

# ASSEMBLY, No. 1045

## STATE OF NEW JERSEY 221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

**Sponsored by:**

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**SYNOPSIS**

Requires water purveyors to notify municipalities they service regarding water supply and water quality issues.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning water allocation permits and amending and  
2 supplementing P.L.1981, c.262.

3

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

6

7 1. Section 3 of P.L.1981, c.262 (C.58:1A-3) is amended to read  
8 as follows:

9 3. As used in the provisions of P.L.1981, c.262 (C.58:1A-1 et  
10 **[seq.] al.**), P.L.1993, c.202 (C.58:1A-7.3 et al.) and P.L.2003,  
11 c.251 (C.58:1A-13.1 et al.):

12 "Aquaculture" means the propagation, rearing and subsequent  
13 harvesting of aquatic organisms in controlled or selected  
14 environments, and the subsequent processing, packaging and  
15 marketing, and shall include, but need not be limited to, activities to  
16 intervene in the rearing process to increase production such as  
17 stocking, feeding, transplanting, and providing for protection from  
18 predators. "Aquaculture" shall not include the construction of  
19 facilities and appurtenant structures that might otherwise be  
20 regulated pursuant to any State or federal law or regulation.

21 "Aquatic organism" means and includes, but need not be limited  
22 to, finfish, mollusks, crustaceans, and aquatic plants which are the  
23 property of a person engaged in aquaculture.

24 **[a.]** "Commissioner" means the Commissioner of **[the**  
25 **Department of]** Environmental Protection or the commissioner's  
26 designated representative **[:]** .

27 **[b.]** "Consumptive use" means any use of water diverted from  
28 surface or ground waters other than a nonconsumptive use as  
29 defined in this section **[:]** .

30 **[c.]** "Department" means the Department of Environmental  
31 Protection **[:]** .

32 **[d.]** "Diversion" means the taking or impoundment of water  
33 from a river, stream, lake, pond, aquifer, well, other underground  
34 source, or other water body, whether or not the water is returned  
35 thereto, consumed, made to flow into another stream or basin, or  
36 discharged elsewhere**[:]** .

37 **[e.]** "Nonconsumptive use" means the use of water diverted  
38 from surface or ground waters in such a manner that it is returned to  
39 the surface or ground water at or near the point from which it was  
40 taken without substantial diminution in quantity or substantial  
41 impairment of quality **[:]** .

42 **[f.]** "Person" means any individual, corporation, company,  
43 partnership, firm, association, owner or operator of a **[water supply**  
44 **facility]** public water system, political subdivision of the State and  
45 any state, or interstate agency or Federal agency **[:]** .

**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.

1 "Public community water system" means a public water system  
2 which serves at least 15 service connections used by year-round  
3 residents or regularly serves at least 25 year-round residents.

4 "Public water system" means a system for the provision to the  
5 public of water for human consumption through pipes or other  
6 constructed conveyances, if such system has at least 15 service  
7 connections or regularly serves an average of at least 25 individuals  
8 daily at least 60 days out of the year. "Public water system"  
9 includes: (1) any collection, treatment, storage and distribution  
10 facilities under control of the operator of such system and used  
11 primarily in connection with such system; and (2) any collection or  
12 pre-treatment storage facilities not under such control which are  
13 used primarily in connection with such system.

14 **g.** "Waters" or "waters of the State" means all surface waters  
15 and ground waters in the State;

16 **h.** "Safe or dependable yield" or "safe yield" means that  
17 maintainable yield of water from a surface or ground water source  
18 or sources which is available continuously during projected future  
19 conditions, including a repetition of the most severe drought of  
20 record, without creating undesirable effects, as determined by the  
21 department **;** .

22 **i.** "Aquaculture" means the propagation, rearing and  
23 subsequent harvesting of aquatic species in controlled or selected  
24 environments, and the subsequent processing, packaging and  
25 marketing, and shall include, but need not be limited to, activities to  
26 intervene in the rearing process to increase production such as  
27 stocking, feeding, transplanting, and providing for protection from  
28 predators. "Aquaculture" shall not include the construction of  
29 facilities and appurtenant structures that might otherwise be  
30 regulated pursuant to any State or federal law or regulation;

31 **j.** "Aquatic organism" means and includes, but need not be  
32 limited to, finfish, mollusks, crustaceans, and aquatic plants which  
33 are the property of a person engaged in aquaculture;

34 **k.** "Six Mile Run Reservoir Site" means the land acquired by  
35 the State for development of the Six Mile Run Reservoir in Franklin  
36 Township, Somerset County, as identified by the Eastern Raritan  
37 Feasibility Study and the New Jersey Statewide Water Supply Plan  
38 prepared and adopted by the department pursuant to section 13 of  
39 P.L.1981, c.262 (C.58:1A-13).

40 "Water purveyor" means any person that owns or operates a  
41 public water system.

42 "Waters" or "waters of the State" means all surface waters and  
43 ground waters in the State.

44 (cf: P.L.2003, c.251, s.1)

1       2. Section 9 of P.L.1981, c.262 (C.58:1A-9) is amended to read  
2 as follows:

3       9. The Board of **【Regulatory Commissioners】** Public Utilities  
4 shall fix just and reasonable rates for any public water **【supply】**  
5 system subject to its jurisdiction, as may be necessary for that  
6 system to comply with an order issued by the department or the  
7 terms and conditions of a permit issued pursuant to P.L.1981, c.262  
8 (C.58:1A-1 et al.) or P.L.1993, c.202 (C.58:1A-7.3 et al.).  
9 (cf: P.L.1993, c.202, s.8)

10

11       3. Section 14 of P.L.1981, c.262 (C.58:1A-14) is amended to  
12 read as follows:

13       14. a. **【When】** Whenever the department determines that the  
14 developed water supply available to a water purveyor is inadequate  
15 to service its users with an adequate supply of water under a variety  
16 of conditions, the department may order the water purveyor to  
17 develop or acquire, within a reasonable period of time, additional  
18 water supplies sufficient to provide that service.

19       b. The Division of Local Government Services in the  
20 Department of Community Affairs shall, when reviewing the annual  
21 budget of any municipality, county, or agency thereof which  
22 operates a public water **【supply】** system, certify that an amount  
23 sufficient to cover the cost of any order issued to the **【municipality,**  
24 **county or agency thereof】** water purveyor pursuant to subsection a.  
25 of this section is included in that annual budget.

26 (cf: P.L.1981, c.262, s.14)

27

28       4. Section 15 of P.L.1981, c.262 (C.58:1A-15) is amended to  
29 read as follows:

30       15. The department may:

31       a. Perform any and all acts and issue such orders as are  
32 necessary to carry out the purposes and requirements of P.L.1981,  
33 c.262 (C.58:1A-1 et al.) or P.L.1993, c.202 (C.58:1A-7.3 et al.);

34       b. Administer and enforce the provisions of P.L.1981, c.262  
35 (C.58:1A-1 et al.) or P.L.1993, c.202 (C.58:1A-7.3 et al.) and rules,  
36 regulations and orders adopted, issued or effective thereunder;

37       c. Present proper identification and then enter upon any land or  
38 water for the purpose of making any investigation, examination or  
39 survey contemplated by P.L.1981, c.262 (C.58:1A-1 et al.) or  
40 P.L.1993, c.202 (C.58:1A-7.3 et al.);

41       d. **【Subpena】** Subpoena and require the attendance of  
42 witnesses and the production by them of books and papers pertinent  
43 to the investigations and inquiries the department is authorized to  
44 make under P.L.1981, c.262 (C.58:1A-1 et al.) or P.L.1993, c.202  
45 (C.58:1A-7.3 et al.), and examine them and those public records as  
46 shall be required in relation thereto;

1 e. Order the interconnection of public water **【supply】** systems,  
2 whether in public or private ownership, whenever the department  
3 determines that the public interest requires that this interconnection  
4 be made, and require the furnishing of water by means of that  
5 public water system to another public water system, but no order  
6 shall be issued before comments have been solicited at a public  
7 hearing, notice of which has been published at least 30 days before  
8 the hearing, in one newspaper circulating generally in the area  
9 served by each involved public water **【supply】** system, called for  
10 the purpose of soliciting comments on the proposed action.

11 f. Order any person diverting water to improve or repair its  
12 water supply facilities so that water loss is eliminated so far as  
13 practicable, safe yield is maintained and the drinking water quality  
14 standards adopted pursuant to the "Safe Drinking Water Act,"  
15 P.L.1977, c.224 (C.58:12A-1 et al.) are met;

16 g. Enter into agreements, contracts, or cooperative  
17 arrangements under such terms and conditions as the department  
18 deems appropriate with other states, other State agencies, federal  
19 agencies, municipalities, counties, educational institutions,  
20 **【investor-owned water companies, municipal utilities authorities,】**  
21 water purveyors , or other organizations or persons;

22 h. Receive financial and technical assistance from the federal  
23 government and other public or private agencies;

24 i. Participate in related programs of the federal government,  
25 other states, interstate agencies, or other public or private agencies  
26 or organizations;

27 j. Establish adequate fiscal controls and accounting procedures  
28 to assure proper disbursement of and accounting for funds  
29 appropriated or otherwise provided for the purpose of carrying out  
30 the provisions of P.L.1981, c.262 (C.58:1A-1 et al.) or P.L.1993,  
31 c.202 (C.58:1A-7.3 et al.);

32 k. Delegate those responsibilities and duties to personnel of the  
33 department as deemed appropriate for the purpose of administering  
34 the requirements of P.L.1981, c.262 (C.58:1A-1 et al.) or P.L.1993,  
35 c.202 (C.58:1A-7.3 et al.);

36 l. Combine permits issued pursuant to P.L.1981, c.262  
37 (C.58:1A-1 et al.) or P.L.1993, c.202 (C.58:1A-7.3 et al.) with  
38 permits issued pursuant to any other act whatsoever whenever that  
39 action would improve the administration of those acts;

40 m. Evaluate and determine the adequacy of ground and surface  
41 water supplies and develop methods to protect aquifer recharge  
42 areas.

43 (cf: P.L.1993, c.202, s.9)

44

45 5. (New section) The department shall require every water  
46 purveyor that owns or operates a public community water system to  
47 submit quarterly and annual reports to the governing body of each  
48 municipality within its service area to ensure that these governing

1 bodies are provided with adequate and accurate reports regarding  
2 the adequacy and water quality of the developed water supply  
3 available for its users. The reports shall be prepared in a format  
4 prescribed by the department by rule or regulation.

5 a. Every water purveyor shall file quarterly reports with the  
6 municipalities it services regarding permitted water allocations.  
7 These reports shall include the following information:

8 (1) The term of the allocation permit; (2) The maximum  
9 allowable diversion, expressed in terms of a daily, monthly, or  
10 annual diversion;

11 (3) The permitted allocation and the specific water sources  
12 utilized therefor;

13 (4) Whether the water purveyor has exceeded the permitted  
14 allocation during any particular time period; and

15 (5) Whether the water purveyor is seeking an increase in its  
16 water allocation due to planned development projects, and updates  
17 of the status of any such projects or applications before the  
18 department.

19 The reports shall include an annual assessment by the water  
20 purveyor, based on service area planning, regarding the timeframe  
21 for the anticipated utilization of the entire water allotment in the  
22 allocation permit and the need for acquiring an additional water  
23 allotment by contract or application to the department therefor.

24 b. Whenever a water purveyor exceeds the permitted allocation  
25 during any particular time period as determined by the department  
26 by rule or regulation, the water purveyor shall publish a notice of  
27 this water usage in at least one newspaper circulating generally in  
28 the area served by the water purveyor, which shall also include an  
29 explanation of conservation methods necessary to ensure the  
30 continued viability of the public water system and anticipated  
31 alternatives for the permittee to acquire an additional water  
32 allotment by contract or application to the department therefor.

33 c. Every water purveyor shall file quarterly compliance  
34 sampling reports with the municipalities serviced by the water  
35 purveyor regarding water quality. The compliance sampling reports  
36 shall contain the sampling results for inorganic compounds, volatile  
37 organic compounds, synthetic organic compounds, and  
38 radionuclides analyses, which shall be prepared in a format  
39 prescribed by and on forms available from the department.

40 d. The department shall adopt, pursuant to the "Administrative  
41 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and  
42 regulations as the department deems appropriate to effectuate the  
43 purposes of this section. The rules and regulations shall specify the  
44 responsibilities of water purveyors, whether public or private, with  
45 respect to the reporting and notification requirements of this  
46 section.



1 service area, including an explanation of conservation methods  
2 necessary to ensure the continued viability of the public water  
3 system and anticipated alternatives for the water purveyor to  
4 acquire an additional water allotment by contract or application to  
5 the department therefor.

6 The bill also requires every water purveyor to file quarterly  
7 sampling reports with the municipalities they service regarding the  
8 water quality of the developed water supply available for its users.  
9 The compliance sampling reports are required to contain the  
10 sampling results for inorganic compounds, volatile organic  
11 compounds, synthetic organic compounds, and radionuclides, and  
12 be prepared in a format prescribed by and on forms available from  
13 the DEP.

14 The bill directs the DEP to adopt rules and regulations to  
15 implement the requirements imposed by the bill. These rules and  
16 regulations are to specify the responsibilities of water purveyors,  
17 whether public or private, with respect to the reporting and  
18 notification requirements of the bill.

19 In addition, the bill imposes penalties on water purveyors for  
20 violations of the provisions of the bill. A water purveyor who  
21 knowingly (1) makes any false or misleading statement on any  
22 report or notice required to be submitted under the bill, or (2) fails  
23 to submit any report or publish a notice required under the bill,  
24 would, upon conviction, be guilty of a crime of the fourth degree  
25 and would be subject to a fine of not more than \$50,000 for the first  
26 offense and not more than \$100,000 for the second and each  
27 subsequent offense.

28 Lastly, the bill updates the definition section of the law and  
29 makes other technical amendments to the "Water Supply  
30 Management Act."