber threats and vulnerabilities
 23 to the public ²community² water system, weaknesses in the public
 24 ²community² water system's cybersecurity program, and strategies
 25 to address those weaknesses so as to protect the public ²community²
 26 water system from the threat of future cybersecurity incidents.¹
 27 ²Any audit shall be conducted by a qualified and independent
 28 cybersecurity company, at the water purveyor's expense. Following
 29 the audit, the water purveyor shall submit the audit and any
 30 corrective action plans derived from the audit to the New Jersey
 31 Cybersecurity and Communications Integration Cell.²
 32

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

35 6. ¹a.¹ In addition to any other certifications required pursuant to
 36 law, rule, or regulation, the responsible corporate officer of the public
 37 ²community² water system, if privately held, executive director, if an
 38 authority, or mayor or chief executive officer of the municipality, if
 39 municipally owned, as applicable, shall be required to certify in
 40 writing each year to the **Department of Environmental Protection**
 41 **department** and, if applicable, the ¹**Board of Public Utilities** **board**,
 42 in a form and manner as determined by the department,¹ that the water
 43 purveyor complies with: all federal and State drinking water
 44 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 forward the matter to the Attorney General for further investigation and, if necessary, criminal prosecution or other appropriate relief, pursuant to any applicable State or federal law, rule, or regulation.

c. The department shall annually audit ², or cause to be audited,² for compliance with the requirements ³of³ P.L.2017, c.133 (C.58:31-7) a random selection of at least 10 percent of all public ²community² water systems in the State.¹

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

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

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

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

(1) a water main renewal program designed to achieve a 150-year replacement cycle, or other **[appropriate]** ²**[shorter]** ²**appropriate**² replacement cycle as determined by a detailed engineering analysis of

1 the asset condition and estimated service lives of the water mains
2 serving the public ²community² water system , or by the department ;

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

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

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

16 All asset management plans and system condition reports shall be
17 certified to by the licensed operator or professional engineer of the
18 public ²community² water system and the responsible corporate officer
19 of the public ²community² water system, if privately held, executive
20 director, if an authority, or mayor or chief executive officer of the
21 municipality, if municipally owned, as applicable. The replacement
22 cycle shall be determined by dividing the miles of water main located
23 in the public ²community² water system by 150 or other appropriate
24 demonstration set forth in the certified asset management plan
25 prepared pursuant to this section.

26 b. **【At least once every three years】** No later than one year after
27 the effective date of P.L. , c. (C.) (pending before the
28 Legislature as this bill), and ²**【every three years】** each year² thereafter,
29 each water purveyor shall provide to the department and the board, if
30 applicable, a report based on its asset management plan prepared
31 pursuant to subsection a. of this section identifying **【the infrastructure**
32 **improvements to be undertaken in the coming year and the cost of**
33 **those improvements, as well as identifying the infrastructure**
34 **improvements completed in the past year and the cost of those**
35 **improvements】** : (1) the infrastructure improvements completed in the
36 past ³**【three years】** year³ and the cost of those improvements,
37 including improvements funded by emergency and routine capital
38 spending; (2) the infrastructure improvements ²generally² planned to
39 be undertaken in the next three years and the estimated cost of those
40 improvements; and (3) the infrastructure improvements that ²**【will】**
41 may² be required over the next 10 years and the estimated cost of
42 those improvements. ⁴A report provided pursuant to this subsection
43 by a municipality, county, or authority that is a water purveyor, is
44 subject to the Local Authorities Fiscal Control Law, P.L.1983, c.313

1 (C.40A:5A-1 et seq.), and has a capital program extending beyond
 2 three years shall also identify infrastructure improvements to be
 3 undertaken pursuant to the asset management plan in the remaining
 4 years of the capital program, along with the actual or estimated cost of
 5 the improvements.⁴ ²Compliance with this subsection may be
 6 demonstrated through the submission of evidence of completion of a
 7 detailed, comprehensive planning study, facility master planning
 8 study, or other long range planning study that is intended for use in
 9 developing three- and ten-year capital improvement plans. A detailed
 10 comprehensive planning study, facility master planning study, or other
 11 long range planning study submitted pursuant to this subsection shall
 12 not be considered a government record pursuant to P.L.1963, c.73
 13 (C.47:1A-1 et seq.), and shall not be made available for public
 14 inspection.² A municipal water department or municipal water
 15 authority shall also submit the report required pursuant to this
 16 subsection to the Division of Local Government Services in the
 17 Department of Community Affairs. A water purveyor shall, upon
 18 request, provide a copy of its asset management plan to the
 19 department, the board, or the Division of Local Government Services
 20 in the Department of Community Affairs.

21 c. The department, the board, and the Department of Community
 22 Affairs shall create a centralized portal allowing for electronic
 23 submittal of the report required pursuant to subsection b. of this
 24 section. The lack of a centralized portal pursuant to this subsection
 25 shall not negate the requirement for a water purveyor to submit a
 26 report pursuant to subsection b. of this section.
 27 (cf: P.L.2017, c.133, s.7)

28
 29 7. (New section) a. In addition to the requirements of section
 30 7 of P.L.2017, c.133 (C.58:31-7), no later than 18 months after the
 31 effective date of P.L. , c. (C.) (pending before the
 32 Legislature as this bill), each water purveyor shall revise its asset
 33 management plan developed pursuant to section 7 of P.L.2017,
 34 c.133 (C.58:31-7) to include:

35 (1) a comprehensive inventory, mapping, and ²evaluation of
 36 the² condition ²assessment² of the public ²community² water
 37 system's ²assets, including its pipes, lead service lines, valves,
 38 tanks, pumps, wells, treatment facilities, hydrants, and other
 39 components, and an assessment of the remaining useful life of each
 40 identified asset following asset classes: transmission and
 41 distribution piping, valves, service lines, hydrants, water treatment
 42 plant facilities, and water supply facilities including wells,
 43 reservoirs, and intakes² ;

44 (2) level of service goals for the public ²community² water
 45 system ², based upon industry standards such as those established

1 by the American Water Works Association², which may include,
2 but need not be limited to, goals related to customer service and
3 accountability, energy and water efficiency and conservation, water
4 main breaks and service interruptions, and social and environmental
5 considerations;

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

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

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

21 b. The department shall, pursuant to the "Administrative
22 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), adopt rules
23 and regulations to implement the requirements of this section.
24

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

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

1 condition of a public ²community² water system, and the quality of
2 water coming from the public ²community² water system.

3
4 10. (New section) No later than 18 months after the effective
5 date of P.L. , c. (C.) (pending before the Legislature as
6 this bill), and every three years thereafter, the department shall
7 prepare and submit a report to the Governor and, pursuant to section
8 2 of P.L.1991, c.164 (C.52:14-19.1), the Legislature assessing:

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

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

18
19 11. (New section) The department and the board shall adopt,
20 pursuant to the “Administrative Procedure Act,” P.L.1968, c.410
21 (C.52:14B-1 et seq.), rules and regulations as are necessary to carry
22 out the provisions of P.L.2017, c.133 (C.58:31-1 et seq.).

23
24 ²12. Section 3 of P.L.2017, c.133 (C.58:31-3) is amended to read
25 as follows:

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

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

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

40 (2) cleaning out of the valve box;

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

43 (a) the number of turns recommended by the valve manufacturer
44 to 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,
16 tests, and flushings conducted pursuant to this section for a period of at
17 least 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
20 its name, corporate symbol, or other distinguishing mark or code by
21 which ownership may be readily and definitely ascertained. Each fire
22 hydrant shall be marked with a number or symbol, or both, by which
23 the location of the hydrant may be determined on the water purveyor's
24 office records. The markings may be made with ³~~paint, brand, or~~
25 ~~with~~³ a soft metal plate, ³plastic, or another durable material,³ and
26 shall be of such size 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
34 read 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
40 any 12-month period, the water purveyor, within 60 days after
41 receipt of the third or second notice, as applicable, shall submit to
42 the 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

1 prepared by the licensed operator of the public community water
2 system and a professional engineer licensed pursuant to P.L.1938,
3 c.342 (C.45:8-27 et seq.) that includes a technical analysis of the
4 notices of violation and an explanation of how the mitigation plan
5 submitted pursuant to this section is intended to prevent a
6 recurrence of the issue that resulted in the notice of violation. Any
7 capital expenditures required pursuant to this section shall be
8 incorporated into the asset management plan required pursuant to
9 section 7 of **【this act】** P.L.2017, c.133 (C.58:31-7).²
10 (cf: P.L.2017, c.133, s.5)

11

12 ²**【12.】** 14.² This act shall take effect immediately.

13

14

15

16

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