

CHAPTER 10

SAFE DRINKING WATER ACT

Authority

N.J.S.A. 13:1D-1 et seq., 58:11-9.1 et seq.,
58:11-23 et seq. and 58:12A-1 et seq.

Source and Effective Date

R.2010 d.094, effective April 30, 2010.
See: 41 N.J.R. 4381(a), 42 N.J.R. 642(a), 42 N.J.R. 1170(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 10, Safe Drinking Water Act, expires on April 30, 2017. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 10, Bureau of Potable Water, was adopted and became effective prior to September 1, 1969.

Chapter 10, Bureau of Potable Water, was repealed and Chapter 10, Safe Drinking Water Act, was adopted as new rules by R.1979 d.271, effective July 13, 1979. See: 11 N.J.R. 170(a), 11 N.J.R. 374(b).

Pursuant to Executive Order No. 66(1978), Chapter 10, Safe Drinking Water Act, was readopted as R.1983 d.244, effective June 3, 1983. See: 15 N.J.R. 592(a), 15 N.J.R. 1019(c).

Pursuant to Executive Order No. 66(1978), Chapter 10, Safe Drinking Water Act, was readopted as R.1989 d.514, effective September 1, 1989. See: 21 N.J.R. 1945(a), 21 N.J.R. 3098(a).

Pursuant to Executive Order No. 66(1978), Chapter 10, Safe Drinking Water Act, was readopted as R.1994 d.482, effective August 25, 1994. See: 26 N.J.R. 2720(a), 26 N.J.R. 3833(a).

Pursuant to Executive Order No. 66(1978), Chapter 10, Safe Drinking Water Act, was readopted as R.1996 d.50, effective December 26, 1995. See: 27 N.J.R. 4060(a), 28 N.J.R. 850(a).

Chapter 10, Safe Drinking Water Act, except Subchapter 13, was repealed and Chapter 10, Safe Drinking Water Act, was adopted as new rules by R.1996 d.536, effective November 18, 1996. See: 27 N.J.R. 4064(a), 28 N.J.R. 4900(a).

Subchapter 13, Water Supply and Wastewater Collection and Treatment Systems: Examining and Licensing of Operators, was recodified as N.J.A.C. 7:10A-1 by R.1997 d.48, effective February 3, 1997. See: 28 N.J.R. 4300(a), 29 N.J.R. 480(c).

Pursuant to Executive Order No. 66(1978), Chapter 10, Safe Drinking Water Act, was readopted as R.2000 d.354, effective July 31, 2000, and Subchapter 13, Standards for Technical, Managerial, and Financial Capacity of Public Community and Noncommunity Water Systems, was adopted as new rules by R.2000 d.354, effective August 21, 2000. See: 31 N.J.R. 2717(b), 32 N.J.R. 3106(a).

Notice of Receipt of Petition for Rulemaking: Fluoridation of the Public Water Supply of the State of New Jersey. See: 35 N.J.R. 891(a), 1454(a).

Chapter 10, Safe Drinking Water Act, was readopted as R.2004 d.442, effective November 4, 2004. As a part of R.2004 d.442, Subchapter 6, Variances and Exemptions, was repealed, effective December 6, 2004. See: 36 N.J.R. 295(a), 36 N.J.R. 5383(b).

Chapter 10, Safe Drinking Water Act, was readopted as R.2010 d.094, effective April 30, 2010. See: Source and Effective Date.

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SUBCHAPTER 1. GENERAL PROVISIONS

7:10-1.1 Authority

These rules are promulgated pursuant to the New Jersey Safe Drinking Water Act, N.J.S.A. 58:12A-1 et seq., as amended; the Subsurface and Percolating Waters Act, N.J.S.A. 58:4A-4.1 et seq.; the Realty Improvement Sewerage and Facilities Act, N.J.S.A. 58:11-23 et seq.; the Water Supply Management Act, N.J.S.A. 58:1A-1 et seq.; and N.J.S.A. 58:11-9.1 et seq.

7:10-1.2 Scope, applicability and purpose

These rules implement New Jersey's Safe Drinking Water Program for the purpose of ensuring the provision of safe drinking water to consumers, and enabling the Department to assume primary enforcement responsibility under the Federal Safe Drinking Water Act, P.L. 93-523, 42 U.S.C. §§ 300f et seq. The Safe Drinking Water Program also ensures the provision of safe water of adequate pressure and volume by implementing portions of the Water Supply Management Act addressing storage, emergency plans and reducing unaccounted for water (water lost in the distribution system); and by issuing physical connection permits under the N.J.S.A. 58:11-9.1 et seq.; and by establishing standards for construction and procedures for certifications, under the Reality Improvement, Sewerage and Facilities Act, N.J.S.A. 58:11-23 et seq.

7:10-1.3 Definitions

The following words and terms, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise. Additional definitions specifically applicable to N.J.A.C. 7:10-11, 12 and 13 are set forth at N.J.A.C. 7:10-11.4, 12.3 and 13.2, respectively.

"Action level" means the concentration of lead or copper in water specified in the National Regulations at 40 CFR 141.80 (c) which determines, in some cases, the treatment requirements set forth at 40 CFR 141.81, 141.82 and 141.83 that a water system is required to complete.

"Acute violation" means an exceedance of an MCL for a contaminant, for example, fecal coliform or nitrates, that is likely to have immediate health effects.

"Additive" means any substance specifically formulated to be added to a water system during the water treatment process to achieve applicable drinking water standards.

"Administrator" means the Administrator of the United States Environmental Protection Agency or his or her authorized representative.

"Administrative authority" means the County Environmental Health Act (CEHA) certified agency or the local board of health having jurisdiction. When water systems serve county, State, and/or Federal facilities, the administrative authority shall mean the Bureau of Safe Drinking Water in the Department.

"Air gap" means, in a water distribution system, the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or any other device and the flood level rim of the receptor.

"Annual operation fee" means the annual fee assessed to each public community water system including each holder of a permit to construct a public community water system

issued pursuant to N.J.A.C. 7:10-11 and each recipient of an approval to construct a public noncommunity water system or a public nontransient noncommunity water system issued pursuant to N.J.A.C. 7:10-12.

"Annual physical connection renewal fee" means the fee assessed for the annual renewal of a physical connection permit pursuant to N.J.A.C. 7:10-10.

"ANSI" means the American National Standards Institute.

"Approved physical connection installation" means a double check valve assembly or a reduced pressure zone backflow preventer assembly which is designed, installed and tested in accordance with N.J.A.C. 7:10-10.

"Backflow prevention device" means either a double check valve assembly or a reduced pressure zone assembly used for the purpose of preventing water flow in the opposite direction of normal flow pattern.

"Bulk distribution system" means a water system that sells water wholesale in bulk quantities to public community water systems for resale to consumers.

"Bulk purchase system" means a water system that buys all of its treated water from another water system(s) and has no water source(s) of its own.

"Bypass" means a secondary pipe or conduit connected to the main pipe or conduit for the purpose of conducting water around a valve, fixture, device, pump station or treatment process.

"Certified laboratory" means a laboratory certified by the Department pursuant to the Regulations Governing Laboratory Certification and Standards of Performance, N.J.A.C. 7:18, to conduct testing for contaminants regulated under the State Act.

"Cistern" means a tank for the collection of rain water draining from a roof or roofs, which water is intended to be used for potable purposes.

"Commissioner" means the Commissioner of the Department of Environmental Protection or his or her designated representative.

"Confined aquifer" means an aquifer which contains ground water under pressure between or below relatively impermeable or significantly less permeable material so that the water surface rises above the top of the aquifer in a well which derives its water from that aquifer.

"Consolidated aquifer" means an aquifer contained within a rock formation.

"Construction material" means any building material typically used in the construction of water system facilities,

including but not limited to concrete, mortar, grout, steel, ductile iron, copper, brass or zinc.

“Contaminant” means any physical, chemical, biological or radiological substance in water.

“County” means any county or agency or instrumentality of one or more thereof.

“Cross-connection” means any actual or potential connection between a public water system and a source of contamination, such as industrial process water or an irrigation system.

“Department” means the Department of Environmental Protection.

“Dependable yield” means that maintainable yield of water from a surface or ground water source(s) which is available continuously during projected future conditions, including a repetition of the most severe drought of record, without creating undesirable effects, as determined by the Department.

“Detectable disinfectant residual” means a chlorine residual of at least 0.05 mg/l (free chlorine, combined chlorine or chlorine dioxide), or a heterotrophic plate count of 500/ml or less, at the point of collection.

“Distribution system” means all pipes and conveyances from a well or water treatment plant, including storage facilities.

“Double check valve assembly” means a backflow prevention device consisting of two independently acting soft-seated check valves, internally force loaded to a normally closed position between two tightly closing shut-off valves, and with means of testing for tightness. A double check valve assembly includes a double check valve detector assembly for the purposes of this chapter.

“Dug well” means a water table well that is excavated by means of picks, shovels, or similar hand-tools.

“Entry point” means a point in the distribution system where treated water from a treatment plant enters into the distribution system.

“Facility with cross-connection hazards” means a facility that is served by a public community water system and that contains a chemical substance or solution, uses a chemical, physical or biological process, or uses water in a manner that might contaminate the public community water system by way of a cross-connection. Examples of such facilities are listed in Appendix A and incorporated herein by reference.

“Federal Act” means the Safe Drinking Water Act, P.L. 93-523, 42 U.S.C. §§ 300f et seq., as amended.

“Federal agency” means any department, agency or instrumentality of the United States.

“Filtration avoidance criteria” means criteria specified in the National Primary Drinking Water Regulations, 40 CFR 141.71, establishing specific requirements for source water quality conditions and site-specific conditions for a public water system to avoid filtering its surface water source or its ground water source under the direct influence of surface water.

“First offense” means a violation for which there is no prior similar violation.

“Ground water” means the portion of water beneath the land surface that is within the saturated zone, in which all the subsurface voids in the rock or soil are filled with water.

“Initial physical connection permit fee” means the fee assessed for an initial physical connection permit pursuant to N.J.A.C. 7:10-10.

“Interconnection” means a water supply connection with another water system or systems.

“Low risk formation” means:

1. An aquifer which the Department determines to be confined by an overlying layer or bed of distinctly lower permeability, based upon an acceptable pump test report, or on published reports and/or technical memoranda of the New Jersey Geological Survey or published reports of the U.S. Geological Survey; or
2. An unconsolidated geologic formation, in which the raw water source is a well screened at a depth of at least 200 feet.

“Maximum contaminant level” or “MCL” means the maximum permissible level of a contaminant in water measured at the point of entry to the distribution system or at the free-flowing outlet of the ultimate user of a public water system or other water system to which State primary drinking water regulations apply. Any contaminant added to the water under circumstances controlled by the user, except a contaminant resulting from corrosion of piping and plumbing caused by water quality, is excluded from this definition.

“MCL violation” means exceedance of an MCL for any contaminant regulated under N.J.A.C. 7:10-5, where such exceedance has been determined by specific procedures as established under the National Regulations.

“Method detection limit” or “MDL” means the minimum concentration of a contaminant, determined pursuant to 40 CFR 136 (Appendix B) or N.J.A.C. 7:18, that can be measured and reported with 99 percent confidence as an analytical result greater than zero.

“MGD” means million gallons per day.