

REGULATORY UPDATES PART 2:

WQAA Refresher, WIFIA and WIIN
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NJWA SDWA Training
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WARNING

ACRONYMS AHEAD


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New Laws to Be Aware of

- Water Quality Accountability Act (WQAA)
- America's Water Infrastructure Act of 2018 (AWIA)
- Water Infrastructure and Innovation Act (WIFIA)
- Water Infrastructure Improvements for the Nation Act (WIIN)
- Water Infrastructure Protection Act (WIPA)


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Overview

Water Quality Accountability Act (N.J.S.A. 58:31-1 et seq.)

- Effective October 19, 2017
- Applies to water systems with more than 500 service connections (Water Purveyors)
- Applies to about 300 water systems
- Requirements have the ability to improve the safety, reliability, and administrative oversight of water infrastructure




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VALVES

Component	Requirement
Valves $\geq 12"$	Inspect every 2 years - by 10/19/2019
All other valves	Inspect every 4 years - by 10/19/2021
All valves	GPS to the extent possible
Repair broken valves	Must be repaired when found to be out of service




HYDRANTS

Component	Requirement
All fire hydrants	Test Annually
	Implement a plan for flushing hydrants and dead mains
	Label each with purveyors name and number with paint, brand, or soft metal plate
	GPS to the extent possible




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Cybersecurity program

- By February 16, 2018, all purveyors with internet-connected control systems should have developed a cybersecurity program in accordance with the March 2016 NJBPU Administrative Order.
- 60 days after developing the program (by April 17, 2018 if developed by February 16, 2018), the purveyor must join the New Jersey Cybersecurity and Communications Integration Cell (pursuant to EO No. 178 (2015)) and create a cybersecurity incident reporting process.
- The NJCCIC considers "internet connected control systems," as referred to in the Act to include any Internet Protocol (IP) addressable industrial control system (ICS) directly or indirectly connected to the Internet.



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Cybersecurity Program submission

- NJOHSP's NJCCIC has developed a fillable Cybersecurity Program Template, which should have been received by water systems on October 2, 2018.
- Note: issues with "personal" non-business email addresses (i.e. gmail, yahoo, etc.), therefore submissions should be made using email accounts using domains associated with your system.
- The directions for submission were provided with the email.
- The form must have been submitted by **November 16, 2018**.
- Questions about the form or Cybersecurity Program should be directed to NJCCIC at njccic@cyber.nj.gov

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Violations

A mitigation plan is required for:

- Three notices of violation within any rolling 12-month period for any reason or:
- Two notices of violation related to an exceedance of a MCL within a rolling 12-month period.

A mitigation plan must include:

- Implementation schedule
- A report by the Licensed Operator and Engineer
 - Including technical analysis explaining how the plan will prevent reoccurrence


NOTE: DEP will notify a system if a Mitigation Plan is required to be submitted.

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Certifications

3 Primary Requirements

- Required to be submitted annually
- Must be signed by the Responsible Corporate Officer (private), *Executive* Director (MUA), Mayor (public)
- Stating compliance with:
 - All Federal and State drinking water regulations
 - WQAA - Sections 3, 5, and 7 (Asset Management Plan)



- Certifications must be submitted to DEP and if applicable, BPU.
- 2019 Forms included additional details about specific WQAA-related requirements
- MUST BE SUBMITTED THROUGH THE PORTAL OR THEY WILL NOT COUNT.**
- Forms for 2019 were due on October 19, 2019.**

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Asset Management Plan

Implementation of Plan was required by April 19, 2019 must include:

- Water main replacement schedule (150 years or engineered analysis)
- Supply and treatment program designed to inspect, maintain, repair, and renew its infrastructure consistent with AWWA standards
- The highest priority projects identified in the plan, must have funds dedicated on an annual basis

Asset Management Plan Guidance

- Plans should cover the 5 components of Asset Management:
 - Asset Inventory and Condition Assessment,
 - Define Level of Service Goals,
 - Prioritize assets based on criticality and business risk exposure,
 - Establish life cycle costs
 - Develop a Long-Term funding strategy
- DEP has existing Asset Management Plan guidance at: <http://www.nj.gov/dep/assetmanagement/>



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Asset Management Plan Report

Asset Management Plan Report must be submitted every 3 years (April 19, 2022) to Department and BPU/DCA as applicable.

The Report should:

- Contain Metrics
- Contain an Implementation Plan
- Contain a Progress Report
- Be completed in accordance with AWWA standards
- (ex. M28 rehabilitate water mains & M36 Water Loss)
- Be submitted via centralized portal - DEP, BPU & DCA



Start tracking your Capital Improvements now. Do not wait until 2022 to start record-keeping from the previous three years.

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Rulemaking Initiative

Proposed Schedule

- Stakeholder meeting was held on October 22, 2018, by invitation

Proposed Amendments

- WQAA specific criteria
 - Possibility to revise Hydrant labelling criteria.

Concepts Being Evaluated

- Water Loss Audit Requirements
 - Would likely request select metrics from AWWA Free Water Loss Audit Software to serve as metric for success of Asset Management programs
 - Replace Unaccounted for Water in Water Allocation Permits with above metrics
- Asset Management Plan Requirements
 - Self reporting of metrics including Water Main Breaks per mile, certain financial metrics, among several others.
- Amendments that would allow DEP to request TMF from water systems in additional circumstances.
- Required training for certain municipal officials, Corporate Officers, or MUA Chairpersons
- Inclusion of WQAA Certification in Consumer Confidence Reports

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America's Water Infrastructure Act of 2018: Highlights

- DWSRF Changes (for State administrators)
- Section 2013: Risk Assessments and Emergency Response Plans
- Emergency Planning and Community Right-to-Know Act (EPCRA)
- WIIN Changes
- Asset Management & Capacity Development
- Water System Restructuring Rule
- Small System Report to Congress
- <https://www.epa.gov/ground-water-and-drinking-water/americas-water-infrastructure-act-2018-awia>

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AWIA: Section 2013

- Risk Assessments and Emergency Response Plans
- Developing your system's Asset Management Plan may provide some insights for the Risk Assessment Requirement, and vice versa.
- AWIA is an EPA-led initiative, not DEP.
- AWIA only requires certifications to be sent to EPA, not the full Risk Assessments or ERP

Population Served	Risk Assessment	Emergency Response Plan*
≥100,000	March 31, 2020	September 30, 2020
50,000-99,999	December 31, 2020	June 30, 2021
3,301-49,999	June 30, 2021	December 30, 2021

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AWIA: EPCRA Changes

- EPCRA gives communities access to information which will aid them in planning for chemical emergencies
- 1. Require community water systems to be notified of hazardous substance releases into drinking water source areas
- 2. Provide community water systems access to chemical inventory data for tier 2 hazardous chemicals
- https://www.epa.gov/sites/production/files/2019-05/documents/awia_sec_2018_factsheet_for_water_sector_final.pdf

Figure 3. 2018 Section 2013(d) Release Notification Flow

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WIFIA/WIIN: Highlights

WIFIA	WIIN
Administered by EPA for DWSRF programs	Establishes multiple grant programs. These include drinking water projects in small and/or disadvantaged communities, certain lead reduction projects, and lead testing in schools
Money is allocated to NJ Infrastructure Bank, which applies for projects on behalf of water systems.	Direct application by eligible entities to EPA. Grants applied for by 50 states & select territories/tribes.
Applies to projects >\$5 million for communities serving less than 25,001, or projects >\$20 million for large communities	<ul style="list-style-type: none"> • ~\$42 million nationally for small & disadvantaged communities, NJ was allocated ~\$720,000. • \$20 million nationally for lead reduction projects. • ~\$43 million nationally for school lead testing, ~\$1.5 million for NJ.
Can fund up to 49% of a project's costs (to a maximum of 80% from all Federal Funds)	Variable conditions based on grant
Repayment may be deferred up to 5 years	If money is allocated as a grant, repayment not necessary.
Applications received on an ongoing basis	Various grant application deadlines; for the small and/or disadvantaged grant applications are due by Sept. 30, 2020.
https://www.epa.gov/wifia	https://www.epa.gov/dwcapacity/water-infrastructure-improvements-nation-act-wiin-act-grant-programs

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WIPA

- Authorizes owners of publicly-held water or wastewater assets to sell to a capable entity (public or private) without a referendum if one of five emergent conditions exist:

1. System is in Critical Area I or II,
2. System is in significant noncompliance as defined in the Water Pollution Control Act
3. System has an MCL violation or has deficiency in: the availability or potability of water, provision of water at adequate volume or pressure, or distribution or treatment.
4. Demonstrated lack of historical investment, repair, or sustainable maintenance.
5. The system owner lacks the TMF Capacity to address the above issues, or operate the system to support economic activity in the municipality.

- Guidance and details are available at the below:
- <https://www.nj.gov/dep/wipa/index.html>

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[Look for updates on the WQAA website and via email blasts: http://www.nj.gov/dep/watersupply/g_reg-wqaa.html](http://www.nj.gov/dep/watersupply/g_reg-wqaa.html)

[Questions or Comments?](#)

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