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ENVIRONMENTAL PROTECTION

WATER RESOURCES MANAGEMENT

Notice of Readoption

Licensing of Water Supply and Wastewater Treatment System Operators

Readoption: N.J.A.C. 7:10A

Authority: N.J.S.A. 13:1D-1 et seq., 58:10A-1 et seq., 58:11-64 et seq., and 58:12A-1 et seq.

Authorized By: Bob Martin, Commissioner, Department of Environmental Protection.

Effective Date: November 16, 2015

New Expiration Date: November 16, 2022

Take notice that pursuant to N.J.S.A. 52:14B-5.1, the Licensing of Water Supply and Wastewater Treatment System Operator rules at N.J.A.C. 7:10A are readopted and shall continue in effect for a seven-year period. The rules had been scheduled to expire on November 20, 2015. The Department of Environmental Protection (Department) has reviewed these rules and has determined that the rules should be readopted because they are necessary, reasonable, and proper for the purpose for which they were originally promulgated. In accordance with N.J.S.A. 52:14B-5.1(c)1, timely filing of this notice extended the expiration date of the chapter seven years from the date of filing.

In accordance with the Water Supply and Wastewater Operators' Licensing Act, N.J.S.A. 58:11-64, et seq., the Licensing of Water Supply and Wastewater Operator rules establish the standards and procedures for the licensing of operators of industrial wastewater treatment systems, public wastewater collection systems, public wastewater treatment systems, public water distribution systems, and public water treatment systems to ensure that only educated,

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trained and responsible individuals operate and maintain these systems in an effective and lawful manner. All systems as defined by the rules must, as part of meeting minimum license requirements, obtain the services of qualified licensed individuals, either part or full-time, to operate and maintain these systems.

The program is concurrently managed by several programs within the Department, specifically, the Division of Water Quality's New Jersey Pollutant Discharge Elimination Program (NJPDES)-Treatment Works Approval permitting program sets the requirements and standards for individual wastewater facility license classifications. The Division of Water Supply and Geoscience sets the requirements and standards for individual potable water facility license classifications. The Division of Water and Land Use Enforcement ensures individual facility compliance and enforces standards for both water and wastewater facilities, and can also assist in setting requirements and standards for both water and wastewater facilities. The Bureau of Licensing and Pesticide Operations administers the applications and examinations of individuals seeking specific licenses or license renewals to operate treatment works or public water systems. The Bureau also administers the fee program and works with Enforcement to ensure compliance with the rules and applicable law.

The rules establish a Board of Examiners, appointed by the Commissioner of the Department, to assist the Department in administering the licensing program. The Board annually reviews the rules, license qualifications, examination methods and procedures and other materials and issues related to the program and makes recommendations to the Department regarding their improvement. The Board is composed of three representatives from the water supply field, three representatives from the wastewater field and three representatives from the Department.

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In addition to the Board of Examiners, the rules establish an Advisory Committee on Water Supply and Wastewater Licensed Operator Training to advise the Department on the training and licensing requirements of water supply and wastewater operators, and on related matters referred to it by the Department. The committee reviews the training programs for, and identifies the needs of, licensed operators. It also approves the annual allocations of funds for wastewater treatment operators' training programs from sums available in the "Wastewater Treatment Operator Training Account" established pursuant to the Clean Water Enforcement Act. Committee members are appointed by the Commissioner and include a Department employee from the Board; three additional Department employees (one each from Wastewater Regulation, Water Supply Regulation and Water Compliance and Enforcement); two representatives from nomination lists submitted by the New Jersey Section of the American Water Works Association, (one licensed operator, and one member of the Education Committee of the American Water Works association); two representatives from nomination lists submitted by the New Jersey Water Environment Association, (one licensed operator and one member of the Education Committee of the New Jersey Water Environment Association); two representatives submitted by the Association of Environmental Authorities (one from a water authority and one from a wastewater authority); two members selected from environmental groups actively concerned or involved in water quality or wastewater treatment; one representative from a nomination list submitted by the New Jersey Business and Industry Council; two members selected from a list prepared by educational institutions in the State conducting courses in water supply or wastewater treatment operations, or which conducted an appropriate course in the immediately preceding academic year; and the Director of the Office of Continuing Professional Education at Cook College, the State University of New Jersey.

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The types of licenses issued pursuant to N.J.A.C. 7:10A are categorized by the types of systems with which each license is associated. The “S” type license is designated for sanitary wastewater treatment. “C” type licenses are designated for sanitary wastewater collection systems. “N” type licenses are designated for industrial or process wastewater. “T” type licenses are designated for certain potable water treatment systems. “W” type licenses are designated for potable water distribution systems.

There are four class codes for each license category. Class Code One represents the minimum or least complicated class in each license category, while Class Code Four represents the maximum or most complicated class in each category. A point system, based upon a variety of technical factors, determines the classification of a facility's treatment system and establishes the minimum class code requirement for a licensed individual to operate and maintain a specific treatment system. A Very Small Water System, or VSWS, license type is defined for small public community water systems with no treatment or public nontransient noncommunity water systems with either no treatment or relatively simple treatment. A facility's collection or distribution system classification is determined by the number of service connections and/or population served.

The rules contain enforcement provisions, and authorize the Department to issue civil administrative penalties, obtain injunctive relief, suspend or revoke an operator's licenses, and deny an application to renew a license. The rules also provide the procedures to request an adjudicatory hearing to contest an administrative order, administrative penalty assessment, suspension of license, revocation of license, or the denial of an application to renew a license.