

**CHAPTER 9**

**WATER AND WASTEWATER**

**Authority**

N.J.S.A. 48:2-13, 48:2-20, 48:2-24, 48:2-27, 48:3-3, 48:3-7.8, 48:3-12, 48:19-18 and 58:11-59.

**Source and Effective Date**

R.2006 d.367, effective September 15, 2006.  
See: 38 N.J.R. 1538(a), 38 N.J.R. 4490(b).

**Chapter Expiration Date**

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 9, Water and Wastewater, expires on September 15, 2013. See: 43 N.J.R. 1203(a).

**Chapter Historical Note**

Unless otherwise expressly noted, all provisions of Chapter 9, Sewer and Water, were adopted as the Board of Public Utility Commissioners, pursuant to authority delegated at N.J.S.A. 48:2-13 et seq. and were adopted and became effective prior to September 1, 1969.

Subchapter 6, Small Water Company Takeover Act Regulations, was adopted as R.1985 d.182, effective April 15, 1985. See: 16 N.J.R. 3380(a), 17 N.J.R. 910(a).

Pursuant to Executive Order No. 66(1978), Chapter 9, Sewer and Water, expired on April 15, 1990.

Chapter 9, Sewer and Water, was adopted as new rules by R.1991 d.179, effective April 1, 1991. See: 22 N.J.R. 907(a), 23 N.J.R. 1012(a).

Subchapter 7, Purchased Water Adjustment Clause, and Subchapter 8, Purchased Sewerage Treatment Adjustment Clause, were adopted as R.1991 d.488, effective October 21, 1991. See: 23 N.J.R. 946(b), 23 N.J.R. 3171(a).

Pursuant to Executive Order No. 66(1978), Chapter 9, Sewer and Water, was readopted as R.1996 d.207, effective March 29, 1996. See: 28 N.J.R. 1190(a), 28 N.J.R. 2405(b).

Pursuant to Executive Order No. 66(1978), Chapter 9, Water and Wastewater, was readopted as R.2001 d.133, effective March 27, 2001. Subchapter 10, Consumer Confidence Reports, was adopted effective May 7, 2001. See: 33 N.J.R. 367(a), 33 N.J.R. 1392(b). See, also, section annotations.

Chapter 9, Water and Wastewater, was readopted as R.2006 d.367, effective September 15, 2006. As a part of R.2006 d.367, Subchapter 1, General Provisions and Definitions, was adopted as new rules; former Subchapter 1, Plant, was recodified as Subchapter 2, Plant; former Subchapter 2, Service, was recodified and renamed as Subchapter 3, Quality of Service; former Subchapter 3, Meters, was repealed; Subchapter 4, Meters, was adopted as new rules; Subchapter 6, Small Water Company Takeover Act Regulations, was renamed Small Water Company and Small Sewer Company Takeover Act Rules; Subchapter 7, Purchased Water Adjustment Clause, was renamed Purchased Water and Wastewater Adjustment Clauses; Subchapter 8, Purchased Sewerage Treatment Adjustment Clause, was repealed and Subchapter 8, Combined Domestic Water and Fire Suppression Service, was adopted as new rules; and Subchapter 10, Consumer Confidence Reports, was recodified as Subchapter 9, Consumer Confidence Reports, effective October 16, 2006. See: Source and Effective Date. See, also, section annotations.

**CHAPTER TABLE OF CONTENTS**

**SUBCHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS**

- 14:9-1.1 Scope
- 14:9-1.2 Definitions

**SUBCHAPTER 2. PLANT**

- 14:9-2.1 Plant construction
- 14:9-2.2 Inspection of property

**SUBCHAPTER 3. QUALITY OF SERVICE**

- 14:9-3.1 Pressure and volume of water
- 14:9-3.2 Quality of water
- 14:9-3.3 Wastewater service

**SUBCHAPTER 4. METERS**

- 14:9-4.1 Water meter testing
- 14:9-4.2 Water meter testing equipment

**SUBCHAPTER 5. PRESERVATION OF RECORDS**

- 14:9-5.1 Adoption by reference of rules concerning preservation of records

**SUBCHAPTER 6. SMALL WATER COMPANY AND SMALL SEWER COMPANY TAKEOVER ACT RULES**

- 14:9-6.1 Purpose
- 14:9-6.2 Definitions
- 14:9-6.3 Construction
- 14:9-6.4 Applicability
- 14:9-6.5 Severability
- 14:9-6.6 Scope
- 14:9-6.7 Departmental and Board actions
- 14:9-6.8 Joint public hearing
- 14:9-6.9 Joint public hearing report
- 14:9-6.10 Proposed joint takeover order
- 14:9-6.11 Acquisition costs
- 14:9-6.12 Contested case hearing, final joint takeover order and administrative consent order (ACO)
- 14:9-6.13 Compliance with joint order
- 14:9-6.14 Differential rate for customers of small water company or small sewer company
- 14:9-6.15 Liability for hazardous substance discharges
- 14:9-6.16 Violations and penalties

**SUBCHAPTER 7. PURCHASED WATER AND WASTEWATER ADJUSTMENT CLAUSES**

- 14:9-7.1 Scope, applicability, and general provisions
- 14:9-7.2 Definitions
- 14:9-7.3 Initial PWAC or PSTAC
- 14:9-7.4 Year-end true up schedule
- 14:9-7.5 Billing
- 14:9-7.6 Petition contents
- 14:9-7.7 Determining the customer charge under a PWAC or PSTAC

**SUBCHAPTER 8. COMBINED DOMESTIC WATER AND FIRE SUPPRESSION SERVICE**

- 14:9-8.1 Definitions
- 14:9-8.2 Required water tariff filings and amendments
- 14:9-8.3 Multi-use service

**SUBCHAPTER 9. CONSUMER CONFIDENCE REPORTS**

- 14:9-9.1 Consumer Confidence Reports

## SUBCHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS

### 14:9-1.1 Scope

(a) This chapter shall apply to any water utility or wastewater utility, as defined at N.J.A.C. 14:9-2, which constructs, operates and/or maintains plant and/or service connections for providing water and/or wastewater service.

(b) In addition to complying with this chapter, each water and/or wastewater utility described at (a) above shall also comply with the applicable provisions of the Board's rules for all utilities at N.J.A.C. 14:3.

(c) A utility may obtain a waiver of one or more requirements of this chapter in accordance with N.J.A.C. 14:1-1.2(b).

### 14:9-1.2 Definitions

For the purposes of this chapter, the following words and terms shall have the following meanings, unless the context clearly indicates otherwise. Additional definitions that apply to this chapter can be found at N.J.A.C. 14:3-1.1.

"Board" means the New Jersey Board of Public Utilities.

"NJDEP" means the New Jersey Department of Environmental Protection.

"Wastewater treatment service" means the processing of wastewater and includes any activity related to such processing, including transport, handling, and delivery of wastewater, and other similar activities.

"Wastewater utility" means an investor owned public utility, as defined at N.J.S.A. 48:2-13, that provides wastewater treatment service, or a municipal public utility that provides wastewater treatment service to more than 1,000 billed customers in another municipality.

"Water purveyor" means a public water utility or municipal water utility which delivers water, subject to the terms of a bulk contract, to customers.

"Water utility" means:

1. An investor-owned public utility that provides water service; or
2. A municipal public utility that meets both of the following criteria:
  - i. The utility provides water service to more than 1,000 billed customers in another municipality; and
  - ii. The utility charges a different rate to customers inside the municipality than it charges customers outside of the municipality.

## SUBCHAPTER 2. PLANT

### 14:9-2.1 Plant construction

All water and wastewater utilities shall ensure that the construction and installation of their plants and facilities comply with N.J.A.C. 14:3-2.1, Plant construction, and in addition, complies with the applicable provisions of Water Meters: Selection, Installation, Testing, and Maintenance (M6), 1999 Edition, published by the American Water Works Association, which is incorporated herein by reference, as amended and supplemented, and/or complies with all applicable standards governing construction and installation of plant and facilities found in publications of the American Water Works Association, including all supplements and amendments, and is available at <http://www.awwa.org>.

Amended by R.1996 d.207, effective May 6, 1996.

See: 28 N.J.R. 1190(a), 28 N.J.R. 2405(b).

Recodified from N.J.A.C. 14:9-1.1 and amended by R.2006 d.367, effective October 16, 2006.

See: 38 N.J.R. 1538(a), 38 N.J.R. 4490(b).

Rewrote the section. Former N.J.A.C. 14:9-2.1, Pressure and volume of water service, recodified to N.J.A.C. 14:9-3.1.

### 14:9-2.2 Inspection of property

(a) Each water and wastewater utility shall inspect each valve in the utility's system in accordance with the schedule in (b) below, to determine how easy or difficult it is to reach the valve to operate it, and the valve's operating condition.

(b) Each water or wastewater utility shall inspect each valve that is 12 or more inches in diameter at least once every two years, and shall inspect all other valves at least once every four years.

(c) At a minimum, each valve inspection shall include:

1. The clearing of the area around the valve so as to ensure full access to the valve for operating purposes;
2. The cleaning out of the valve; and
3. The dynamic testing of the valve, by opening and then closing the valve for either of the following number of turns:
  - i. That number of turns recommended by the valve manufacturer to constitute a credible test; or
  - ii. That number of turns which constitutes 15 percent of the total number of turns necessary to completely open or completely close the valve.

(d) Each water utility shall, once a year, test every hydrant in its system in order to determine the hydrant's working condition.

(e) In addition to the testing required under (d) above, each water utility shall formulate and implement a plan for flushing every hydrant in the utility's system, and every dead end of a main in the utility's system. This plan for flushing may

Table C

Determining PWAC or PSTAC Customer Charge – Metered Basis  
Base cost of purchased water or wastewater

- +/- New cost of purchased water or wastewater
- +/- Rate case expenses
- +/- Amount of costs and expenses compressed or deferred, if any
- x Revenue tax factor, that is, the multiplier applied to recoup the Gross Receipts and Franchise Taxes at the rate established in the utility’s last base rate or adjustment clause case
- = Total allowable expenses
- ÷ Base water consumption or base wastewater treatment
- = PWAC or PSTAC charge per thousand gallons for the upcoming year

Amended by R.1996 d.207, effective May 6, 1996.  
See: 28 N.J.R. 1190(a), 28 N.J.R. 2405(b).  
Rewrote section.  
Recodified from N.J.A.C. 14:9-7.5 and amended by R.2006 d.367, effective October 16, 2006.  
See: 38 N.J.R. 1538(a), 38 N.J.R. 4490(b).  
Section was “Formula for determination of base costs by a water utility using a flat rate basis”. Section combined with former N.J.A.C. 14:9-7.6, Formula for determination of costs by a water utility using a metered basis. Added (a) and (b); rewrote existing table as “Table B”; and incorporated and rewrote table from former N.J.A.C. 14:9-7.6 as “Table C”.

**Case Notes**

Purchased Water Adjustment Clause; water company entitled to base rate increase to recover costs associated with New Jersey Water Supply Authority contract. In Matter of Shorelands Water Company for Approval of Increase in Rates, 93 N.J.A.R.2d (BRC) 27.

Waste disposal rates; reasonableness of additional disposal and transportation costs; refunds for put-or-pay penalty charges; no refunds for failure to invoke Force Majeure clause; interim rate determined. In Matter of Petition of Bridgewater Resources, Inc., 92 N.J.A.R.2d (BRC) 27.

**SUBCHAPTER 8. COMBINED DOMESTIC WATER AND FIRE SUPPRESSION SERVICE**

**14:9-8.1 Definitions**

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise. Additional definitions that apply to this subchapter can be found at N.J.A.C. 14:9-1.2, and 14:3-1.1.

“Customer’s water system” means all water facilities on the customer’s side of the meter, or on the customer’s side of the water service, which are owned or controlled by the customer.

“DCA” means the Department of Community Affairs.

“Domestic water service” means potable water service supplied by a water utility that meets or exceeds New Jersey Safe Drinking Water rules, found at N.J.A.C. 7:10-1.3.

“Fire suppression service” means potable water supplied for use in a fire suppression system inside a structure, such as an automatic sprinkler system.

“Multi-use service” means water service that is supplied to a structure through one water line extending from the water main to the structure, and which is used inside the structure for both domestic water service and fire suppression service.

**14:9-8.2 Required water tariff filings and amendments**

(a) A water utility that is required under N.J.A.C. 14:1-11 to file a tariff with the Board after October 16, 2006 shall ensure that the tariff complies with this subchapter.

(b) A water utility that has filed a tariff prior to October 16, 2006, which is in effect as of October 16, 2006, shall submit an amendment to the tariff, or a new tariff page(s), that complies with this subchapter. The water utility shall submit the amendment or new tariff page(s) by January 14, 2007.

(c) If a residential customer or builder requests fire suppression service and that service is provided from a multi-use line of two inches or less, the customer’s meter may be placed on the domestic branch of the customer’s service to properly measure domestic water use.

**14:9-8.3 Multi-use service**

(a) Each water utility that provides multi-use service, as defined at N.J.A.C. 14:9-8.1, shall include in its tariff the language required in this section. The water utility shall place the language in the tariff in the location required in this section.

(b) The following language shall be located in the tariff in a Terms of Payment section governing multi-use service, or in a general Terms of Payment section:

“A water utility may terminate a customer’s multi-use service for non-payment of a valid water bill for multi-use service, in accordance with the Board’s rules governing discontinuance of service at N.J.A.C. 14:3-3.6.”

(c) The following language shall be located in the tariff in a Conditions section that governs multi-use service:

“By applying for multi-use service, the customer or builder certifies that:

1. The customer or builder has hydraulically calculated the demand for the customer’s or builder’s water system, based on the simultaneous domestic demand and fire sprinkler demand. The customer or builder shall make this calculation in accordance with the Uniform Construction Code; and
2. The customer or builder will ensure that the system is installed in accordance with the Uniform Construction Code at N.J.A.C. 5:23; and

3. The customer will, prior to installation of the meter, obtain a construction permit in accordance with the Uniform Construction Code from the enforcing agency having jurisdiction over the system.

(d) The following language shall be located in the tariff in a General Terms and Conditions section that applies to all regulated water services:

“By applying for multi-use service, the customer agrees to be responsible for all claims, costs, and liability for personal injury, death and/or property damage, resulting from the customer’s individual water system, unless caused by the negligence of the water utility.”

(e) The following language shall be located in the tariff in a Provision of Services section that governs multi-use service:

“By applying for multi-use service, and operating the same, the customer agrees:

1. To include a backflow prevention device(s) as defined at N.J.A.C. 7:10-1.3, and as specified at N.J.A.C. 7:10-10.3;

2. To be solely responsible for all costs and expenses relating to the installation, operation, maintenance, repair and replacement of the customer’s water system, including the fire suppression system and backflow prevention device(s);

3. To ensure that the customer’s water system complies with the applicable requirements of the Uniform Construction Code in effect at the time of system installation,

including any applicable building, plumbing and fire protection subcodes; and

4. To ensure that the customer’s water system is maintained in accordance with all applicable law so as to protect against backflow, back-siphonage and contamination of the potable water system.”

(f) A water utility shall supply multi-use service to a customer or builder upon request, unless the utility can show good cause or a compelling reason to refuse to supply multi-use service.

(g) A water utility’s intent to impose a higher safety standard than that set by DCA shall not constitute good cause or a compelling reason to refuse multi-use service to a customer or builder.

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## SUBCHAPTER 9. CONSUMER CONFIDENCE REPORTS

### 14:9-9.1 Consumer Confidence Reports

On or before July 1 of each year, each water utility shall submit to the Board a copy of the Consumer Confidence Report that the utility is required to prepare pursuant to the “Safe Drinking Water Act Amendments of 1996,” 40 CFR 141.

Amended by R.2006 d.367, effective October 16, 2006.  
See: 38 N.J.R. 1538(a), 38 N.J.R. 4490(b).  
Rewrote the section.