



Comments on the proposed amendments to the New Jersey Safe Drinking Water Act (SDWA) Rules at N.J.A.C. 7:10 and the Water Supply Allocation Permit rules at N.J.A.C. 7:19

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Overview

New Jersey Future is pleased to submit comments on the proposed amendments to the New Jersey Safe Drinking Water Act (SDWA) Rules at N.J.A.C. 7:10 and the Water Supply Allocation Permit rules at N.J.A.C. 7:19 to implement requirements regarding the operation and management of a public community water system in accordance with the Water Quality Accountability Act (WQAA), N.J.S.A. 58:31-1 et seq.

New Jersey Future (NJF) advocates for healthy, strong, and resilient communities for all state residents. As a smart growth organization, we champion policies that promote efficient and robust water systems across New Jersey and back initiatives that ensure access to safe, clean drinking water. As part of this commitment, NJF supported the Water Quality Accountability Act when it was initially proposed and then amended. We commend the New Jersey Department of Environmental Protection (NJDEP or the Department) for its efforts to enhance the WQAA, recognizing the importance of its mission.

Recommendations

We support the proposed rule changes and amendments, incorporating essential administrative, technical, managerial, and financial practices critical to maintaining an optimal drinking water system. We submit the following comments and recommendations in the hope that they will strengthen the proposed revisions.

Technical, Managerial, and Financial Competence of Water Systems

The proposed rulemaking will add financial capacity to the required managerial and technical capacities. NJF strongly recommends that the Department provide guidance and technical assistance to help drinking water systems build their financial capacity, especially small—or medium-sized water systems serving disadvantaged communities.

Civil Administrative Penalties

The rulemaking proposes that a drinking water system's asset management plan be included among the specific violations (major, moderate, and minor) outlined in civil administrative penalties (N.J.A.C. 7:10-3.6). NJF supports these changes. As noted below, it would be helpful to understand how lead service line (LSL) replacement fits into this penalty framework. NJF recommends that the Department clarify this in the final rule or through guidance.

Asset Management Plans and Programs

The rulemaking proposes requirements for developing and implementing an asset management plan "to ensure there is sufficient investment in the system." In the section on performing criticality assessments, the rule proposal outlines "a variety of hazards, including but not limited to climate change, fire, tidal surge, severe weather, flooding, vandalism or other malevolent acts, and corrosion." However, it is unclear how LSL replacements or system upgrades to address PFAS contamination are intended to fit in with this framework.

The rulemaking also proposes that a long-term funding strategy be developed as part of the asset management plan, including an evaluation of "all likely funding strategies and sources, such as loans or grants, estimates for annual expenditures necessary to implement an asset management program, and an analysis that the strategy is supported by the system's customer rate and fee structure." The Department of Community Affairs (NJDCA) also plays a role in establishing sufficient rates.

NJF supports the proposed asset management plan rules and framework and recommends that the Department:

- clarify that asset management plans should include LSL replacement and the ongoing maintenance of systems designed to address PFAS as part of their criticality assessments and
- coordinate with NJDCA to ensure that drinking water systems can easily meet the requirements of both agencies.

Asset Management Program Reporting and Additional Certifications

The proposed new rule for Asset Management Reporting and Additional Certifications will require that the appropriate individual sign the annual certification statement. The appropriate individual will be the mayor or chief executive officer for municipally owned systems. The new rules will require the responsible individual to sign the annual compliance statement to complete a yearly training. We are supportive of these new rules and have the following recommendations:

- All appointed or elected individuals responsible for government-owned water systems should be required to complete annual training.
- Newly appointed or elected officials of government-owned water systems should self-certify or sign off on completed training within a year of taking office.

- Appointed or elected officials of government-owned water systems should be required to visit the relevant facilities, speak with operators, and understand the water system needs as part of their training.

These requirements would particularly help public officials responsible for municipally owned water systems better understand their responsibilities and make the appropriate managerial and financial decisions for the ongoing operation of their drinking water systems.

General Recommendations

While NJF supports these rules, we are concerned that some drinking water systems will need guidance and technical assistance to meet these requirements. The Department will also need to enforce these requirements to ensure that drinking water systems implement them. NJDEP must increase staffing capacity to address both technical assistance and enforcement needs.

Conclusion

We support the proposed amendments, incorporating financial capacity, asset management planning, penalties, and additional certifications. We recommend clarifying how the rules will impact lead service line replacement and seeking additional Department capacity for guidance, technical assistance, and enforcement of these amendments. Thank you for considering our recommendations and comments.