

"Municipality" means any city, town, township, borough or village or any agency or instrumentality of one or more thereof.

"National primary drinking water regulations" or "National Regulations" means the current primary drinking water regulations promulgated at 40 CFR Part 141 by the Administrator pursuant to the Federal Act, as such regulations are amended or supplemented from time to time.

"Nonpublic water system" means a water system that is not a public water system. A nonpublic water system includes any water system providing potable water to individual dwellings, and any water system regularly serving fewer than 15 service connections and fewer than 25 individuals.

"NSF" means National Sanitation Foundation International, Ann Arbor, Michigan.

"Permit application review fee" means the application fee assessed for a permit to construct a public community water system in accordance with N.J.A.C. 7:10-11.

"Person" means any individual, corporation, company, firm, association, joint stock company, partnership, consortium, joint venture, commercial or any other legal entity, municipality, State agency or Federal agency.

"Physical connection" means a connection between a public community water system and any unapproved water supply.

"Physical connection permit" means the permit issued pursuant to N.J.A.C. 7:10-10.

"Population served" means the population determined during the Department's most recent inspection and/or sanitary survey conducted pursuant to N.J.A.C. 7:10-1.4.

"Potable water" means any water used, or intended to be used, for drinking and culinary purposes which is free from impurities in amounts sufficient to cause disease or harmful physiological effects, with the bacteriological and chemical quality conforming to applicable standards.

"Primary drinking water regulation" means a regulation which:

1. Applies at a minimum to public water systems;
2. Specifies contaminants which, in the judgment of the Department, may have adverse effect on the health of persons;
3. Specifies for each such contaminant either a maximum contaminant level if, in the judgment of the Department, it is economically and technologically feasible to ascertain the level of such contaminant in water in public water systems, or if, in the judgment of the Department, it is not economically and technologically feasible to ascertain the level of such contaminant, each treatment tech-

nique known to the Department which leads to a reduction in the level of such contaminant sufficient to satisfy the requirements of Section 4 of the State Act; and

4. Contains criteria and procedures to assure a supply of drinking water which dependably complies with such maximum contaminant levels, including quality control, sampling frequencies, and testing procedures to insure compliance with such levels and to insure proper operation and maintenance of the system, and requirements as to the minimum quality of water which may be taken into the system, and siting for new facilities for public water systems.

"Prior similar violation" means, for any given violation, a previous violation that:

1. Is within the same category of violation listed in N.J.A.C. 7:10-3.6(d) 1, (d)2 or (d)3;
2. Has been cited by the Department in an administrative order and/or notice of civil administrative penalty assessment issued to the violator; and
3. Was not corrected within the amount of time stated in the administrative order and/or notice of civil administrative penalty assessment.

"Project construction cost" means the total estimated cost of construction contained in the engineer's report submitted as part of the application for a permit to construct a public community water system under N.J.A.C. 7:10-11, excluding engineering, legal fees, financial fees and land acquisition costs.

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

"Public noncommunity water system" means a public water system that is not a public community water system and is either a "public nontransient noncommunity water system" or a "public transient noncommunity water system" as defined in this section.

"Public nontransient noncommunity water system" means a public water system that is not a public community water system and that regularly serves at least 25 of the same persons for more than six months in any given calendar year.

"Public transient noncommunity water system" means a public water system that is not a public community or a public nontransient noncommunity water system and that serves at least 25 transient individuals for at least 60 days in any given calendar year.

"Public water system" means a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has at least 15 service connections or regularly serves an average of at least

25 individuals daily for at least 60 days out of the year. Such term includes any collection, treatment, storage and distribution facilities under control of the operator of such system and used primarily in connection with such system, and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. A public water system is either a "public community water system" or a "public noncommunity water system" as defined in this section.

"Raw water" means untreated ground or surface water.

"Reduced pressure zone backflow preventer assembly" means a backflow prevention device which consists of two independently acting soft-seated check valves, internally force loaded to a normally closed position and separated by an intermediate chamber (or zone) in which there is an automatic relief port, which vents to atmosphere, internally loaded to a normally open position between two tightly closing shut-off valves, and which has means for testing the tightness of the check valves and opening of the relief port. A reduced pressure zone backflow preventer assembly includes a reduced pressure zone detector assembly for the purposes of this chapter.

"Safe Drinking Water Program" means the regulatory activities conducted by the Department to carry out the provisions and purposes of the State Act and portions of the Water Supply Management Act, N.J.S.A. 58:1A-1 et seq., addressing the provisions of adequate storage, emergency plans, and reducing the amount of unaccounted for water. The program also carries out regulatory activities of N.J.S.A. 58:11-9.1 et seq. controlling the interconnections between public community water systems and unapproved water systems, and establishes standards for construction and procedures for certifications pursuant to the Reality Improvement, Sewerage and Facilities Act, N.J.S.A. 58:11-23 et seq.

"Sanitary survey" means an on-site review by an authorized representative of the Department of the source(s), facilities, equipment, operation and maintenance of a public or nonpublic water system for the purpose of evaluating the adequacy of the source(s), facilities, equipment, operation and maintenance for producing and distributing safe drinking water with adequate pressure and volume.

"Second offense" means a violation for which there is only one prior similar violation.

"Secondary drinking water regulation" means a regulation applying to one or more water systems, and which specifies the recommended upper limits or optimum ranges of contaminants that are necessary to protect the public welfare. A secondary drinking water regulation may apply to any contaminant in drinking water which may adversely affect the taste, odor, or appearance of such water or which may otherwise adversely affect the public welfare.

"Spring" means a natural surface feature where ground water issues from the rock or soil onto the land or into a body of water.

"State Act" means the New Jersey Safe Drinking Water Act, N.J.S.A. 58:12A-1 et seq., as amended.

"State-regulated contaminant" means a contaminant for which the Department has set MCL and monitoring requirements, independent of the National Regulations, as mandated by the State Act.

"Supplier of water" means any person who owns or operates a public water system.

"Surface water" means water at or above the land's surface, which is neither ground water nor contained within the unsaturated zone, including, but not limited to, the ocean and its tributaries, all springs, streams, rivers, lakes, ponds, wetlands and artificial waterbodies.

"Third or subsequent offense" means a violation for which there are at least two prior similar violations.

"Unapproved water supply" means any source of water which is not part of a public community water system.

"Unconfined aquifer" means an aquifer that is either exposed to atmospheric pressure or bounded by layers of materials which do not serve as an effective barrier to water migration.

"Water system" means a system for providing potable water to any person.

Amended by R.2000 d.354, effective August 21, 2000.

See: 31 N.J.R. 2717(b), 32 N.J.R. 3106(a).

Changed N.J.A.C. references in the introductory paragraph; and in "Public water system", rewrote the first sentence.

Amended by R.2004 d.442, effective December 6, 2004.

See: 36 N.J.R. 295(a), 36 N.J.R. 5383(b).

Added "Air gap"; in "Detectable disinfectant residual", substituted "free" for "total" following "of at least 0.05 mg/l"; and in "Nonpublic water system", substituted "and fewer than" for "or" preceding "25 individuals" at the end.

7:10-1.4 Procedures for inspections and sanitary surveys of water systems

(a) An authorized Department representative(s) may conduct an on-site inspection and/or sanitary survey of any water system, and any component part thereof, and may take samples, and inspect, copy or photograph any records required to be kept pursuant to this chapter.

(b) The Department representative(s) conducting an inspection or sanitary survey pursuant to (a) above shall carry identification, and shall present it upon request.

(d) The Department may settle any civil administrative penalty assessed pursuant to N.J.A.C. 7:10-3.6 or 3.7 according to the following factors:

1. Mitigating or extenuating circumstances not previously considered in the notice of civil administrative penalty assessment pursuant to N.J.A.C. 7:10-3.6;
2. The timely implementation by the violator of measures leading to compliance not previously considered in the assessment of penalties pursuant to N.J.A.C. 7:10-3.6;
3. The nature, timing and effectiveness of measures taken to mitigate the effects of the violation or prevent future similar violations not previously considered in the notice of civil administrative penalty assessment pursuant to N.J.A.C. 7:10-3.6;
4. The compliance history of the violator not previously considered in the notice of civil administrative penalty assessment pursuant to N.J.A.C. 7:10-3.6;
5. The deterrent effect of the penalty not previously considered in the notice of civil administrative penalty assessment pursuant to N.J.A.C. 7:10-3.6; and/or
6. Any other terms or conditions acceptable to the Department.

Amended by R.2011 d.039, effective February 7, 2011.

See: 42 N.J.R. 17(a), 42 N.J.R. 642(a), 43 N.J.R. 289(a).

In (a)3, inserted "and the basis thereof"; in (b)1, substituted "36th" for "21st"; and in (c), substituted "a violation" for "an offense".

7:10-3.5 Procedures to request an adjudicatory hearing to contest an administrative order and/or a notice of civil administrative penalty assessment; procedures for conducting adjudicatory hearings

(a) To request an adjudicatory hearing to contest an administrative order and/or a notice of civil administrative penalty assessment issued pursuant to the State Act, the person to whom the administrative order and/or notice of civil administrative penalty assessment was issued shall submit the following information in writing to the Department at the Office of Legal Affairs, ATTENTION: Adjudicatory Hearing Requests, Department of Environmental Protection, PO Box 402, Trenton, New Jersey 08625-0402:

1. The name, address, and telephone number of the person to whom the administrative order and/or notice of civil administrative penalty assessment was issued and his or her authorized representative;
2. A copy of the administrative order and/or notice of civil administrative penalty assessment being contested;
3. The person's defenses to each of the findings of fact stated in short and plain terms;

4. An admission or denial of each of the findings of fact. If the person is without knowledge or information sufficient to form a belief as to the truth of a finding, the person shall so state and this shall have the effect of a denial. A denial shall fairly meet the substance of the findings denied. When the person intends in good faith to deny only a part or a qualification of a finding, the person shall specify so much of it as is true and material and deny only the remainder. The person may not generally deny all of the findings but shall make all denials as specific denials of designated findings. For each finding the person denies, the person shall allege the fact or facts as the person believes it or them to be;

5. Information supporting the request and specific reference to or copies of other written documents relied upon to support the request;

6. An estimate of the time required for the hearing (in days and/or hours);

7. A request, if necessary, for a barrier-free hearing location for physically disabled persons; and

8. If the petitioner intends to attempt a resolution of the case pursuant to N.J.A.C. 1:1-8.1(b), a statement to that effect.

(b) If the Department does not receive the written request for a hearing within 35 days after receipt by the person of the administrative order and/or notice of civil administrative penalty assessment being contested, the Department shall deny the hearing request.

(c) If the person fails to include all the information required by (a) above, the Department may deny the hearing request.

(d) All adjudicatory hearings held pursuant to this section shall be conducted in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

Amended by R.2000 d.354, effective August 21, 2000.

See: 31 N.J.R. 2717(b), 32 N.J.R. 3106(a).

Amended by R.2011 d.039, effective February 7, 2011.

See: 42 N.J.R. 17(a), 42 N.J.R. 642(a), 43 N.J.R. 289(a).

In (b), substituted "35" for "20".

7:10-3.6 Civil administrative penalties for violation of the State Act—general

(a) The Department may assess a civil administrative penalty pursuant to this section of up to \$25,000 for each violation of the State Act or any regulation, rule, permit, or order adopted or issued by the Department pursuant thereto.

(b) If the violation is of a continuing nature, each day during which the violation continues subsequent to receipt of an order to cease the violation shall constitute an additional, separate and distinct violation.

(c) To assess a civil administrative penalty pursuant to this section, the Department shall:

1. Identify the matrix in (f) below by determining the level of offense, that is, first, second, third or subsequent offense as defined in N.J.A.C. 7:10-1.3.

2. Identify the civil administrative base penalty within the matrix in (f) below by determining the seriousness of violation pursuant to (d) below and the type of water system pursuant to (e) below; and

3. The civil administrative penalty shall be the amount within the matrix in (f) below, unless adjusted pursuant to (g) below.

(d) The seriousness of the violation shall be determined as major, moderate or minor as set forth in (d)1 through 3 below:

1. Major seriousness shall apply to any violation that has caused or has the potential to cause serious harm to human health or which seriously deviates from the requirements of the State Act, or any regulation, rule, permit, or order adopted or issued pursuant thereto. Violations of major seriousness shall include, but not be limited to, violations which are in complete contravention of such requirements or if some of the requirements are met, which severely impair or undermine the operation or intent of the requirements. Violations of major seriousness shall include, but not be limited to:

i. Falsification of any statement, representation, or certification in any application, registration, record, or other document submitted or maintained, or falsification or tampering with any monitoring device or method required to be maintained under the State Act or any regulation, rule, permit, or order adopted or issued pursuant thereto;

ii. Failure to provide public notice of violations in accordance with 40 CFR 141.202;

iii. The refusal, inhibition or prohibition of immediate lawful entry and inspection of any premises, building, or place, except private residences, by any authorized Department representative;

iv. Failure to obtain a sample and analyze for any primary contaminant during a sample period as required by the Department pursuant to the State Act, or any regulation, rule, permit or order adopted or issued by the Department pursuant thereto so that no sample analysis at all has been obtained for a specific contaminant for the sample period;

v. Intentional MCL violation for those parameters that a water system is designed and/or operated to treat; and

vi. Constructing or operating, or commencing or proceeding to build, modify, install, replace, expand or

operate a water system without the proper authorization or permit issued or imposed pursuant to the State Act, and, if applicable, a permit cannot subsequently be obtained without major modification.

2. Moderate seriousness shall apply to any violation which has caused or has the potential to cause substantial harm to human health or which substantially deviates from the requirements of the State Act, or any regulation, rule, permit, or order adopted or issued pursuant thereto. Violations of moderate seriousness shall include, but not be limited to, violations which are in substantial contravention of such requirements or if some of the requirements are met, which substantially impair or undermine the operation or intent of the requirements. Violations of moderate seriousness shall include, but not be limited to:

i. Failure to comply with any condition or provision of a permit issued pursuant to the State Act;

ii. Constructing or operating, or commencing or proceeding to build, modify, install, replace, expand or operate a water system without the proper authorization or permit issued or imposed pursuant to the State Act, and, if applicable, a permit is subsequently obtained with only minor modifications;

iii. Failure to institute corrective measures for MCL violations in accordance with N.J.A.C. 7:10-5.6; and

iv. Failure to provide public notice of violations in accordance with 40 CFR 141.203.

3. Minor seriousness shall apply to any other violation not included in (d)1 or 2 above. Violations of minor seriousness shall include, but not be limited to:

i. Failure to provide public notice for violations in accordance with 40 CFR 141.204;

ii. Failure to report in accordance with N.J.A.C. 7:10-5.4;

iii. Constructing or operating, or commencing or proceeding to build, modify, install, replace, expand or operate a water system without the proper authorization or permit issued or imposed pursuant to the State Act, and, if applicable, a permit is subsequently obtained without the need of any modifications.

(e) The type of water system shall be determined as very small, small, medium or large as follows:

1. A very small water system shall serve a population of 500 or fewer;

2. A small water system serves a population greater than 500 and fewer than or equal to 3,300;

3. A medium water system serves a population greater than 3,300 and fewer than or equal to 10,000; and

4. A large water system serves a population greater than 10,000.

(f) The matrices of civil administrative base penalties are as follows:

1. For a first offense, the matrix of civil administrative base penalties is as follows:

SERIOUSNESS OF THE VIOLATION

TYPE OF WATER SYSTEM	Minor	Moderate	Major
Very small	\$250	\$500	\$1,000
Small	\$500	\$1,000	\$2,000
Medium	\$1,000	\$2,000	\$4,000
Large	\$2,000	\$4,000	\$5,000

2. For a second offense, the matrix of civil administrative base penalties is as follows:

SERIOUSNESS OF THE VIOLATION

TYPE OF WATER SYSTEM	Minor	Moderate	Major
Very small	\$5,000	\$5,500	\$6,000
Small	\$5,000	\$6,000	\$7,000
Medium	\$5,000	\$6,500	\$8,000
Large	\$5,000	\$7,500	\$10,000

3. For a third or subsequent offense, the matrix of civil administrative base penalties is as follows:

SERIOUSNESS OF THE VIOLATION

TYPE OF WATER SYSTEM	Minor	Moderate	Major
Very small	\$5,000	\$7,500	\$10,000
Small	\$6,000	\$9,000	\$12,000
Medium	\$7,000	\$11,000	\$15,000
Large	\$8,000	\$15,000	\$22,000

(g) The Department may, at its discretion, adjust the amount of any penalty assessed pursuant to (f) above based upon any or all of the factors listed in (g)1 through 5 below. No such factor constitutes a defense to any violation. In no case shall the assessed penalty be more than \$25,000 per day for each offense.

1. The frequency with which any violation of the State Act, rules, permit or order occurred;
2. The timely implementation by the violator of measures leading to compliance;
3. The nature, timing and effectiveness of measures taken to mitigate the effects of the violation or prevent future similar violations, and the extent to which such measures are in addition to those required under an applicable statute or rule;
4. The deterrent effect of the penalty; and/or
5. Any other mitigating, extenuating, or aggravating circumstances.

Amended by R.2000 d.354, effective August 21, 2000.

See: 31 N.J.R. 2717(b), 32 N.J.R. 3106(a).

In (d)liv, inserted "primary" preceding "contaminant".

Amended by R.2011 d.039, effective February 7, 2011.

See: 42 N.J.R. 17(a), 42 N.J.R. 642(a), 43 N.J.R. 289(a).

Rewrote (a); in (d)lii, substituted "141.202" for "141.32(a)(1)(iii)"; in (d)2ii, deleted "and" from the end; in (d)2iii, substituted "7:10-5.6; and" for "7:10-5.7."; added (d)2iv; in (d)3i, substituted "141.204" for "141.32(b)"; and rewrote the introductory paragraph of (g).

7:10-3.7 Civil administrative penalty for failure to pay a fee

(a) The Department may assess a civil administrative penalty pursuant to this section against any person who fails to pay a fee when due pursuant to the State Act, or any regulation, rule or permit adopted or issued pursuant thereto.

(b) The amount of the civil administrative penalty for a violation pursuant to this section shall be in an amount equal to the unpaid fee or \$250.00, whichever is greater, up to a maximum of \$5,000 for the first offense; two times the unpaid fee or \$500.00, whichever is greater, up to a maximum of \$10,000 for the second offense; and three times the unpaid fee or \$750.00, whichever is greater, up to a maximum of \$25,000 for the third and each subsequent offense.

7:10-3.8 Civil penalties for violations of the State Act

(a) Any person who violates the provisions of the State Act, any regulation, rule, permit, or order adopted or issued by the Department pursuant thereto, or an administrative order or a court order issued pursuant to the State Act, or who fails to pay a civil administrative penalty in full pursuant to N.J.A.C. 7:10-3.4(b), or who fails to make a payment pursuant to a penalty payment schedule entered into with the Department, or who knowingly makes any false or misleading statement on any application, record, report, or other document required to be submitted to the Department, shall be subject, upon order of a court, to a civil penalty of not more than \$25,000 for each violation, and each day during which a violation continues shall constitute an additional, separate, and distinct violation.

(b) Any penalty established pursuant to this section may be imposed and collected with costs in a summary proceeding pursuant to the Penalty Enforcement Law of 1999, N.J.S.A. 2A:58-10 et seq. The Superior Court shall have jurisdiction to enforce the provisions of the Penalty Enforcement Law of 1999 in connection with the State Act.

Amended by R.2011 d.039, effective February 7, 2011.

See: 42 N.J.R. 17(a), 42 N.J.R. 642(a), 43 N.J.R. 289(a).

Rewrote (a); and in (b), inserted "of 1999" twice, and substituted "2A:58-10" for "2A:58-1".

7:10-3.9 Civil actions for violations of the State Act

The Department may institute an action or proceeding in Superior Court for injunctive and other relief for any violation of the State Act, or any regulation, rule, permit or order adopted or issued by the Department pursuant thereto, and the court may proceed in the action in a summary manner.

Amended by R.2011 d.039, effective February 7, 2011.

See: 42 N.J.R. 17(a), 42 N.J.R. 642(a), 43 N.J.R. 289(a).

Substituted "Superior Court" for "a court of competent jurisdiction".

7:10-3.10 Economic benefit

In addition to any civil penalty or civil administrative penalty imposed or assessed pursuant to this subchapter, the Department may assess the economic benefit (in dollars) that the violator has realized as a result of not complying, or by delaying compliance, with the requirements of the State Act or any rule, administrative order or permit issued pursuant thereto.

New Rule, R.2011 d.039, effective February 7, 2011.

See: 42 N.J.R. 17(a), 42 N.J.R. 642(a), 43 N.J.R. 289(a).

SUBCHAPTER 4. DISINFECTION

7:10-4.1 Disinfection

(a) Except in accordance with (b) below, every supplier of water from a public community water system shall disinfect all water in accordance with the method and equipment requirements of N.J.A.C. 7:10-11.16 in order to ensure delivered water is of microbiologically safe quality.

(b) Except for public community water systems that use surface water source(s), the supplier of water from a water system that serves 100 or fewer dwellings or properties may elect not to disinfect its water, provided it increases the number of microbiological samples taken from its distribution system to a minimum of two samples per month at biweekly intervals.

(c) Notwithstanding (a) and (b) above, any supplier of water from any public community water system or public noncommunity water system may be required to disinfect its water if the Department determines that said water is microbiologically unacceptable.

(d) Any supplier of water from a public community water system that purchases treated water from another public water system on a regular or continuous basis may be required to re-disinfect said water if deemed necessary by the Department.

SUBCHAPTER 5. STATE PRIMARY DRINKING WATER REGULATIONS

7:10-5.1 Applicability of National Regulations

Except as provided in this subchapter, the Department adopts and incorporates herein by reference the National Primary Drinking Water Regulations, 40 CFR 141, as amended and supplemented, including all siting requirements, filtration and disinfection requirements, maximum contaminant levels, monitoring and analytical requirements, reporting

requirements, public notification requirements, recordkeeping requirements, and the National Primary Drinking Water Regulations Implementation, 40 CFR 142 Subparts E, F, G and K, for variance and exemption requirements as the New Jersey primary drinking water regulations, applicable to all public water systems. All maximum contaminant levels and action levels in this subchapter shall apply to all public and nonpublic water systems, and shall be subject to monitoring requirements established by the appropriate administrative authority. Copies of the National Regulations may be obtained from either Drinking Water Section of the Water Programs Branch, U.S. Environmental Protection Agency, 290 Broadway, New York, New York 10007-1861, (212) 637-3880; or the Bureau of Safe Drinking Water, Water Supply Administration, Department of Environmental Protection, PO Box 426, Trenton, New Jersey 08625-0426, (609) 292-5550.

Amended by R.2000 d.354, effective August 21, 2000.

See: 31 N.J.R. 2717(b), 32 N.J.R. 3106(a).

Rewrote the last sentence.

Amended by R.2004 d.442, effective December 6, 2004.

See: 36 N.J.R. 295(a), 36 N.J.R. 5383(b).

Rewrote the section.

Case Notes

Federal regulations on primary drinking water adopted by the State; construction permit application denied due to anticipated nitrate production. Andover Mobile Home Park v. Dept. of Environmental Protection, 4 N.J.A.R. 420 (1981).

7:10-5.2 Discretionary changes to National Regulations

(a) In accordance with the discretionary authority permitted by the National Regulations, for compliance with the State primary drinking water regulations, the following shall apply:

1. Surface water treatment requirements shall be those established under the National Regulations except as provided in N.J.A.C. 7:10-9.

2. Microbiological monitoring shall be undertaken as required under the National Regulations, except:

i. The Department will not reduce the microbiological sampling frequency to less than one sample per month for a public community water system serving 25 to 1000 persons; and

ii. The Department will not reduce the microbiological sampling frequency to less than one sample per quarter for a public noncommunity water system (transient or nontransient) using only ground water source(s) and serving 25 to 1000 persons.

3. MCLs and monitoring requirements for inorganic chemicals (IOCs) shall be those established under the National Regulations and at (a)7 below, except for the State-regulated contaminant arsenic, for which an MCL of five µg/l shall apply.

4. MCLs and monitoring requirements for volatile organic compounds (VOCs) shall be those established under the National Regulations and at (a)7 below except as listed in Table 1, below, for State-regulated VOCs.

TABLE 1
MCLs FOR STATE-REGULATED VOCs*

<u>State-regulated VOC</u>	<u>MCL (in µg/l or ppb)</u>
Benzene	1
Carbon tetrachloride	2
Chlorobenzene	50
1,3 Dichlorobenzene	600
1,2 Dichloroethane	2
1,1 Dichloroethylene	2
Methylene chloride	3
Tetrachloroethylene	1
Trichlorobenzene(s)	9
1,1,1 Trichloroethane	30
Trichloroethylene	1
Xylene(s)	1,000
1,1 Dichloroethane	50
1,1,2 Trichloroethane	3
1,1,2,2 Tetrachloroethane	1
Naphthalene	300
Methyl tertiary butyl ether (MTBE)	70

* The MCLs in this table are more stringent than those in the National Regulations, with the exception of the following chemicals, which do not have Federal MCLs: 1,3-dichlorobenzene; 1,1-dichloroethane; 1,1,2,2-tetrachloroethane; naphthalene; and methyl tertiary butyl ether.

i. As of January 1, 1997, monitoring requirements for all VOCs, including State-regulated contaminants, shall be those established under the National Regulations.

5. For public noncommunity water systems, monitoring requirements and MCLs for VOCs shall be those established under the National Regulations, except that the MCLs for State-regulated contaminants shall be those listed in Table 1 at (a)4 above.

6. MCLs for synthetic organic compounds (SOCs) and pesticides shall be those established under the National Regulations except for the State-regulated contaminant chlordane, for which an MCL of 0.5 µg/l shall apply.

7. As required pursuant to 40 CFR 142.16, the monitoring period for each contaminant group, specifically, inorganics (except asbestos, nitrate and nitrite), volatile organic compounds, synthetic organic compounds, and radionuclides shall be as follows. Monitoring for radionuclides shall begin on January 1, 2005.

<u>Monitoring Period</u>	<u>Water System Type</u>
Year one of the three year Federal compliance period	All public community water systems (PCWS) using a surface

(that is, 2002, 2005, 2008, 2011)

Year two of the three year Federal compliance period (that is, 2003, 2006, 2009, 2012)

Year three of the three year Federal compliance period (that is, 2004, 2007, 2010, 2013)

water source(s) or all PCWS

serving a population greater than 10,000.

All public community water systems using a groundwater source(s) serving a population

equal to or less than 10,000.

Public nontransient noncommunity water systems.

8. MCLs and monitoring requirements for disinfectants and disinfection by-products shall be those established under the National Regulations.

9. Action levels and monitoring requirements for lead and copper shall be those established under the National Regulations.

10. Subject to (a)10i below, MCLs and monitoring requirements for radionuclides shall be those established under the National Regulations.

i. Compliance with the MCL shall be individually determined at each sampling location including points of entry to the water distribution system, when individually directed by the Department, based on a running annual average of all quarterly sampling results from each of the sampling location.

11. The Department may allow monitoring waivers for public water systems pursuant to 40 CFR 141.23(c) and 141.24(f) and (h) of the National Regulations.

12. Subject to (a)12i below, suppliers of water from a bulk purchase system are subject only to the microbiological monitoring and lead and copper monitoring requirements of this section.

i. Effective January 1, 2004, a supplier of water from a bulk purchase system that regularly derives its water from another water system using a surface water source(s) and provides water to more than 100 service connections shall at a minimum collect a quarterly disinfection by-products sample from a point within the water distribution system with maximum residence time to be tested for Total Trihalomethanes (THM4) and Total Trihaloacetic Acids (HAA5) disinfection by-products.

13. If a supplier of water installs a treatment device or process to bring the water into compliance with any applicable MCL, the supplier of water shall monitor for that contaminant each calendar quarter (notwithstanding compliance with the applicable MCL for the contaminant).

(b) The National Regulations, at 40 C.F.R. 141.151, require each community water system to annually develop and deliver to its customers a Consumer Confidence Report

(CCR) which provides information on the quality of the water delivered by the system and characterizes the risks (if any) from exposure to contaminants detected in the drinking water in an accurate and understandable manner. In addition to the standards and requirements in the National Regulations for the development and distribution of the CCR, the following requirements shall apply:

1. Notwithstanding the provisions of the Federal Safe Drinking Water Act amendments of 1996, 42 U.S.C. §§ 300f et seq. and the National Regulations, at 40 C.F.R. 141.155, every public community water system, regardless of the number of persons served, shall mail a copy of its Consumer Confidence Report to each of its customers.

2. The statement required pursuant to 40 C.F.R. 141.154(a) (Vulnerable Populations Statement) shall be included in bold print within the header of any chart displaying levels of detection and maximum contaminant levels for contaminants included in the Consumer Confidence Report.

i. If the Consumer Confidence Report does not contain at least one chart displaying levels of detection and maximum contaminant levels, the Vulnerable Populations Statement shall be placed at the beginning of the report.

3. In addition to the reporting requirements set forth at N.J.A.C. 7:10-7.4, if, at any time during any monitoring period within the reporting year, a sample collected and analyzed pursuant to N.J.A.C. 7:10-7.3 exceeds the recommended upper limit for iron, manganese or sodium as provided at N.J.A.C. 7:10-7.2, the following language shall be included in the Consumer Confidence Report:

i. "FOR IRON: The recommended upper limit for iron is based on unpleasant taste of the water and staining of laundry. Iron is an essential nutrient, but some people who drink water with iron levels well above the recommended upper limit could develop deposits of iron in a number of organs of the body."

ii. "FOR MANGANESE: The recommended upper limit for manganese is based on staining of laundry. Manganese is an essential nutrient, and toxicity is not expected from levels which would be encountered in drinking water."

iii. "FOR SODIUM: For healthy individuals, the sodium intake from water is not important, because a much greater intake of sodium takes place from salt in the diet. However, sodium levels above the recommended upper limit may be of concern to individuals on a sodium restricted diet."

4. In addition to the contaminants regulated by the National Regulations, for which the Department has either adopted by reference the Federal MCL or has adopted a lower MCL, there are five additional contaminants regulated by the Department, at N.J.A.C. 7:10-5, but not regu-

lated by the National Regulations. The Consumer Confidence Report shall include information concerning the five

additional contaminants regulated in New Jersey as set forth below:

<u>Contaminant</u>	<u>New Jersey MCL₁ (ppb)</u>	<u>MCL in CCR units</u>	<u>Major Sources in Drinking Water</u>	<u>Health Effects Language</u>
<i>meta</i> -Dichlorobenzene	600	\$600	Discharge from industrial chemical factories	Some people who drink water containing <i>meta</i> -Dichlorobenzene in excess of the MCL over many years could experience problems with their liver, kidneys or circulatory system.
1,1 Dichloroethane	50	50	Discharge from metal degreasing sites and other factories	Some people who drink water containing 1,1 Dichloroethane in excess of the MCL over many years could experience problems with their kidneys.
Methyl <i>tertiary</i> butyl ether (MTBE)	70	70	Leaking underground gasoline & fuel oil tanks, gasoline and fuel oil spills	Some people who drink water containing MTBE in excess of the MCL over many years could experience problems with their kidneys.
Naphthalene	300	300	Discharge from industrial chemical factories, exposure to mothballs	Some people who drink water containing Naphthalene in excess of the MCL over many years could experience problems with cataracts and hemolytic anemia.
1,1,2,2 Tetrachloroethane	1	1	Discharge from industrial chemical factories	Some people who drink water containing 1,1,2,2 Tetrachloroethane in excess of the MCL over many years could experience problems with their liver, kidneys and central nervous system.

Amended by R.2000 d.354, effective August 21, 2000.

See: 31 N.J.R. 2717(b), 32 N.J.R. 3106(a).

In (a), rewrote 10 and 12.

Amended by R.2003 d.193, effective May 5, 2003.

See: 34 N.J.R. 4281(a), 35 N.J.R. 1925(b).

Added (b).

Amended by R.2004 d.442, effective December 6, 2004.

See: 36 N.J.R. 295(a), 36 N.J.R. 5383(b).

In (a), rewrote 3, 4 and 7, added 13.

7:10-5.3 Analytical requirements

(a) The monitoring and analytical requirements for determining compliance with the maximum contaminant levels shall be those established under the National Regulations, except that the analysis for gross alpha particle activity shall be determined using the 48 Hour Rapid Gross Alpha Test, in accordance with N.J.A.C. 7:18.

(b) Any analysis required under this chapter shall be conducted at a certified laboratory, certified in accordance with N.J.A.C. 7:18, for the specific analytical method used.

(c) Each analysis shall be conducted using a method capable of achieving an MDL below the MCL for the contaminant being analyzed.

(d) A supplier of water from a public community water system, when submitting any sample analysis to the Department, shall provide the following:

1. The test result for all contaminants tested for as part of the analytical method;
2. Any test result that exceeds a specified MDL; and
3. A description of the quality control procedures followed applicable to the analysis submitted.

(e) The monitoring and analytical requirements for determining compliance with the maximum contaminant levels for the State-regulated VOCs listed in N.J.A.C. 7:10-5.2(a)4 shall be those established under the National regulations at 40 CFR 141.24.

Amended by R.2004 d.442, effective December 6, 2004.

See: 36 N.J.R. 295(a), 36 N.J.R. 5383(b).

In (a), inserted “, except that the analysis for gross particle activity shall be determined using the 48-hour Rapid Gross Alpha Test, in accordance with N.J.A.C. 7:18” at the end; added (e).

(1) Details of the well head, including elevations of protective curbing, top of casing, pump house floor and surrounding grade;

(2) The method of sealing the well head against surface water contamination;

(3) The location of well vents and the methods for protecting them against contamination; and

(4) The well head piping details, showing locations of check valve, surge or air relief valve, shutoff valves, sampling taps, water level indicator, flow meter, discharge pressure gauge, and blowoff connection to permit pumping to waste.

9. Plans for water main extensions shall include:

i. Site plans showing the location of the proposed water main, the right-of-way or easement, sanitary and storm sewers and other utilities in the proposed construction area;

ii. Elevations and details sufficient to show clearances and construction methods in the vicinity of sanitary sewers;

iii. The methods of connecting to the existing water supply and maintaining adequate protection of the existing water supply; and

iv. The locations of valves, hydrants, blowoffs and flushing connections.

(j) The Department shall make a determination of administrative completeness for each application as follows:

1. If the application does not contain all documents and information required pursuant to this section, the Department shall within 20 working days after receipt of the application, either return the application or advise the applicant in writing as to the additional information required to make the application administratively complete and the date by which the additional information must be received by the Department. If an application is returned, the applicant will be advised in writing as to the additional information required to make the application complete; and

2. If the application contains all documents and information required pursuant to this section and is determined to be administratively complete, the Department, within 20 working days after receipt of the application, shall so advise the applicant in writing.

(k) The Department shall make a determination of technical completeness for each application within 60 working days after declaring the application administratively complete as follows:

1. If the application does not contain sufficient technical information as required pursuant to this section or if the technical information requires clarification, the Department shall so advise the applicant in writing and establish a

date by which additional or clarifying information must be received by the Department. If additional or clarifying information is not received by the specified date, the Department may:

i. Return the application;

ii. Extend the date by which the applicant must provide the additional or clarifying information; or

iii. Deny the application

2. Upon making a determination that an application is technically complete, the Department will perform a detailed analysis and will develop a staff recommendation to issue the permit or deny the application. The staff recommendation shall include any conditions to be attached to the permit if the recommendation is to issue the permit or an explanation of the reasons for denial if the recommendation is to deny the application.

(l) The Department shall issue a permit, with any conditions deemed appropriate by the Department, for the construction of the proposed water system and distribution of potable water from said water system if the application meets all applicable requirements of this chapter. If the Department denies the application, the Department shall provide a written explanation of the reasons for denial.

(m) Each permit for a public community water system issued under this subchapter on or after February 7, 2011 is valid for a term of five years from the date of issuance. If construction of a facility is not completed prior to the permit expiration date, upon request the Department shall extend the permit term by a period of up to two years, provided:

1. The request to extend a permit is submitted to the Department at least 90 days prior to expiration date of the existing permit;

2. The permit holder demonstrates that there has been no significant change in any of the following between the date the existing permit was issued and the date the application for extension is submitted:

i. The project and activities that were approved in the existing permit including projected demand if applicable; and

ii. The available firm capacity and water allocation determined in accordance with N.J.A.C. 7:10-11.5(e);

3. The Department shall deny a permit extension if the permit holder is in receipt of a Department order regarding a violation of any of the terms of the existing permit;

4. If the requirements of this subsection are not met, the existing permit shall expire and construction activities shall stop until a new permit is obtained; and

5. An expired permit shall not be extended.

(n) Within 120 days after notification from the Department, every application for a permit for a public community water system, as well as the supporting documentation required at (c) through (i) above, shall be submitted electronically in a format and manner compatible with the Department's electronic permit system.

Amended by R.2000 d.354, effective August 21, 2000.

See: 31 N.J.R. 2717(b), 32 N.J.R. 3106(a).

In (a), added 1.

Amended by R.2004 d.442, effective December 6, 2004.

See: 36 N.J.R. 295(a), 36 N.J.R. 5383(b).

Rewrote the section.

Amended by R.2011 d.039, effective February 7, 2011.

See: 42 N.J.R. 17(a), 42 N.J.R. 642(a), 43 N.J.R. 289(a).

In the introductory paragraph of (e), substituted "at the Division of Water Supply" for "Water Supply Administration"; in (e)liii(1) and (g)4i, substituted "completed" for "constructed"; in (e)liii(2), substituted "by the water supplier, which have" for "but", in (e)liii(2) and (g)4ii, inserted "been", and deleted "; by the water supplier" from the end; added (e)4; in (g)4ii, substituted "by the water supplier, which have" for "but"; and added (m) and (n).

7:10-11.6 General requirements for source, treatment, storage and distribution components

(a) The components of a public community water system, including source, treatment, storage and distribution facilities shall be designed and constructed to meet all the demand requirements imposed on the water system and shall have the firm capacity to meet the applicable peak daily demand as defined at N.J.A.C. 7:10-11.4(a).

(b) Regulations for instrumentation are as follows:

1. Each water supply source shall be equipped with a totalizing flow meter. For water systems for which the total average flow exceeds 0.1 MGD, flow recording equipment shall be installed for all wells and pump stations.

2. Each water supply source shall be equipped with instrumentation sufficient to ensure the proper operation of the treatment plant associated with the water supply source.

3. There shall be devices and/or equipment to determine the water level elevation in each distribution storage tank.

4. Each pump shall be equipped with a discharge pressure gauge.

(c) Every water treatment plant shall be equipped, at a minimum, with analytical equipment for the determination of chlorine residual concentrations, and, if treating surface water, with equipment for the measurement of turbidity. In addition, every water treatment plant shall be equipped with analytical equipment for water quality control tests appropriate to the type of water treatment used. A laboratory located at a water treatment plant that provides only day-to-day water quality control testing need not be a certified laboratory, but the analytical methods and procedures it uses must be in accordance with Standard Methods for the Examination of Water and Waste Water, 17th Edition, as amended and supplemented, incorporated herein by reference.

Standard Methods is available from the American Public Health Association, 1015 Fifteenth Street, Washington, DC 20005.

(d) Upon completion of the construction of any component of a public community water system, including source, treatment, storage, and distribution mains, and before such component is placed into service, all surfaces which may come in contact with adequately protected water shall be disinfected in accordance with American Water Works Association (AWWA) standards for disinfection of facilities ANSI/AWWA-C651 through C654, as amended and supplemented, incorporated herein by reference. AWWA standards may be obtained from the American Water Works Association, 6666 West Quincy Avenue, Denver, Colorado 80235.

(e) Cross connections are prohibited as follows:

1. Cross connections are prohibited in any water treatment plant between any pipe or conduit carrying finished water and another pipe or conduit carrying wastewater, raw water, or water in any prior stage of treatment.

2. No conduit or chamber containing finished water shall have a common partition with another conduit or chamber containing waste filter wash water or water in any prior stage of treatment, unless the common partition is made completely impermeable by use of an acceptable protective membrane.

3. Sludge draw-off lines, filter backwash discharge lines, well blow-off lines, and overflows from any water treatment or treated water storage reservoir or tank shall not be connected directly into any storm drain, sanitary sewer, or water source, but shall be protected by a suitable one way air-gap-delivery connection to ensure that no backflow can occur under any condition.

4. Priming systems for pumps shall prevent the contamination of adequately protected water.

5. Sump pumps for underground pump stations shall not discharge into sanitary sewers.

(f) Regulations for treatment and disposal of water treatment plant process wastes are as follows:

1. Water treatment plant process waste, such as sludge from coagulation and sedimentation tanks and filter backwash water, shall ordinarily be treated before being discharged into any waters of this State. The degree of treatment shall be contingent upon the character of the waste and its effect upon the receiving waters. The discharge of process waste is prohibited except in accordance with the requirements of a New Jersey Pollution Discharge Elimination System (NJPDES) permit issued pursuant to N.J.A.C. 7:14A.

2. When the water treatment plant process waste is required to be treated on site, the minimum treatment of water treatment plant process waste shall be by plain