

**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

Chapter 9, Water and Wastewater, expires on September 15, 2011.

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: 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Subchapter 2, Service, was recodified and renamed as Subchapter 3, Quality of Service; former Subchapter 3, Meters, was repealed; Subchapter 4, Meters, was adopted as new rules; Subchapter 6, Small Water Company Takeover Act Regulations, was renamed Small Water Company and Small Sewer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Purchased Water and Wastewater Adjustment Clauses; Subchapter 8, Purchased Sewerage Treatment Adjustment Clause, was repealed and Subchapter 8, Combined Domestic Water and Fire Suppression Service, was adopted as new rules; and Subchapter 10, Consumer Confidence Reports, was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.

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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