



Introduction:

- This factsheet outlines the expectations and steps for a supplier of water to designate another individual, known as a third-party representative, to submit compliance documentation required under the federal and New Jersey Safe Drinking Water Acts (SDWA) to the Water System Operations Element (WSOE) on his/her behalf.
- As per the New Jersey SDWA, the supplier of water is responsible for complying with all regulatory requirements. N.J.A.C. 7:10-1.3 defines the supplier of water as “any person who owns or operates a public water system.” A third-party representative is an individual that does not meet this definition.
- Individuals already cited in New Jersey SDWA (e.g., New Jersey certified laboratories, approved party for Revised Total Coliform Rule (RTCR) Level 2 Assessments, and professional engineers) are excluded from the requirements outlined below.
- Third-party representative authorization does not apply to the licensed operator regulations in N.J.A.C. 7:10A.
- As the supplier of water is ultimately responsible for the water system, they are subject to all regulations, enforcement actions, and if applicable, penalties under the SDWAs.

Designation Process:

- If a supplier of water elects to designate a third-party representative to submit compliance documentation (excluding compliance sampling, RTCR Level 2 Assessments, and as specified under N.J.A.C. 7:10 such as permitting and performing emergency actions) on his/her behalf, a Third-Party Representative Designation Form (DEP_DWSG_00020.1) must be completed and sent to the WSOE by the water system and licensed operator of record, if applicable.
- Third-party approvals do not exempt the water system and licensed operator of record from reporting an emergency and providing the necessary information under N.J.A.C. 7:10.
- The form is available at <https://www.state.nj.us/dep/watersupply/dws-sampreg.html> and must be submitted to watersupply@dep.nj.gov with “third-party designation PWSID Number” in the subject line.
- The form must contain the signature of the water system owner.
- A supplier of water may designate multiple third-party representatives per compliance documentation/activity only if the representatives are associated to the same affiliation.
- The Third-Party Representative Designation Form requires the following minimum information:
 - Name of water system
 - PWSID
 - Date of submittal
 - Name(s) of third-party representative(s)
 - Third-party representative affiliation(s)
 - Third-party representative contact information (i.e., phone number and email address)
 - Date the third-party representative designation expires
 - Specific information the third-party representative is approved to submit on the supplier of water’s behalf
 - Acknowledgment that the supplier of water is the responsible party and subject to the regulations and enforcement actions.
 - Failure to provide any of the required information above will automatically lead to the WSOE denying the third-party representative designation for the water system.



Supplier of Water Responsibilities and Considerations:

- As the supplier of water is responsible for the public water system, they are held accountable for compliance documentation submittals, water system inquiries, maintenance and operation, and all other requirements under the New Jersey SDWAs. This also includes being subject to all violations, enforcement actions, and if applicable, penalties.
- This designation does not exempt the supplier of water from reviewing, approving, and where applicable, signing any compliance document submitted on his/her behalf.
- The supplier of water must ensure they:
 - Review and approve all submittals to WSOE regarding the water system.
 - Provide signatures on all compliance forms as indicated.
 - Are copied on all correspondence sent to WSOE on his/her behalf.
 - Establish a clear path of communication between all involved parties.
 - Report any planned change or emergency as required under N.J.A.C. 7:10-2.4. The water supplier is still responsible to act and carry out needed emergency action, not the third-party representative.
 - Notify the WSOE if the third-party representative has been removed from the water system or if the individual has been provided an extension. In these scenarios, an email must be sent to watersupply@dep.nj.gov as soon as possible.
 - It is strongly recommended the supplier of water has a contract with his/her third-party representative clearly outlining roles and responsibilities.

Considerations:

- It is recommended that the licensed operator is copied when the form is submitted.
- A supplier of water cannot dispute a violation, enforcement action, and/or penalty based on a third-party representative's action or lack thereof.
- Notification of deficient compliance submittals will be sent to the supplier of water, and it is then his/her responsibility to coordinate/communicate how to gain approval with third-party representative.
- Continuously deficient submittals will not be accepted, regardless of the individual submitting the documentation, and the supplier of water will be referred to our Compliance and Enforcement Office for enforcement action and possible penalties.
- Coordination is essential.

Additional Resources:

N.J.A.C 7:10 Safe Drinking Act Rules:

https://www.nj.gov/dep/rules/rules/njac7_10.pdf

Third-Party Representative Designation Form (DEP_DWSG_00020.1):

<https://www.state.nj.us/dep/watersupply/dws-sampreg.html>

County Environmental Health Act (CEHA):

<https://www.nj.gov/dep/enforcement/ceha.html>

Licensed Operator Regulations:

<https://www.state.nj.us/dep/watersupply/wsw.html#:~:text=Eligibility%20for%20a%20Licensed%20Operator,recertification%20period%20or%20successful%20retesting>

For further assistance, please contact the Division of Water Supply and Geoscience: <https://www.nj.gov/dep/watersupply/>

Email: watersupply@dep.nj.gov