

On November 8th, 2021, Governor Phil Murphy signed into law P.L. 2021, c. 262 (previously known as S647), which amends the Water Quality Accountability Act (WQAA) (P.L. 2017, c. 133). As a result of this law being passed, a number of changes to the WQAA will become effective, and water systems may need to incorporate operational changes to remain in compliance.

Applicability Changes

Original WQAA	2021 Amendments
Public Water Systems with more than 500 service connections	Public Community water systems with more than 500 service connections

Cybersecurity Changes

The New Jersey Cybersecurity and Communications Cell (NJCCIC) will be overseeing these aspects of the WQAA amendments. Please direct any questions to NJCCIC at njccic@cyber.nj.gov or 1-833-4-NJCCIC

Original WQAA	2021 Amendments
Within 120 days, develop a cybersecurity program, and submit information about it to the New Jersey Cybersecurity and Communications Cell (NJCCIC)	Water systems have 180 days (May 7, 2022), to update or develop cybersecurity programs consistent with: (1) the Framework for Improving Critical Infrastructure Cybersecurity developed by the National Institute of Standards and Technology; (2) the Center for Internet Security Critical Security Controls for Effective Cyber Defense; or (3) the International Organization for Standardization and International Electrotechnical Commission 27000 family of standards for an information security management system. Revised programs must be submitted to NJCCIC.
No clear incident reporting requirement	Effective February 6, 2022, water systems must promptly report cybersecurity incidents to NJCCIC.
No requirement	Requires purchasing of cybersecurity insurance policy by February 6, 2022.
Systems without internet-connected control systems are exempt from cybersecurity requirements	No exemptions from cybersecurity requirements, all public community water systems with more than 500 service connections must develop cybersecurity plans in accordance with the above.

Valve and Hydrants

Original WQAA	2021 Amendments
Inspect valves greater than or equal to 12" once every two years	Inspect valves greater than or equal to 12" once every four years
Inspect all other valves every four years	Inspect all other valves every eight years

Test all hydrants annually	No change- All hydrants must be tested annually.
Maintain records of inspections, tests, and flushings for at least six years	Maintain records of inspections, tests and flushings for at least 12 years
Hydrants shall be marked with paint, brand, or with a soft metal plate.	Hydrants may be made with a soft metal plate, plastic, or another durable material.

Additional Certifications

Original WQAA	2021 Amendments
Based on ownership type, the responsible corporate officer, executive director, mayor or chief executive officer of the municipality must certify compliance on an annual basis to the Department, and the Board of Public Utilities, if applicable, with Federal and State Drinking Water regulations, as well as the WQAA.	These requirements remain constant, but the certification must include cybersecurity programs, and the certification must be posted on the purveyor’s internet website.

Asset Management Programs

Original WQAA	2021 Amendments
Purveyors must submit a report (Capital Improvement Report) on a triennial basis due April 19, 2022 to the Department. This must outline capital improvements completed, planned, and the costs of those improvements.	Purveyors submit a report (Capital Improvement Report) on an annual basis, due April 19, 2022. This must outline capital improvements completed, planned, and the cost of those improvements in the previous year, and over the next 10 years. *

* Note that the Capital Improvement Report Portal is in development at the Department, and will become available in time for this submittal.

Separately, the WQAA Amendments will establish certain new requirements for the Department as well. These are as follows:

- Requirement to adopt regulations, and a schedule of civil administrative penalties pursuant to the WQAA within 18 months (May, 2023).
- Within one year, the Department must develop and publish a “report card” for each water purveyor, indicating the purveyor’s compliance with federal and State drinking water quality standards, the WQAA, and any other factors the Department deems appropriate. (November 8, 2022)
- The Department must audit 10% of annual certifications of water purveyors in a given year, along with any purveyor who fails to submit the certification in a timely manner. If the Department determines that any purveyor that makes a false or misleading statement in a certification, the matter must be referred to the Attorney General. The Department also has the authority to require a purveyor to pay for the cost of an audit of the certification.

If you have any general questions about the WQAA amendments, please contact the Department at 609-292-7219, or at WQAA@dep.nj.gov. For inquiries related to the cybersecurity changes, please contact NJCCIC at 1-833-4-NJCCIC or at njccic@cyber.nj.gov