

# Water Quality Accountability Act

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## Content of Presentation

- 1) Overview - WQAA
- 2) Clarifications/Observations
- 3) Implementation Activities

## Overview Water Quality Accountability Act (N.J.S.A. 58:31-1 et seq.)

- **Chronology** (Senate Bill – S2834; Assembly Bill – A4569):
  - ✓ Introduced on December 12, 2016
  - ✓ Significant changes adopted on May 16, 2017
  - ✓ Passed both the Senate and House of Representatives on June 8, 2017
  - ✓ Signed into law on July 21, 2017
  - ✓ Effective on October 19, 2017 (tomorrow)
- **Applicability:** Applies to water purveyors with more than 500 service connections
  - ✓ ~ 290 water systems (out of 581) in NJ
- **Implementation:**
  - ✓ NJDEP has the central role;
  - ✓ Supported by NJBPU, NJOHSP, & NJDCA

## Overview Water Quality Accountability Act

- **WATER VALVES – Section 3**
  - ✓ Inspect each valve to determine:
    - (1) Accessibility for operational purposes
    - (2) Operating Condition
  - ✓ Repair or replace any valve found to be broken/not operational
  - ✓ Conduct routine valve inspections
    - 12 inches or more in diameter – Every two (2) years
    - Under 12 inches – Every four (4) years
  - ✓ Minimum requirements for inspection identified: Clearing/Cleaning & Dynamic Testing (opening & closing) – manufacture recommendation or 15 percent of total number of turns
  - ✓ Requirement does not apply to service connections or customer shut-off valves
  - ✓ Maintain a record of all inspections & tests for a period of at least six years
  - ✓ Identify the geographical location of each valve using GPS technology

## Overview Water Quality Accountability Act

- **FIRE HYDRANTS – Section 3**
  - ✓ Test every fire hydrant in the system once per year to determine working condition
  - ✓ Formulate & Implement a plan for flushing every hydrant, and every dead end
  - ✓ Maintain a record of all tests and flushings for a period of at least six years
  - ✓ Mark each fire hydrant with the owner's initials, abbreviation of the name, corporate symbol, or other distinguishing mark or code to readily ascertain ownership
  - ✓ Mark each fire hydrant to identify the location of the hydrant through office records
  - ✓ Identify the geographical location of each fire hydrant using GPS technology

## Overview Water Quality Accountability Act

- **CYBERSECURITY PROGRAM – Section 4**
  - ✓ Within 120 days (February 2018) of the effective date of the Act, each water purveyor shall develop a cybersecurity program based on the requirements established by the BPU
  - ✓ Cyber risk management activities include:
    - Developing policies, plans, processes and procedures for identifying and mitigating cyber risk
    - Conducting Risk Assessments
    - Implementing controls to mitigate risks
    - Maintaining situational awareness of cyber threats and vulnerabilities
    - Creating and Exercising incident response and recovery plans
  - ✓ Submit a copy of the Cybersecurity Program to the NJ Cybersecurity & Communications Integration Cell (NJCCIC - NJOHSP)
  - ✓ Within 60 days after developing the Program, each water purveyor shall join the NJCCIC
  - ✓ **Water purveyors that do not have an internet-connected control system are exempt from these requirements**

## Overview Water Quality Accountability Act

### > VIOLATION MITIGATION PLAN – Section 5

- ✓ Triggered when the water purveyor incurs three (3) notices of violation for any reason, or two (2) notices of violation related to an exceedance of an MCL **within any 12 month period**
- ✓ Plan submitted to the DEP within 60 days of receipt of the third or second notice as applicable
- ✓ **Mitigation Plan addresses:**
  - Whether the NOV will be addressed through operational changes or capital expenditure
  - Provides a schedule for implementation
  - Includes a report prepared by the Licensed Operator and professional engineer providing a technical analysis of the NOV and an explanation of how the mitigation plan will prevent a recurrence of the issue.
- ✓ Any capital expenditures related to this section must be incorporated into the Asset Management Plan – Section 7

## Overview Water Quality Accountability Act

### > CERTIFICATIONS – Section 6

- ✓ Submit an annual certification that the water purveyor complies with:
  - All federal and State drinking water regulations; including:
    - Water Quality Sampling
    - Water Quality Testing
    - Water Quality Reporting
  - The hydrant and valve requirements in Section 3;
  - The notice of violation mitigation plan in Section 5;
  - The infrastructure improvement investment in Section 7
- ✓ The certification must be completed by the corporate office (if privately held), executive director (if authority), or mayor or chief executive officer (if municipally owned)

## Overview Water Quality Accountability Act

### ASSET MANAGEMENT PLAN/INFRASTRUCTURE INVESTMENT – Section 7

- ✓ Within 18 months after the effective date, every water purveyor must implement an asset management plan
- ✓ The minimum content of an asset management plan includes:
  - Water Main Renewal Program
    - 150 year replacement cycle or
    - Other replacement cycle as determined by a detailed engineering analysis of the asset condition and estimated service lives
  - Programs for inspection, maintenance, repair, renewal, and upgrade of wells, intakes, pump, & treatment facilities
  - Consistency with AWWA standards (for inspection, maintenance, repair, and renewal of infrastructure)
  - Dedication of funds on an annual basis to address and remediate the highest priority projects
  - Any other programs, plans, or provisions required by the Department pursuant to rules and regulations

## Overview Water Quality Accountability Act

### > ASSET MANAGEMENT PLAN/INFRASTRUCTURE INVESTMENT – Section 7 (cont)

- ✓ Requires certifications by the Licensed Operator or professional engineer and
  - the responsible corporate officer (privately held),
  - executive director (authority), or
  - mayor/chief executive officer (municipality)
 attesting to the content of the AMP and system condition reports.
- ✓ Submit a report every three years to the DEP, and BPU or DCA based on the implementation of the AMP:
  - Identify the Infrastructure Improvements to be undertaken in the coming year
  - Provide the cost of those improvements
  - Identify the infrastructure improvements completed in the past year
  - Identify the cost of those improvements

## Observations/Clarifications

### > Valve Inspections and Repair & Replacement

□ Pending Clarification: Determination whether “each valve in a public water system” includes all treatment, pumping, storage and distribution valves OR whether this provision is limited to distribution valves.

### > Hydrant Testing, Flushing, Marking, Mapping and Record Keeping

□ Interpretation: Every fire hydrant in its system includes those owned (solely or jointly) by the system. This provision does not include privately owned hydrants as may be provided at Malls, Office Parks, Industrial Complexes, Apartment Complexes, etc.

## Observations/Clarifications

### > Valve and Hydrant GPS Mapping

#### □ Interpretation:

- ◆ The Act does not specify minimum GPS requirements.
- ◆ DEP has applicable GPS standards: covers Global GIS tools, GIS tutorials, related publications, mapping software, and acceptable GIS formats.
  - ✓ Digital Mapping shall conform to NJDEP’s Mapping and Digital Standards at N.J.A.C. 7:1D, Appendix A.
- ◆ Guidance related to the mapping and digital data standards is available at the DEP’s website: <http://www.state.nj.us/dep/gis>.
  - ✓ From homepage: click on “Standard” and highlight the “GPS Data Collection Standards” tab.
  - ✓ Refer to the document entitled “NJDEP GPS Data Collection Standards for GIS data Development” dated April 24<sup>th</sup> 2017.
- ◆ Side Note: These standards support other WRM initiatives, such as the Asset Management Policy Program, Permitting Applications (Water Supply), and Emergency Planning (Water Quality).

## Observations/Clarifications

### ➤ Applicability of Cybersecurity Program

#### □ Interpretation:

- ❖ Cybersecurity Program requirements will be those established by the BPU - (Order # AO16030196, signed March 18, 2016, effective March 28, 2016)
- ❖ A copy of the system-specific Cybersecurity Program must be provided to the NJ Cybersecurity and Communications Integration Cell (OHS&P) by 2/16/18.
- ❖ DEP is not receiving a copy of this "sensitive" document.
- ❖ DEP is developing a survey/questionnaire, in consultation with OHSP and BPU, to determine which "Water Purveyors" are exempt from this requirement (not having an internet-connected control system).
  - ✓ Note: The scope of this survey may be expanded to include all CWS and WW systems in an effort to support other homeland security initiatives.

## Observations/Clarifications

### ➤ Applicability of Mitigation Plan (for notices of violation)

#### □ Pending Clarification:

- ❖ The terms "notice of violation" for purposes of triggering submittal of the Mitigation Plan
  - ✓ On-going; Internal discussions, and consultation with the Division of Law
- ❖ A "Notice of Violation" is a specific enforcement tool, usually issued in the field, to provide notice to address a major violation and/or chronic (long-standing) moderate violations.
- ❖ The applicability of an "NOV" versus other enforcement tools: AO, ACO, NONC, M&R violation notices, etc. needs to be vetted.
- ❖ Determinations to be addressed as part of FAQ/Guidance preparation

## Observations/Clarifications

### ➤ Asset Management Plan (AMP) Requirements

#### □ Observations:

- ❖ The WQAA requires preparation and implementation of an AMP no later than 18 months after the effective date
- ❖ The WQAA identifies the minimum content of an asset management plan:
  - ✓ Consistency with applicable AWWA standards (for inspection, maintenance, repair, and renewal of infrastructure)
- ❖ Another standard of reference is the DEP's Asset Management Policy Website: <http://www.nj.gov/dep/assetmanagement/>

## Observations/Clarifications

### ➤ Asset Management Plan (AMP) Requirements (cont.)

#### □ Observations:

- ❖ The WQAA does not specify submittal of the Asset Management Plan
- ❖ The WQAA requires submittal of a report every three years to the DEP, BPU or DCA based on the implementation of the AMP.
- ❖ Note: The frequency of the report changed from annual to every three years. The period of accounting wasn't revised accordingly. The reports will need to account for the prior three years and the next three years (versus the past year and the coming year)

## Other Thoughts/Considerations

- Unresponsive asset management & capital improvement planning – may lead to inadequacies in staffing, system design/operations, and maintenance resulting in:
  - The failure of utility service
  - Delays in emergency response
  - Delays in the restoration of service
  - Endangering of public health
  - Disruptions in the local economy
- The Act - promotes competent and responsible utility management with the goals of establishing adequate and reliable service, resiliency, and sustainability of water systems
- Public Outreach Efforts - Systems should initiate and maintain strong public outreach efforts to gather customer support for compliance with the Act and a general understanding of the financial implications related to these requirements (grants, loans, water rates)
  - Message: investments in operations, maintenance, and capital improvements will result in less disruptions and improved reliability in water service
- Capital Improvement Plans - dynamic documents that require thoughtful analyses and planning to ensure revenue expectations can finance capital improvements through an approved rate structure

## Implementation Activities

- Obtain final copy of the Act – [http://www.njleg.state.nj.us/2016/Bills/PL17/133\\_PDF](http://www.njleg.state.nj.us/2016/Bills/PL17/133_PDF)
- Prepare a Workplan – Identifies Immediate (by effective date), Interim (by end of year), and long term (2018 - ) actions.
- Build Teams
  - Internal: AC Office, Water Supply, C&E, Information Technology
  - External: BPU, DCA, OHSP
  - Stakeholders (pending): AWWA, NJWA, AEA, WSAC, Jersey Water Works, Water Systems
- Perform Assessment & Determination – DEP's Asset Management Guidance: is it consistent and supportive of the Act (Preliminary finding - Yes)

## Implementation Activities

- **Prepare & Issue Outreach Messaging** – to Regulated entities to raise awareness (completed)
- **Conduct agency coordination meetings** - Ongoing
- **Develop Interim website** – Completed
  - ✓ Refer to [http://www.nj.gov/dep/watersupply/g\\_reg-wqaa.html](http://www.nj.gov/dep/watersupply/g_reg-wqaa.html)
  - ✓ Provides Background and instructions for submitting questions/comments
- **Develop dedicated WQAA website** - a resource to support implementation (tools, guidance, other agency links) – Pending (late October/November)

## Implementation Activities

- **Conduct Stakeholder Meetings** – Pending (targeting November)
- **Prepare Implementation Assessment** – Pending (2018)
  - ✓ Act stands as is – monitor and measure compliance
  - ✓ Act requires supporting guidance
  - ✓ Act requires supporting regulations (amendments/new proposals)
- **Develop Centralized Portal** – Pending (2018)

That's all Folks!!!!

• Questions/Comments

- Also send questions/comments to [watersupply@dep.nj.gov](mailto:watersupply@dep.nj.gov) or call (609)292-7219