EMERGENT CONDITION ANALYSIS

PREPARED FOR

Borough of Matawan
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Background

In 2015, P.L. 2015, Chapter 18, cited as the Water Infrastructure Protection Act (WIPA) was enacted. The WIPA established legislation which declared that the maintenance and operation of water and wastewater treatment and conveyance systems is vital to ensure the protection of water quality and clean drinking water in the State of New Jersey.

In addition, the legislature declared that there are public water and wastewater systems in the State which present risks to the integrity of drinking water and the environment because of issues such as aging infrastructure systems and deterioration of the physical assets of the system.

As such, the law identified and defined conditions in a public utility system which may be classified as an "emergent condition". An emergent condition for a utility system shall exists if the system meets one (1) of the following conditions as defined by the law:

1. **Emergent Condition #1:** The system is located in an area designated by the Department of Environmental Protection as an Area of Critical Water Supply I or II;
2. **Emergent Condition #2:** The owner of the system is a significant non-complier, as defined in P.L. 1977, c.7 and has been the subject of formal enforcement action initiated by the department or is substantially out of compliance with an Administrative Consent Order, settlement agreement, or judicial consent order entered into with the department. The department is defined as the New Jersey Department of Environmental Protection (NJDEP);
3. **Emergent Condition #3:** There is a present deficiency or violation of maximum contaminant levels established pursuant to the "Safe Drinking Water Act" concerning the availability of potable water or concerning the provisions of water at adequate volume or pressure or distribution or treatment of wastewater;
4. **Emergent Condition #4:** There is a demonstrated lack of historical investment, repair or sustainable maintenance as determined by the department or material damage to the infrastructure of the system; or
5. **Emergent Condition #5:** The system owner lacks the financial, technical or managerial capacity to adequately address any of the foregoing on a sustainable basis or own and operate the system in a way that supports economic activity in the municipality on a sustainable basis.

Overview:

In 2022, the Borough of Matawan authorized Remington & Vernick Engineers (RVE) to perform an evaluation of the existing water and sewer systems for the purpose of determining if the systems potentially meet the criteria of Emergent Conditions discussed above.

The Borough has provided available copies of current records as well as allowed RVE to tour their facilities and interview utility personnel. RVE has reviewed this information in conjunction with the subsequently developed asset evaluation & capital improvements plan, rate study, and valuation reports, as well as with the New Jersey Water Supply Plan, Water Infrastructure Protection Act, Water Pollution Control Act, Safe Drinking Water Act Rules, Rules and Regulations Governing the Licensing of Water Supply and Wastewater Treatment System Operators, Water Supply Allocation Permits Rules, and the NJDEP NJPDES Rules.

Upon review of the Borough's water and sewer utilities and the above discussed documents, it is our opinion that the Borough of Matawan meets the requirements of Emergent Conditions #1, #4, & #5 as defined in the Water Infrastructure Protection Act (WIPA).

System Description:

The Borough of Matawan (Borough) has a population of 9,566 persons (as per 2020 US Census; www.census.gov) and occupies some 2.4 square miles. The Borough owns and operates the existing potable water supply, water treatment plant, water distribution system, a series of sanitary sewer lift stations and a sanitary sewer conveyance system. These systems include the following:

Water:

- One (1) Active Water Treatment Plant (WTP),
- One (1) 1.0 Million Gallon Standpipe,
- One (1) 1.0 Million Gallon Standpipe,
- Well No. 3 rated for 800 GPD capacity,
- Well No. 4 rated for 800 GPD capacity
- One (1) interconnection with New Jersey American Water
- Two (2) Emergency Interconnections with Township of Aberdeen,
- Estimated 36.6 miles of water main, ranging in size from 1" to 16" diameter,
- Approximately 2,886 water service connections,
- 933 Valves, ranging in size from 4" to 16" diameter,
- 348 Fire Hydrants

Sewer:

- Ten (10) Sanitary Sewer Lift Stations: Somerset Place, Victoria Court, Center Avenue, New Brunswick Avenue, Buttonwood Road, Lakeside, Christine Court, Cross Road, Matawan Avenue, and Oak Knoll Drive,
- Estimated 35.6 miles of sanitary sewer main, ranging in size from 2" to 36" diameter,
- 801 Sanitary Manholes,
- Estimated 2,886 service laterals.

Emergent Conditions Analysis:

Emergent Condition #1

Emergent Condition #1 provides for systems geographically located within either of the two Areas of Critical Water Supply Concern (ACWSC) established by the DEP. Critical Area I include portions of Middlesex, Monmouth, and Ocean counties. Critical Area II includes portions of Camden, Gloucester, Salem, Cumberland, Atlantic, Burlington, Monmouth and Ocean counties.

Condition #1 Analysis: This condition is met if the system, or a portion thereof, contains any assets within the geographic delineation of the ACWSC. Allowable assets include water source locations (intakes, wells), treatment facilities, water storage, and/or distribution infrastructure. As the Borough of Matawan, in its entirety, is located within Critical Area #1, the system meets the requirements of Emergent Condition #1.

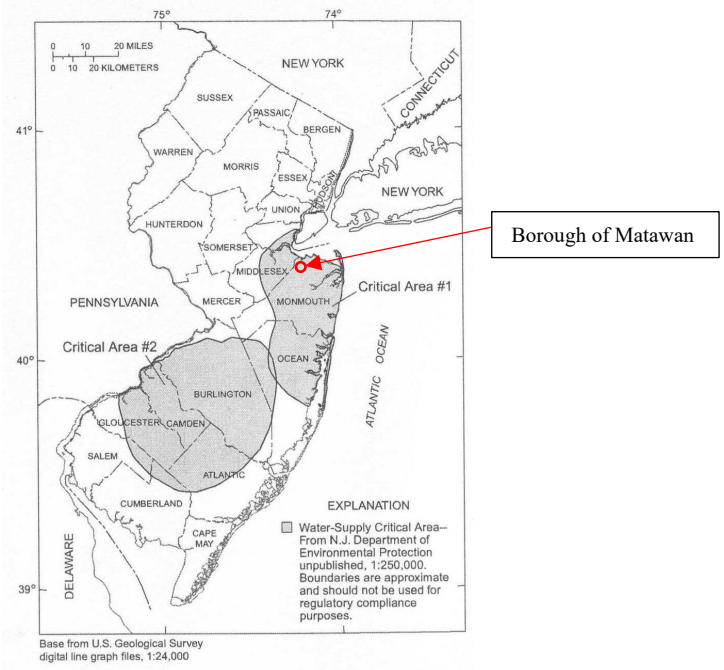

Figure 1: Locations of New Jersey Water-Supply Critical Areas

Emergent Condition #2

Emergent Condition #2 allows for a system whose owner is either (1) a significant noncomplier of their NJDPES permit; and/or (2) has an outstanding formal administrative enforcement action initiated by DEP; and/or (3) is substantially out of compliance with a negotiated enforcement action.

The Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq, defines "Significant noncomplier" as follows:

> "Significant noncomplier" means any person who commits a serious violation for the same hazardous pollutant or the same nonhazardous pollutant, at the same discharge point source, in any two months of any six-month period, or who exceeds the monthly average or, in a case of pollution for which no monthly average has been established, the monthly average of the daily maximums for an effluent limitation for the same pollutant at the same discharge point source by any amount in any four months of any six-month period, or who fails to submit a complete discharge monitoring report in any two months of any six-month period. A local agency shall not be deemed a "significant noncomplier" due to an exceedance of an effluent limitation established in a permit for flow.

Condition #2 Analysis: The Borough has reported that they have not been classified as a significant noncomplier by the DEP; that there are no outstanding formal administrative enforcement actions; and that there are no outstanding negotiated enforcement actions. As such, the system does not meet the requirements of Emergent Condition #2.

Emergent Condition #3

Emergent Condition #3 addresses systems which have outstanding deficiencies or violations for collection, conveyance or treatment of wastewater related to their ability to function in conformance with applicable wastewater standards/regulations including but not limited to the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., treatment works approvals, NJPDES permits, etc.

Condition #3 Analysis: The Borough has reported that there are no outstanding deficiencies which would affect their compliance with governing regulations or their permits. Similarly, the Borough has reported that they are not currently in receipt of any violations issued by the DEP. As such, the system does not meet the requirements of Emergent Conditions #3.

Emergent Condition #4

Emergent Condition #4 provides for systems which have either (1) a demonstrated lack of historical investment, repair or sustainable maintenance; and/or (2) material damage to the infrastructure of the system.

As per the NJDEP's *Guidance Document – Municipal Certification of Emergent Conditions*, it is understood that the DEP considers these criteria to mean the following:

1) "Lack of historical investment, repair or sustainable maintenance": failure to operate and maintain the system in conformity with the following:
    a. N.J.A.C. 7:10 - Safe Drinking Water Act Rules, Sections:
        i. Section 2.7 - Managerial and Technical Compliance of Water Systems;
        ii. Section 13 - Standards for Technical, Managerial and Financial Capacity of Public Community and Noncommunity Water Systems; and
        iii. Section 11.5(c)6 - Permit requirement: application contents, map of system.
    b. N.J.A.C. 7:10A - Rules and Regulations Governing the Licensing of Water Supply and Wastewater Treatment System Operators:
        i. Section 1.12,
    c. N.J.A.C. 7:19 - Water Supply Allocation Permit Rules:
        i. Section 6.6 – Rehabilitation.
    d. N.J.A.C. 7:14A - NJPDES Rules:
        i. Section 6.12 – Operation, Maintenance and Emergency Conditions,
        ii. Section 22.5 – Treatment Works Approval, and
        iii. Section 23.5(b)6 - Reports.

    Refer to Appendix A for the full text of the above referenced sections.

2) "Material damage to the assets of the system": includes physical damage or avoidable deterioration of assets such as wells, intakes, treatment units, transmission lines, storage units, and any other appurtenant components of the system or personnel assets that prevent a system from complying with all drinking water or wastewater standards/requirements.

    Condition #4 Analysis:

    Like many municipalities of similar size, the Borough has had to do much with limited resources. The Borough currently budgets a combined $1,000,000 bi-annually for capital improvements, maintenance, and repairs to the water utility and wastewater collection systems. This budget allows the Public Works Department to inspect and improve critical elements of each the systems however portions of the aboveground and belowground assets require significant rehabilitation or replacement.

    The sections below discuss two key areas requiring attention, pump stations and underground infrastructure. These assets display avoidable deterioration as a result of a lack of historical investment. Full replacement or significant rehabilitation of each is necessary to provide ongoing, sustainable service.

The proposed 10-year capital improvements plan currently under review by the Borough provides for the minimum anticipated maintenance, upgrades and long-term planning work necessary to maintain the systems. The anticipated costs associated with these rehabilitations and/or replacements far exceed the resources currently available and are estimated to be $3,600,000 per year for the duration of the plan.

Pump Stations:

The Borough operates ten (10) sanitary sewer lift stations. Of these, five (5) have been renovated or replaced within the past 20-years. These stations, Summerset Place, Center Avenue, Buttonwood Road, Oak Knoll Drive, & Christine Court are in serviceable overall condition and require only routine maintenance to ensure ongoing operation.

The remaining five (5) stations, New Brunswick Avenue, Cross Road, Matawan Avenue, Lakeside Drive, & Victoria Court, average 43 years of age and have undergone minimal repair or replacements. Each of these stations are in poor to fair condition. Equipment generally dates to the original construction of each facility; have now exceeded their useful life. Significant rehabilitation or complete replacement is necessary to ensure successful ongoing operation. The projected rehabilitation/replacement costs for these five (5) pump stations is $5.5 million.

The condition of the five (5) above listed pump stations represents an avoidable deterioration of assets and shows lack of historical investment. This qualifies the system under Emergent Condition #4.

Underground Infrastructure:

Much of the Borough's belowground infrastructure, inclusive of both water distribution and sanitary collection systems, date to the original installation in the early 1900s. Accounting for the various useful life expectancies of the specific pipe materials found within the Borough and using an average installation date of 1960, large portions of the systems are at or approaching the end of their anticipated useful lives.

Table 1: Remaining Useful Life of Water Main by Size (linear feet)

Remaining Useful Life (Years)	Pipe Size (inches)						Totals (LF)	% of Total System
	4	6	8	10	12	16		
100-91		486	3340	1175	419	60	5480	2.83
90-81		486	3341	1175	419	60	5481	2.93
80-71		487	3340	1175	419	60	5481	2.93
70-61		486	3341	1175	419	60	5481	2.83
60-51		2107	14476	5091	1814	259	23747	12.27
50-41		2766	18929	6658	2372	339	31064	16.06
40-31		4701	32292	11357	4046	579	52975	27.38
30-21		1459	10021	3524	1256	180	16440	8.50
20-11	1533	10534	2547	4207	306		19127	9.89
10-0		6079	2254	2757	451		11541	5.97
Exceeded	1533	9232	2064	3616	209		16654	8.61
Totals (LF)	3066	38823	95945	41910	12130	1597	193471	

Table 2: Remaining Useful Life of Sanitary Sewer Main by Size (linear feet)

Remaining Useful Life (Years)	Pipe Size (inches)								Totals (LF)	% of Total System
	2	4	6	8	10	12	18	36		
100-91				395					395	0.21
90-81				395					395	0.21
80-71				395					395	0.21
70-61				2827	424	196			3447	1.83
60-51	1586	2799		13313	2241	882			20821	11.07
50-41				17507	2499	1156			21162	11.25
40-31				31668	4278	1979	592		38517	20.48
30-21				9118	1313	607			11038	5.89
20-11		2527	2667	22134	2981	1725		1455	33489	17.81
10-0		2293		25230	3332	1888	234		32977	17.54
Exceeded		2036	2667	16958	2267	1486			25414	13.51
Totals (LF)	1586	9655	5334	139940	19335	9919	826	1455	188050	

An estimated 14.58%, or 5.34 miles, of water mains of varying sizes are either currently beyond their useful life or will be at the end of their useful life within the next 10 years. An estimated 31.05%, or 11.06 miles, of sanitary sewer mains are similarly beyond their useful life or will be at the end of their useful life within the next 10 years.

Assuming an average replacement cost inclusive of trenching and restoration of $250 per linear foot, 5.34 miles of water main and 11.06 miles of sewer main are estimated to cost $7,048,750 and $14,597,750 respectively. With the biannual budget of $1,000,000 the above repairs are significantly larger than the current budget.

In accordance with NJDEP regulations, a water system with an average daily demand of 1 million gallons per day or greater is required to install a minimum 8”

diameter pipe for new water main construction or for water main replacement projects; the exception being short dead-end sections of water main. While the Borough does not average above 1 MGD of use over the course of the year, this limit is exceeded during the warmer months. In order to ensure adequate system flow is available not only to supply customer demands but also for sufficient firefighting capabilities, it is recommended that the initial priority for replacements be focused on all pipelines below 8" diameter.

Full replacement of all pipelines below the required 8" minimum diameter requires the replacement of 3,066 LF of 4" and 38,823 LF of 6" diameter water main. At an estimated replacement cost of $250 per linear foot, inclusive of trenching and restoration, the estimated total replacement cost is [(3066LF + 38823LF) x $250=] $10,472,250.

Table 3: Breakdown of Water System Distribution Piping By Pipe Size

Pipe Size (inches)	Total Length (LF)	% of Total System	Length w/ <10 Useful Life Remaining (LF)
16	1597	0.83	0
12	12130	6.27	660
10	41910	21.66	6373
8	95945	49.59	4318
6	38823	20.07	15311
4	3066	1.58	1533

Examining only the portion of the pipelines under the 8" minimum diameter which have 10-years or less useful life remaining yields 1533 LF of 4" and 15311 LF of 6" diameter water main. At the same estimated replacement cost used above, the estimated total replacement cost is [(1533LF + 15311LF) x $250=] $3,829,283.

The condition of the underground water and sewer systems represents an avoidable deterioration of assets and shows lack of historical investment. This qualifies the system under Emergent Condition #4.

Emergent Condition #5

Emergent Condition #5 addresses the inability of the owner of a water or wastewater system to provide suitable technical, managerial or financial capacity to adequately address any of the four preceding Emergent Conditions or own and operate the system in a way that supports economic activity in the municipality on a substantial basis.

As per the NJDEP's *Guidance Document – Municipal Certification of Emergent Conditions*, it is understood that the DEP considers the following criteria to mean:

1) "System Capacity" is the ability to plan for, achieve and maintain compliance with applicable drinking or wastewater standards, permits and/or regulatory

requirements and has three components: technical, managerial, and financial. Adequate capacity in all three areas is necessary for a water or wastewater system to have "system capacity"

2) "Technical capacity" is the physical and operational ability of a water or wastewater system. Technical capacity refers to the physical infrastructure of the water or wastewater system, including the adequacy of treatment, and appurtenant infrastructure and the adequacy of the source water (for drinking water systems). It also refers to the ability of system personnel to adequately operate and maintain the system and to otherwise implement requisite technical knowledge.
3) "Managerial Capacity" is the ability of a water or wastewater system to conduct its affairs. Managerial capacity refers to the system's institutional and administrative capacities. Managerial capacity includes ownership accountability, appropriate staffing and organization, and effective external linkages.
4) "Financial Capacity" is a water or wastewater system's ability to acquire and manage sufficient financial resources. Financial capacity includes revenue sufficiency, credit worthiness, and financial management and controls.

Condition #5 Analysis:

1) Technical Capacity: The Borough has been successfully operating the water and sewer utilities without violations or disciplinary actions from the DEP. The Borough contracts design work as necessary to qualified consultants and conducts maintenance or replacement work with the guidance of the equipment manufacturer. The history of compliance and use of qualified consultants indicates sufficient technical capacity is in place to satisfactorily operate the system.

   The Borough sources water from New Jersey American Water Company during non-peak months to supplement their allocation. This allows them to supply water as needed during the summer months without exceeding their permitted allocation. The system further lacks suitable firm capacity to accommodate future development within the Borough. Without future development, the Borough is limited in the amount of customers and revenue that can be generated with the utility. While this situation does not lead to a current Technical Capacity deficiency, it could lead to either a technical and/or Financial Capacity deficiency in the future.

2) Managerial Capacity: The Borough employs professionals including attorneys, engineers, administrators, clerks, and other personnel to effectively manage the operations of the Utility.

   The Borough has fourteen (14) full-time employees within the Public Works Department. Borough personnel responsibilities include operation and maintenance of the pump stations, wells and storage facilities, as well as service calls, meter readings, hydrant flushing and maintenance, valve exercising, and some water main and service line

repairs. The Borough contracts with an outside contractor every 2-years to respond to emergency repairs.

3) Financial Capacity: Due to the age of the existing water and sewer facilities, a long-term capital utility improvements plan is needed to ensure ongoing operation of the public water supply and sanitary sewer systems. A 10-Year Capital Improvement Plan (CIP) has been developed, focusing on necessary routine maintenance, upgrades and long-term planning of the water and sewer infrastructure. This plan estimates the annual cost of the capital improvements over the term of the plan will cost $3,600,313 per year.

   The Borough currently budgets $1,000,000 biannually for capital improvements (for both water and sewer systems), maintenance, and repairs which is shared between the water and sanitary facilities. The utility currently carries approximately $1.2 million of debt service for previous improvements completed to the utility system. The current rate structure was adopted by ordinance by Borough Council in 2014 with no rate increases adopted since.

   The Borough has a relatively large amount of infrastructure as compared to its customer base. The 10-Year CIP which represents the minimum work necessary to maintain the systems. Given the volume of work, current budgets and existing dept service, the Borough is currently unable to fund necessary capital improvement projects under the current rate structure. As a result, increases to the rate structure are unavoidable. The Borough is currently reviewing options for a combination of increased rates and additional debt service to fund necessary improvements.

   The above discussed funding capability represents a lack of financial capacity.

4) System Capacity: As defined above, system capacity is the combination of the Borough's technical, managerial, and financial capacity. As illustrated herein, the Borough is currently deficient in financial capacity to implement the 10-year capital improvement plan focusing on the minimum work required to maintain the utility. As such, the Borough lacks system capacity, qualifying the system under Emergent Condition #5.

Appendix A – Referenced Sections:

- N.J.A.C. 7:10 – Safe Drinking Water Act Rules
- N.J.A.C. 7:10A – Rules and Regulations Governing the Licensing of Water Supply and Wastewater Treatment System Operators
- N.J.A.C. 7:14A – NJPDES Rules
- N.J.A.C. 7:19 – Water Supply Allocation Permits Rules

Referenced sections of NJAC 7:10 - Safe Drinking Water Act Rules

2.7 Managerial and Technical Compliance of Water Systems

(a) An existing water system which has undergone a change in status or ownership and/or is found by the Department to be in significant noncompliance with the State primary drinking water regulations shall, upon request, provide to the Department a demonstration of managerial capacity as provided in N.J.A.C. 7:10-13.4 and 13.6 and technical capacity as provided in N.J.A.C. 7:10-13.3 and 13.5.

1. Determinations made pursuant to this section with respect to a water system subject to the jurisdiction of the Division of Local Government Services within the Department of Community Affairs shall be made in consultation with the Director of that Division. Nothing in these rules shall infringe upon the regulatory jurisdiction of the Division of Local Government Services under N.J.S.A. 40A:1-1 et seq.

2. Determinations made pursuant to this section with respect to a public water system, which is a public utility subject to the jurisdiction of the Board of Public Utilities pursuant to N.J.S.A. 48:1- 1 et seq., shall be made in consultation with the Board of Public Utilities. Nothing in these rules shall infringe upon the regulatory jurisdiction of the Board of Public Utilities under N.J.S.A. 48:1- 1 et seq.

13 Standards for Technical, Managerial and Financial Capacity of Public Community and Noncommunity Water Systems

7:10-13.1 Purpose and scope This subchapter establishes minimum technical, managerial, and financial capacity requirements for new public community and nontransient noncommunity water systems. These requirements are necessary to prevent approval for operation of a water system which the Department has determined to be non-viable. A non-viable water system is prone to failure or otherwise unable to comply with all maximum contaminant level, treatment technique, and monitoring and reporting requirements established in the Federal and State primary and secondary drinking water regulations.

7:10-13.2 Additional definition In addition to the words and terms defined at N.J.A.C. 7:10-1.3, the following term is defined for the purposes of this subchapter.

"Capacity" means the overall capability of a water system to reliably produce and deliver water meeting all national primary drinking water regulations and applicable State regulations. Capacity encompasses the technical, managerial, and financial (TMF) capabilities that enable the water system to plan for, achieve, and maintain compliance with applicable drinking water standards.

7:10-13.3 Demonstration of technical capacity for community water systems

(a) An applicant for a permit to construct and operate a new public community water system pursuant to N.J.A.C. 7:10-11.5(a) shall, in addition to requirements set forth in N.J.A.C. 7:10-11.5(d), provide a detailed description of source of supply, treatment,

storage, and distribution of the new water system's infrastructure, which shall include the following:

1. Identification and evaluation of all critical facilities and equipment whose failure would result in a water outage or water quality failure;

2. Evidence, including a description, of any deeds, leases or easements for land, water supply sources, or physical facilities used in the operation of the system; and

3. Evaluation of the feasibility of connecting to any adjacent water systems and justification why these connections should not be required.

(b) An applicant for a permit to construct and operate a new public community water system pursuant to N.J.A.C. 7:10-11.5(a) shall submit an Infrastructure Replacement Plan that includes:

1. A description of and estimate of life expectancy of all sources of water supply, treatment, and transmission/distribution facilities including pipes, pumping stations, storage facilities, and meters; and

2. An equipment replacement plan including expected replacement date, costs, and sources of funding.

(c) An applicant for a permit to construct and operate a new public community water system pursuant to N.J.A.C. 7:10-11.5(a) shall submit proof of compliance with State operator certification rules, N.J.A.C. 7:10A. 7:10-13.4 Demonstration of managerial and financial capacity for community water systems (a) No person shall commence operation of a new public community water system prior to obtaining a permit to operate issued by the Department pursuant to N.J.A.C. 7:10-11.5(j). (b) A written application for a permit to operate shall be submitted in accordance with this section and shall include a description of the as-built water system, and financial and managerial plans pursuant to (c) and (d) below.

(c) The managerial plan shall contain the following:

1. Information concerning the organizational structure of the system including:

i. A description of the organizational structure with a chart showing all aspects of water system management and operation;

ii. A description of the primary responsibilities and identification of all key personnel, including board of directors or councils, involved in the management or operation of the system or personnel;

iii. Identification, including the names and phone numbers, of those responsible for policy decisions ensuring compliance with State regulatory requirements, and the day-to-day operation of the system;

iv. If the person in charge of operation has other responsibilities unrelated to the water system, an explanation as to how the operator will reliably execute his or her responsibilities;

v. Copies of any contracts for management or operation of the water system by persons or agencies other than the system owner; and

vi. A description of how legal, engineering, and other professional services are provided;

2. A description of the qualifications of the owners and managers of the water system, including any training and experience relating to owning or managing a water system. Also, system owners shall include a list of public water systems previously or currently owned as well as any systems previously or currently operated under contract for another owner;

3. A description of a procedure for keeping management personnel informed concerning regulatory requirements for managing and operating a public water system;

4. An emergency management plan that includes:

i. Identification of known and potential natural and human-caused risks to the water system;

ii. Identification of personnel responsible for emergency management;

iii. A description of the notification procedures and means for implementation; and

iv. A description of the emergency response plan for each identified risk;

5. A description of system policies that define the conditions under which water service is provided. The system policies shall include a description of:

i. Water system responsibilities;

ii. Customer responsibilities;

iii. Design and construction standards for system modifications and additions;

iv. Cross-connection control;

v. Developer agreement and "late-comer" (future developers) policies;

vi. Customer information or public education;

vii. The process for investigating and responding to customer complaints;

viii. Budget development and rate structure that includes meter reading and billing schedule; and

ix. Response and notification if water quality violations occur.

(d) A financial plan shall include the following:

1. A five-year budget that includes revenues, operating expenses, reserves, and capital improvements including:

i. A revenue/expenditure analysis that compares all anticipated water system revenues with planned expenditures for the next five years;

ii. Identification of reserve accounts for emergency funding and equipment replacement; and

iii. A capital improvement plan for the next five years including identification of the project, estimated costs, and amount allocated for repayment of debt financing to meet new drinking water standards and accommodate growth;

2. A description of the budget and expenditure control procedures and reports that assure adequate budget control including:

i. Quarterly reports comparing actual expenditures to budgeted expenses; and

ii. Purchasing procedures or policy to prevent misuse of funds; and

3. For new community water systems built in phases, a statement of credit worthiness which shall include the following:

i. A certification that the system is not in arrears on existing debt; and

ii. A current credit report.

7:10-13.5 Demonstration of technical capacity for public nontransient noncommunity water systems

(a) An applicant for a certification to construct and operate a new public nontransient noncommunity water system pursuant to N.J.A.C. 7:10-12.4(a) shall, in addition to requirements set forth at N.J.A.C. 7:10- 12.39 and 12.41, submit to the administrative authority an engineer's report prepared by a New Jersey licensed professional engineer that contains:

1. A system description that includes:

i. An identification of the municipality, area, or facility to be served by the proposed system;

ii. A description of the nature of the establishments and of the area to be served by the proposed system;

iii. Provisions for future extension of the water system;

iv. Identification of all interconnections with other systems;

v. A description of the design basis, including average, daily, annual, maximum daily, peak hour demands, and useful life of all sources, treatment, and transmission facilities including pipes, pumping stations, and storage facilities;

vi. A description of proposed treatment processes including criteria and basis of design of units, methods or procedures used in arriving at recommendations and reasons or justifications for any deviations from conventional or indicated process or method;

vii. Identification of all backflow prevention devices;

viii. A description of source meters; and

ix. Population projections and trends for 25 years into the future;

2. A description of the source adequacy including:

i. An analysis of the ability of the proposed and existing sources to reliably meet design demands, and a comparison of the available water with average and maximum daily demands, considering existing and future (25 years) conditions;

ii. A determination of the safe yield of the sources of supply.

(1) For ground water sources, the maximum potential yield for each well shall be reported along with the following:

(A) Identification of the aquifer in which the wells are located;

(B) Well efficiency information, including the ratio of most recent specific capacity to maximum specific capacity;

(C) Planned pumping rates of the wells, including the maximum well capacity of each well based on limitations such as the relationship to other wells, interference from other wells, contamination, and excessive drawdown; and

(D) Operational considerations that may limit the pumping rate;

iii. A characterization of the sources of supply including appropriate hydrological data to demonstrate reliability and water quality with a comparison to established or proposed drinking water standards; and

iv. Source water delineation and assessment in compliance with New Jersey source water protection requirements, if applicable;

3. Evidence of compliance with the State operator certification rules at N.J.A.C. 7:10A, as applicable, including the name of the operator(s) and licenses held;

4. Description of compliance with the State cross-connection control program (at N.J.A.C. 7:10- 10.9), as applicable; and

5. An operations plan that includes the following:

i. The name of and license possessed by, the system operator(s);

ii. The responsibilities, qualifications and training of operating personnel;

iii. A description of the routine operation/maintenance procedures;

iv. Water quality violation response procedures;

v. Water quality monitoring plan to comply with regulatory requirements for supply;

vi. Sources, treatment and distribution system;

vii. Maintenance and testing of backflow prevention devices;

viii. Source meter maintenance;

ix. Operation of treatment works and pumping plants; and

x. Storage tank inspection and cleaning.

7:10-13.6 Demonstration of managerial and financial capacity for nontransient noncommunity water systems

(a) No person shall commence operation of a new public nontransient noncommunity water system prior to obtaining certification from the administrative authority pursuant to this section.

(b) The supplier of water shall submit to the administrative authority the following information prior to the certification and approval of the water system for operation:

1. A description of the as-built water system that includes the information required under N.J.A.C. 7:10-12.40(b)1 through 8;

2. A managerial plan containing the following:

i. A description of the organizational structure with a chart showing all aspects of water system management and operation;

ii. A description of the primary responsibilities and identification of all key personnel, including board of directors or councils, involved in the management or operation of the system or personnel;

iii. Identification, including the names and phone numbers, of those responsible for policy decisions ensuring compliance with State regulatory requirements, and the day-to-day operation of the system;

iv. If the person in charge of operation has other responsibilities unrelated to the water system, an explanation as to how the operator will reliably execute his or her managerial responsibilities;

v. Copies of any contracts for management or operation of the water system by persons or agencies other than the system owner;

vi. A description of how legal, engineering, and other professional services are provided.

vii. The identity of the system's legal owner, including name and address;

viii. Copies of all documents which form the legal basis of the system and prescribe the conditions under which the system may operate;

ix. Copies of any deeds, leases or easements for land, water supply sources, or physical facilities used in the operation of the system;

x. A description of the qualifications of the owners and managers of the water system, including any training and experience in owning or managing a water system. Also, system owners shall include a list of public water systems previously or currently owned as well as any systems previously or currently operated under contract for another owner;

xi. A description of a plan for keeping management personnel informed concerning regulatory requirements for managing and operating a public water system; and

xii. The names and telephone numbers of responsible persons to contact in the event of an emergency; and

3. A financial plan including the following:

i. A five-year budget that includes revenues, operating expenses, reserves, and capital improvements including:

(1) A revenue/expenditure analysis that compares all anticipated water system revenues with planned expenditures for a five-year period;

(2) Identification of reserve accounts for emergency funding and equipment replacement; and

(3) A capital improvement plan for the next five years including identification of the project, estimated costs, and amount allocated for repayment of debt financing to meet new drinking water standards and accommodate growth.

7:10-13.7 Public water systems under the jurisdiction of the Department of Community Affairs or under the jurisdiction of the Board of Public Utilities

(a) Determinations of technical, managerial, and financial capacity with respect to a water system subject to the jurisdiction of the Division of Local Government Services within the Department of Community Affairs shall be made in consultation with the Director of that Division. Nothing in these rules shall infringe upon the regulatory jurisdiction of the Division of Local Government Services under N.J.S.A. 40A:1-1 et seq.

(b) Determinations of technical, managerial, and financial capacity with respect to a water system, which is a public utility subject to the jurisdiction of the Board of Public Utilities pursuant to N.J.S.A. 48:1- 1 et seq. shall be made in consultation with the Board of Public Utilities. Nothing in these rules shall infringe upon the regulatory jurisdiction of the Board of Public Utilities under N.J.S.A. 48:1-1 et seq.

11.5(c)6 Permit Requirements: application contents, map of system

6. A map identifying the existing and proposed water system including sources, treatment, distribution and storage facilities, and the water service area. For the purposes of this section, "water service area" means the geographical area within which a water system operates for the provision of water. The mapped water service area shall clearly delineate the boundary of the geographical area currently served by the existing water system, in addition to the area anticipated to be served upon completion of the proposed water system. Mapping shall be in the form of digital Geographic Information Systems (GIS) data, at a scale of 1:12,000. Digital mapping shall conform to the "New Jersey Department of Environmental Protection Mapping the Present to Protect New Jersey's Future: Mapping and Digital Data Standards," in N.J.A.C. 7:1D, Appendix A. Guidance related to the mapping and digital data standards is available at the Department's website at http://www. state.nj.us/dep/gis. The Department will provide its GIS theme coverages, associated metadata and digital data transfer standards, as established at N.J.A.C. 7:1D, Appendix A, at the request of the applicant;

Referenced Sections of NJAC 7:10A, Rules and Regulations Governing the Licensing of Water Supply and Wastewater Treatment System Operators

1.12 Duties, Records and Reports

(a) At a minimum, all licensed operators shall perform the following duties and maintain the following information for each system operated:

1. Each licensed operator shall have readily available written detailed operations and maintenance (O&M) procedures. The O&M procedures shall be designed to maximize preventive maintenance and operating techniques that will ensure that the system operates in a manner that satisfies all laws, rules, regulations, license conditions and orders relating to this chapter. The written O&M procedures shall be updated within 30 days after any substantial change to the system that warrants a change in the operation and maintenance of the system. The written O&M procedures shall include, at a minimum:

i. Standard operating procedures, including a description of each major treatment unit and/or process;

ii. A plan for monitoring system process controls;

iii. An emergency operations plan, which addresses facility and system security, and includes a list of names and telephone numbers of facility personnel to be contacted in the event of emergency;

iv. A schedule of routine inspections and preventive maintenance;

v. For a public wastewater collection system (C class) or a public water distribution system (W class), a system map;

vi. A sampling and/or water quality monitoring plan, if applicable to the facility;

vii. A schedule of routine meter readings, tests, and chemical use, if applicable to the facility; and viii. An inventory of equipment and supplies necessary to operate and maintain the system.

2. Each licensed operator shall:

i. Properly operate and maintain the system, including, but not limited to, the following duties, as applicable:

(1) Monitor chemical feed and other system components;

(2) Monitor effectiveness of treatment;

(3) Develop a preventive maintenance plan consistent with the schedule specified in the O&M procedures;

(4) Read meters and gauges, making adjustments as needed;

(5) Make all process control and/or system component integrity decisions;

(6) Assist the system owner in resolving any problems complying with applicable regulations and permits;

(7) Collect or oversee the collection of samples in accordance with O&M procedures;

(8) Store chemicals in locked areas with proper safety equipment;

(9) Inform the system owner of any technical or equipment needs of the system;

(10) Assess the efficiency of system components (such as pumps and valves); and

(11) Respond in a timely manner to customer complaints;

ii. Schedule routine inspections and preventive maintenance tasks which will be undertaken to preserve the physical integrity of the system;

iii. Establish and implement a routine record keeping system designed to incorporate all O&M procedures that relate to the system;

iv. Develop a protocol for the system designed to ensure that each employee associated with the system is acquainted with his or her particular responsibilities and obligations, including the protocol to be followed in the event of an emergency within the system or an intervening factor which mandates deviation from routine O&M procedures; and

v. Ensure that health and safety measures related to the O&M procedures are followed by the licensee, employees and agents of the system so as to protect human health, safety, welfare, and the environment.

3. Each licensed operator shall be responsible for conducting inspections of the system(s) and appurtenances in accordance with the schedule specified in the O&M procedures, and as otherwise indicated by operating requirements, and/or directed by the Department.

i. Such inspections shall ensure that the system is operated and maintained properly and complies with all laws, rules, regulations, license conditions and orders relating to this chapter;

ii. The results of all mechanical equipment and appurtenance inspections essential to the proper O&M of the system shall either be recorded in ink and maintained in bound inspection log books or be maintained in secured-access computer databases or files or other equivalent method of recordkeeping. The log books or computer databases, or file or equivalent shall also include:

(1) Time, date and subject of all system inspections;

(2) A report of all breaks, breakdowns, problems, bypasses, pump failures, occurrences, emergencies, complaints and/or intervening factors within the system that result in or necessitate deviation from the routine O&M procedures, and any situations that have the potential to affect public health, safety, welfare, or the environment or have the potential to violate any permits, regulations or laws relating to this chapter;

(3) A record of the remedial or follow up action and protocol taken to correct all breakdowns, problems, bypasses, pump failures, occurrences, emergencies and/or intervening factors within the system that result in or necessitate deviation from the routine O&M procedures, and any situations that have the potential to affect public health, safety, welfare, or the environment or have the potential to violate any permits, regulations or laws relating to this chapter; and

(4) The date and time of each entry.

4. Each licensed operator shall be familiar with and shall ensure compliance with all laws, rules, regulations, license conditions and orders relating to this chapter.

5. System records, current permits, written O&M procedures, log books, computer databases or files or other equivalent records, pertinent documents and correspondence shall be made available upon request by the Department or other controlling agency, and shall be kept in a safe and secure area for a period of five years.

(b) Each licensed operator shall immediately report any system deficiencies, breaks, breakdowns, problems, bypasses, pump failures, occurrences, emergencies, complaints and/or intervening factors within the system that result in or necessitate deviation from the routine O&M procedures and any situations that have the potential to affect public health, safety, welfare, or the environment or have the potential to violate any permits, regulations or laws relating to this chapter. All reports shall be made to the owner or permittee of the system to or from which treatment is provided. All violations shall be reported by the owner or permittee, as appropriate, to the Department.

1. Each licensed operator shall submit to the Department, upon request, a report summarizing any event described in (b) above and the remedial action taken.

2. Each Public Wastewater Collection System operator shall submit to the receiving system a monthly report summarizing all events described in (b) above and the remedial action taken, by the 10th day of the month following each month for which the data is collected.

(c) Each licensed operator of a public wastewater treatment system (S class) or a public wastewater collection system (C class) shall maintain a record of all industrial and commercial dischargers into such system which could exert a deleterious effect on either the collection

system or the receiving treatment system. The collection system operator shall provide a list of all such industrial and commercial dischargers to the owner or permittee of the receiving system by the 10th day of the month following each month for which the data is collected.

(d) Each licensed operator or the owner of a Public Water Treatment System or Public Non-Community Surface Water Treatment System (T class) shall:

1. Conduct inspections of wells or surface water sources to identify potential sources of contamination; and

2. Submit the monthly Operating Report of Water Treatment Plants, on the form provided by the Department, to the Department before the 10th day of the month following each month for which the data is collected. The report shall include:

i. The plant identification number and classification;

ii. The month for which the report is provided;

iii. The name of the purveyor;

iv. Plant description and its location;

v. The pumpage quantity, both raw and treated water;

vi. Chemical data as specified on the form;

vii. The name and signature of the operator; and

viii. Information related to system processes.

(e) Each licensed operator of a Public Water Distribution System (W class) shall, at a minimum:

1. Exercise all major system valves for emergency interconnections annually;

2. Notify the system owner of any line breaks, pumping failures or water quality complaints relating to treatment; and

3. Periodically flush distribution system using hydrants and blow-off valves

Referenced Sections of NJAC 7:14A - NJPDES Rules

6.12 Operation, Maintenance, and Emergency Conditions

(a) A permittee shall, at all times, maintain in good working order and operate the treatment works and facilities which are installed or used by the permittee to achieve compliance with the terms and conditions of the discharge permit. Proper operation and maintenance, includes, at a minimum:

1. Effective performance based upon treatment levels for which the treatment works was designed;

2. Adequate funding;

3. Effective management;

4. Adequate operator staffing and training;

5. Regularly scheduled inspection and maintenance programs; and

6. Adequate laboratory and process controls including appropriate quality assurance procedures as described in 40 CFR Part 136 and applicable State laws and rules.

(b) Any permittee who operates a treatment works shall satisfy the licensing requirements of the "Water Supply and Wastewater Operators Licensing Act," N.J.S.A. 58:11-64 et seq., and promulgated pursuant thereto. This subsection requires the operation of back-up or auxiliary facilities or similar systems when necessary to achieve compliance with the conditions of the NJPDES permit or where required by applicable law or regulation.

(c) All permittees shall submit written verification to the Department that an operation and maintenance manual for the treatment works, including related appurtenances and collection system, has been or will be completed by the effective date or a compliance date included in a new or renewed NJPDES permit issued subsequent to May 5, 1997. A permittee does not need to submit the operation and maintenance manual to the Department, unless specifically directed to do so. When the Department directs a permittee to submit the operation and maintenance manual, the Department shall state the reasons for requiring the submittal in a letter requesting the submittal. In the case of a NJPDES permit for stormwater discharges or separate storm sewers which expressly exempts permittees from this provision, the exemption shall apply only to the discharge authorized by the permit. Any affected permittee shall comply with the following operation and maintenance manual requirements:

1. The operation and maintenance manual shall be made available for inspection upon request by an authorized representative of the Department.

2. The operation and maintenance manual shall be amended whenever there is a change in the treatment works design, construction, operations or maintenance which substantially changes the treatment works operations and maintenance procedures.

3. An operation and maintenance manual shall describe, at a minimum, the following:

i. Operator and staff responsibilities;

ii. Staff guidance for emergency situations;

iii. Identification of NJPDES permit requirements and the obligation to meet these requirements;

iv. Operating procedures including a detailed description of each major treatment unit/process with relationship to related units, safe operating procedure for normal operation, including common operating problems, safe operating procedures for operating during emergency conditions, and any fail-safe features;

v. A program of regularly scheduled inspection and maintenance; and

vi. An emergency plan in accordance with (d) below.

(d) An emergency plan shall be included as part of the operation and maintenance manual, except for those operations issued permits under N.J.A.C. 7:14A-20.

1. When a person has prepared an emergency plan required by regulations other than this chapter, such plans or plan and any amendments necessary to meet the requirements of this section will satisfy the requirements of this section provided the plan is labeled to identify the requirements listed in this section.

2. An emergency plan shall be amended whenever: i. There is a modification, including expansion, of the treatment works; or Bii. Any other conditions related to the plan have changed.

3. The emergency plan shall be designed to ensure effective operation of the treatment works under emergency conditions, and shall consist, at a minimum, of the following elements:

i. A vulnerability analysis which shall estimate the degree to which the treatment works would be adversely affected by each type of emergency situation which could reasonably be expected to occur, including but not limited to those emergencies caused by natural disaster, civil disorder, strike, sabotage, faulty maintenance, negligent operation or accident;

ii. The vulnerability analysis shall include, but is not limited to, an estimate of the effects of such an emergency upon the following:

(1) Power supply;

(2) Com munication;

(3) Equipment;

(4) Supplies;

(5) Personnel;

(6) Security; and

(7) Emergency procedures to be followed.

iii. An evaluation of the possible adverse effects on public health and the environment due to such an emergency; and

iv. An emergency operation plan for ensuring, to the maximum extent possible, uninterrupted treatment works operation and a manual of procedures for the implementation of such plan, including procedures for the notification of any appropriate regulatory agency, affected water supply purveyors, and any other municipal authority or agency. The plan and manual shall address each of the emergency situations described in the vulnerability analysis.

4. The Department shall not individually review and approve an emergency plan as part of the permit issuance process. The Department's decision not to review and approve an emergency plan shall not exempt a person from liability for violations arising from an emergency situation. A person shall take all necessary actions to mitigate the damage to the waters of the State arising from an emergency situation. Such actions shall not be limited by the emergency operating plan and the operation and maintenance manual.

5. Failure to have on file any part of the operation and maintenance manual in compliance with (c) above and failure to implement the emergency plan pursuant to this subsection shall each constitute a violation of this chapter.

6. In emergency situations, a permittee shall implement the requirements of the emergency plan to the fullest extent possible. In addition, any conditions of the emergency plan that the permittee can implement prior to an emergency situation to reduce the potential for an emergency situation, shall be implemented.

(e) A municipality or sewerage authority who is not a permittee (for example, does not have a direct surface or groundwater discharge) but who owns and operates a treatment works used only for the collection or transportation of domestic sewage is not required to prepare an operations and maintenance manual. However, the municipality or sewerage authority shall be responsible for the proper operation and maintenance of that treatment works. The criteria for proper operations and maintenance and an emergency plan pursuant to (a) and (d) above, may be used as a guideline and implemented as applicable.

22.5 Treatment Works Approval

(a) A treatment works approval consists of the following three stages:

1. Stage I is an optional preliminary or conceptual review of treatment works as prescribed in N.J.A.C. 7:14A-22.7. The Department recommends that a stage I review and approval be obtained for any new sewage treatment plant or plant expansion, or if the proposed treatment works involves a new or innovative design or technology.

2. Stage II is an approval to construct, install or modify a treatment works as outlined in this subchapter.

3. Stage III is an approval to operate a treatment works that has been constructed or received a stage II approval. In general, separate stage II "construct only" approvals are issued for projects located in sewer ban areas, in future sewer service areas for which no downstream sewers exist, and for construction of some treatment plants. Stage II and stage III approvals are generally issued concurrently as a single document, when operation of the treatment works can occur immediately upon completion of the project.

(b) The construction, installation, modification or operation of a treatment works in a manner inconsistent with the terms and conditions of the Department's approval constitutes a violation of the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq. and may be subject to penalties and fines pursuant to the above Act, the Civil Administrative Penalty Rules, N.J.A.C. 7:14-8, or other applicable statute.

(c) The Department may modify, suspend or revoke a treatment works approval in accordance with N.J.A.C. 7:14A-22.11.

(d) A preapplication review is an optional service especially recommended for large-scale development. During this review the Department will discuss the apparent strengths and weaknesses of the proposed development, as well as the procedures and policies that would apply to the particular development. The conference is intended to provide guidance and does not constitute a commitment of approval or denial of a treatment works approval application for the proposed development.

(e) The Department shall approve, condition, or deny an application for a treatment works approval pursuant to this subchapter within 90 days of receipt of an administratively complete application by the Department. This time period may be extended for one 30 day period upon the mutual consent of the applicant and the Department.

1. Within a maximum of 20 business days following the date of receipt of the application, the Department shall perform a review to determine administrative completeness of the treatment works application in accordance with N.J.A.C. 7:14A-22.6 or 22.8 as appropriate, assign an agency project number and notify the applicant in writing the administrative status of the application and any additional information required to make the application administratively complete.

i. In the case where the application has been determined to be administratively incomplete, the Department shall make a decision on the treatment works approval application within 90 days following the date of receipt of the additional information required to make the application administratively complete.

ii. In the case where the application has been determined to be administratively incomplete, the Department reserves the right to deny the application without prejudice if the additional information required to make the application administratively complete has not been received by the Department within 20 days of the date of the notice of the administrative status of the application.

2. Comments received on an application will be included in the application file and will be considered by the Department in the application review process.

3. If the Department fails to act within the 90 days of receipt of an administratively complete application, the application shall be deemed to have been approved, to the extent that the application does not violate other statutes or regulations then in effect, and subject to any standard terms and conditions applicable to such treatment works approvals.

4. For treatment works approval applications that have been denied by the Department, a subsequent application by the same applicant for a revised project of the same or reduced scope on the same site may be submitted within one year of the date of denial without additional fees. The waiving of such fees is limited to only one resubmittal request. The resubmitted application will be treated as a new application, although references may be made to the previously reviewed application.

(f) The issuance of a treatment works approval by the Department does not relieve the applicant of the continuing responsibility for the successful collection, conveyance, treatment or discharge of pollutants, nor does it relieve the applicant from the responsibility of insuring that all discharges are consistent at all times with the terms and conditions of the applicable NJPDES permit and that no pollutant will be discharged more frequently than authorized or at a level in excess of that which is authorized by the applicable NJPDES permit. The applicant is also responsible for complying with all applicable permits, regulations, statutes, or other laws.

(g) The applicant and any owner or operator of a treatment works shall provide notice of the terms and conditions of any existing treatment works approval to a prospective purchaser of the treatment works. Upon change of ownership of the treatment works, the new owner shall assume responsibility for its proper operation and maintenance or closure. Notification to the Department of a change in ownership for the treatment works approval permit is not required.

(h) The Department's review of applications and submissions is limited to engineering (including hydraulic) features of significance to applicable discharge limits and protection of the environment. The Department will not review structural, mechanical or electrical design, except when it may be significant to achievement of discharge limitations or to the protection of the environment.

(i) A permit to construct or operate a treatment works, previously issued to the owner or operator pursuant to N.J.S.A. 58:11-10 or 58:12-3 will constitute a treatment works approval for the purpose of this subchapter. The permit and any conditions thereto will continue to be in effect until such time as the permit is revoked, amended or expired.

(j) The full responsibility for adequate design, construction and operation of the treatment works, and the full responsibility for successful collection, treatment and discharge of pollutants shall be on the applicant.

(k) Treatment works shall be constructed in a manner which is consistent with the provisions of the appropriate wastewater management plan.

(l) The Department may grant an emergency approval authorizing the construction and/or operation of a treatment works prior to issuance of a formal treatment works approval in situations such as the modification/rehabilitation of existing treatment and conveyance systems where time delays may threaten the public health or safety. Such approvals shall be subject to the following requirements:

1. The Department and the affected collection system owner and/or treatment plant owner (as appropriate) shall be informed by telephone or in writing, prior to construction, as to the project location, the extent of work to be performed, and the reason for the emergency.

2. Within 15 calendar days of commencing the activity for which an emergency approval is authorized, an application for a treatment works approval and/or sewer ban exemption shall be submitted to the Department for review and issuance of the required permit. "As-built" drawings, if applicable, shall be submitted.

3. The Department reserves the right to deny an emergency approval request if it is determined that an emergency approval request is not justified, the activity would be inconsistent with any applicable rules, or a more prudent alternative is available.

4. Failure to comply with the requirements of (k)1 or 2 above, the construction or operation of treatment works inconsistent with the emergency authorization, or submission of false information may subject the applicant to enforcement action by the Department, including the imposition of fines or penalties.

(m) For most industrial treatment works, treatment works approvals will be issued in the form of a General Industrial Treatment Works Approval. The submission requirements for a General Industrial TWA are contained in N.J.A.C. 7:14A22.6, and are administrative in nature. Within 30 days of receipt of a complete General Industrial TWA application, the Department will issue a General Industrial TWA or notify the applicant that due to a potentially significant health risk, environmental impact, or past performance of the facility the project cannot be granted a General Industrial TWA and an individual treatment works approval is required.

(n) The Department shall publish in the DEP Bulletin, a report of the receipt of each new treatment works application and the final action taken. Publication in the DEP Bulletin constitutes constructive notice to all interested persons of the receipt by the Department of each new treatment works application and the final action taken by the Department on treatment works approvals.

1. The application status report shall include, but is not limited to:

i. The applicant’s name;

ii. The agency project number;

iii. The nature of the project; and

iv. The date and description of the receipt of each new treatment works application and the final action taken on the project.

23.5(b)6

(b) For treatment works applications involving the temporary or permanent use of holding tanks, the engineering reports required to be submitted by N.J.A.C. 7:14A-22.13 and 22.8 shall include:

6. Specifications including construction practices and operation and maintenance procedures;

Referenced sections of NJAC 7:19 Water Supply Allocation Permits Rules

6.6 Rehabilitation:

(a) Purveyors shall comply with the following requirements for preparation and implementation of management and status surveys:

1. Within one year after the effective date of this subchapter all Class 3 purveyors must perform management and status surveys in accordance with criteria to be provided by the Department, except that those having had such surveys or partial surveys performed within the preceding five years may, with the approval of the Department, submit such completed work in partial or complete compliance with this requirement. The survey must include an analysis of the current status of the system infrastructure and the planned renewal and rehabilitation required to maintain the system in good physical condition, including preventative maintenance. The survey shall be accompanied by an evaluation of the status of the system, including acceptance or rejection of each recommendation and a schedule for planned renewal and rehabilitation. Within two years of the effective date of this subchapter all Class 2 purveyors must also submit such surveys and evaluations. The management and status survey required hereby does not preclude compliance with similar requirements of the Board of Public Utilities.

2. Upon approval by the Department, the schedule of planned renewal and rehabilitation shall commence upon the next fiscal year starting after approval by the Department; thereafter it shall be implemented annually by the purveyor.

3. If no management and status survey is submitted pursuant to the above requirements or if the recommended schedule is disapproved by the Department, planned renewal and rehabilitation of system infrastructure shall be carried out by each purveyor to the extent of 10 percent of total gross water supply revenue, in accordance with Departmental criteria.

4. Upon the effective date of these regulations, all Class 2 and 3 purveyors must initiate administrative preparation for planned renewal and rehabilitation programs, of the magnitude contemplated by this section, as applied to each purveyor's particular situation. This shall be done without awaiting the completion of the management and status surveys required above.

(b) Upon determination by the Department that any component(s) of a water supply system have deteriorated to a degree that may jeopardize the ability of the system to deliver an adequate and reliable supply of water or may cause waste of an unduly large amount of water, the purveyor shall submit, within a time period required by the Department, a report and implementation schedule specifically identifying the scope of rehabilitation work necessary, the time required for work implementation and the required water rate modification to finance the work.

(c) Upon approval of the report by the Department, the purveyor shall commence rehabilitation work in an expeditious manner and shall perform the work in a manner which minimizes system disruptions.

(d) All rehabilitation work performed on water supply systems shall conform to the current design requirements specified in the New Jersey Safe Drinking Water Act, N.J.S.A. 58:12A et seq., and this subchapter.

(e) For planned or required transmission/distribution system rehabilitation, loans will be provided on a priority basis, pursuant to the Water Supply Bond Act of 1981, (Public Law 1981, Chapter 261) and associated rules (N.J.A.C. 7:1A-1 et seq.), to the extend that eligibility requirements of the regulations are met and the funding availability allows.

1. In cases where a critical water supply transmission/distribution disruption exists, pursuant to N.J.A.C. 7:1A-6, application may be made for an emergency, interim rehabilitation loan. Upon approval of said loan, the emergency applicant is required to make full application for a Water Supply Rehabilitation Loan, pursuant N.J.A.C. 7:1A-1 et seq.