

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 and 48:3-12.

Source and Effective Date

R.2001 d.133, effective March 27, 2001.
See: 33 N.J.R. 367(a), 33 N.J.R. 1392(b).

Chapter Expiration Date

Chapter 9, Water and Wastewater, expires on March 27, 2006.

Chapter Historical Note

Unless otherwise expressly noted, all provisions of Chapter 9, Sewer and Water, were adopted by 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: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. PLANT

14:9-1.1 Plant construction

The construction and installation of plant and facilities of sewer and water utilities must be in accordance with N.J.A.C. 14:3-2.1, Plant construction, and, in addition, must be in accordance with standard specifications as set forth by the American Water Works Association and the rules of the New Jersey Department of Environmental Protection, as applicable. When and if any controversy arises as to the necessity for adopting specifications calling for construction of a higher

standard, the matter may be referred to the Board for determination.

Amended by R.1996 d.207, effective May 6, 1996.
See: 28 N.J.R. 1190(a), 28 N.J.R. 2405(b).

14:9-1.2 Inspection of property

(a) Each utility shall inspect each valve in the system periodically to determine its accessibility for operation, and its operating condition. Large valves, 12-inch and over, shall be inspected once every two years and other valves once every four years. At a minimum, this inspection shall include:

1. The clearing of the access area;
2. The cleaning out of the valve box; and
3. The dynamic testing of the valve by opening and then closing the valve:
 - i. That number of turns recommended by the valve manufacturer to constitute a credible test; or
 - ii. That number of turns which constitute 15 percent of the total number of turns necessary to completely open or completely close the valve per manufacturer's design.

(b) Each water utility shall, once a year, test every hydrant to determine its working condition. The water utility shall also formulate and put into practice a comprehensive and definite plan for flushing hydrants and dead ends of mains. This plan for flushing may be combined with the periodical testing of hydrants.

(c) A record of all inspections and tests shall be kept for a period of not less than five years.

Amended by R.2001 d.133, effective May 7, 2001.
See: 33 N.J.R. 367(a), 33 N.J.R. 1392(b).

In (a), added the last sentence of the introductory paragraph and added 1 through 3; in (b), substituted "The water utility" for "It" at the beginning of the second sentence.

SUBCHAPTER 2. SERVICE

14:9-2.1 Pressure and volume of water service

(a) Each water utility shall supply water service at adequate pressure and volume to the curb, or the point of connection with the customer's service line.

(b) Each water utility shall maintain sufficient pressure and volume of water at all fire hydrants to assure adequate streams for the fighting of fires.

Recodified from N.J.A.C. 14:9-2.2 by R.2005 d.377, effective November 7, 2005.

See: 37 N.J.R. 1401(a), 37 N.J.R. 4292(a).

Former N.J.A.C. 14:9-2.1, Service connections, repealed.

Case Notes

Water company that undertakes to supply water within designated and protected market can fairly be charged with duty to assure that its delivery system is in working order to furnish adequate supply for all purposes, to the extent of its capabilities; however, to extent that claims for losses caused by negligent failure to maintain adequate water pressure are insured and assigned, insurer's subrogation claims are unenforceable against water company. *Ebert v. South Jersey Gas Co.*, 260 N.J.Super. 104, 615 A.2d 294 (L.1992).

Private water company was immune from liability for fire insurance companies' subrogation claims arising from its negligent failure to maintain adequate water pressure for fire fighting, overruling *Reimann v. Monmouth Consol. Water Co.*, 9 N.J. 134, 87 A.2d 325; *Sydney Grossman Hotel Corp. v. Lakewood Water Co.*, 27 N.J. 91, 141 A.2d 541; *Brooks v. City of Orange*, 61 N.J. 576, 297 A.2d 1; *J.H.M. Realty Corp. v. Town of Belleville*, 61 N.J. 577, 297 A.2d 2; calling into doubt *Baum v. Somerville Water Co.*, 84 N.J.L 611, 87 A. 14 (E. & A.); *Atlas Finishing Co. v. Hackensack Water Co.*, 10 N.J.Misc. 1197, 163 A. 20 (Sup.Ct.); rejecting *German Alliance Ins. Co. v. Home Water Supply Co.*, 226 U.S. 220, 33 S.Ct. 32, 57 L.Ed. 195; *Stuart v. Crestview Mut. Water Co.*, 34 Cal.App.3d 802, 110 Cal.Rptr. 543 (2 Dist.); *Libbey v. Hampton Water Works Co., Inc.*, 118 N.H. 500, 389 A.2d 434; *H.R. Moch Co., Inc. v. Rensselaer Water Co.*, 247 N.Y. 160, 159 N.E. 896; *Rose v. Sapulpa Royal Water Co.*, 631 P.2d 752 (Ok.). *Weinberg v. Dinger*, 106 N.J. 469, 524 A.2d 366 (1987).

14:9-2.2 Quality of water

Each water utility shall furnish water free of excess impurities or sedimentation and shall make every effort to assure that its product is potable and uncolored. Water utilities subject to regulation by the Board shall inform the Board within 48 hours of all instances where the quality of the water does not conform to all applicable Federal and State laws, rules, standards, or guidelines.

Amended by R.2001 d.133, effective May 7, 2001.

See: 33 N.J.R. 367(a), 33 N.J.R. 1392(b).

Added the second sentence.

Recodified from N.J.A.C. 14:9-2.3 by R.2005 d.377, effective November 7, 2005.

See: 37 N.J.R. 1401(a), 37 N.J.R. 4292(a).

Former N.J.A.C. 14:9-2.2, Pressure and volume of water service, recodified to N.J.A.C. 14:9-2.1.

14:9-2.3 Sewerage treatment

Each wastewater utility shall provide wastewater service in such a manner as to prevent escape of offensive odors, the overflow of effluent and the discharge of any untreated sewage. Each such utility shall operate its facilities in such a manner as to eliminate possible danger to public health and welfare.

Amended by R.2001 d.133, effective May 7, 2001.

See: 33 N.J.R. 367(a), 33 N.J.R. 1392(b).

Substituted "wastewater" for "sewer" throughout.

Recodified from N.J.A.C. 14:9-2.4 by R.2005 d.377, effective November 7, 2005.

See: 37 N.J.R. 1401(a), 37 N.J.R. 4292(a).

Former N.J.A.C. 14:9-2.3, Quality of Water, recodified to N.J.A.C. 14:9-2.2.

14:9-2.4 (Reserved)

Recodified to N.J.A.C. 14:9-2.3 by R.2005 d.377, effective November 7, 2005.

See: 37 N.J.R. 1401(a), 37 N.J.R. 4292(a).