

CHAPTER 10A
LICENSING OF WATER SUPPLY AND
WASTEWATER TREATMENT SYSTEM
OPERATORS

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.

Source and Effective Date

R.2002 d.192, effective May 24, 2002.
See: 34 N.J.R. 407(a), 34 N.J.R. 2046(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 10A, Licensing of Water Supply and Wastewater Treatment System Operators, expires on November 22, 2008. See: 40 N.J.R. 3785(a).

Chapter Historical Note

Chapter 10A, Licensing of Water Supply and Wastewater Treatment System Operators, was adopted by R.1997 d.48, effective February 3, 1997, as Subchapter 1, Water Supply and Waste-Water Collection and Treatment Systems: Examining and Licensing of Operators, partially recodified from N.J.A.C. 7:10-13, with sections 7:10A-1:12 through 7:10A-1:14 adopted as new rules; and Subchapter 2, Civil Administrative Penalties, Injunctive Relief, Suspension and Revocation of Operator's License and Requests for Adjudicatory Hearings. See: 28 N.J.R. 4300(a), 29 N.J.R. 480(c).

Chapter 10A, Licensing of Water Supply and Wastewater Treatment System Operators, was readopted as R.2002 d.192, effective May 24, 2002. See: Source and Effective Date. See, also, section annotations.

In accordance with N.J.S.A. 52:14B-5.1d, the expiration date of Chapter 10A, Licensing of Water Supply and Wastewater Treatment System Operators, was extended by gubernatorial directive from May 24, 2007 to May 26, 2008. See: 39 N.J.R. 2248(a).

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**SUBCHAPTER 1. WATER SUPPLY AND WASTE-
WATER COLLECTION AND TREATMENT
SYSTEMS: EXAMINING AND LICENSING OF
OPERATORS**

7:10A-1.1 Scope and construction of rules

(a) This chapter shall constitute the rules governing the eligibility, examining, and licensing of persons as operators of Industrial Wastewater Treatment Systems, Public Wastewater Collection Systems, Public Wastewater Treatment Systems, Public Water Treatment Systems, Public Water Distribution Systems and Public Non Community Surface Water Treatment Systems.

(b) This chapter shall be liberally construed to permit the Department to discharge its statutory functions.

(c) If any section, subsection, provision, clause, or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of these regulations shall not be affected thereby.

(d) Notwithstanding any provision of this chapter to the contrary, this chapter shall not apply, until October 1, 2003, to any public community water system, which serves 100 or fewer dwellings or properties and which does not use treatment, or to any nontransient noncommunity water system that does not use surface water.

Amended by R.1997 d.48, effective February 3, 1997.

See: 28 N.J.R. 4300(a), 29 N.J.R. 480(c).

Amended by R.2000 d.406, effective October 2, 2000.

See: 32 N.J.R. 2279(b), 32 N.J.R. 3585(a).

In (a), added a reference to Public Non-Community Surface Water Treatment Systems; and added (d).

7:10A-1.2 Definitions

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise.

“Act” means the Water Supply and Wastewater Operators Licensing Act, N.J.S.A. 58:11-64 et seq.

“Associates degree” means successful completion of two years of formal education at an accredited college resulting in an engineering or related science degree or post secondary vocational program or a bachelors degree in a field that does not meet the requirements of the bachelors degree category as defined in this subchapter.

“Automated system” means a treatment system that is designed and constructed in such a manner that no untreated or partially treated water or wastewater is discharged in the event of treatment system failure; such automated system shall include an alarm system by which a constantly staffed monitoring location will be notified that system failure has occurred.

“Bachelors degree” means four years of formal education at an accredited college resulting in an engineering or related science degree.

“Board” means the Board of Examiners established by N.J.A.C. 7:10A-1.3.

“Classification” means the level of operation for a system, specifically, VSWS, 1, 2, 3 or 4, as determined pursuant to N.J.A.C. 7:10A-1.14.

“Commissioner” means the Commissioner of the Department of Environmental Protection of the State of New Jersey.

“Controlling agency” means any agency with the authority, either granted by statute or delegated by the Department pursuant to law, to enforce the provisions of this chapter.

“Department” means the Department of Environmental Protection of the State of New Jersey.

“Direct responsible charge experience” means active, daily, on-site supervision, including operation and maintenance responsibilities in a system with a classification no less than one classification lower than the license sought. This experience shall be gained while in possession of a license no less than one grade lower than the license sought.

“Division” means the Division of Revenue in the Department of Treasury.

“Examination and Licensing Unit” means the unit within Contract and Administrative Operations in the Department of Environmental Protection, PO Box 441, Trenton, New Jersey 08625-0441.

“Full time operator” means an operator who is in attendance at a system for at least seven hours each day for at least five days and at least 35 hours each week during an ordinary one week period.

“Industrial Wastewater Treatment System” means any structure or structures by means of which non-sanitary liquid wastes or sludges are subjected to any treatment process which requires the issuance of an individual NJPDES permit or general permit authorization and from which a discharge occurs in order to remove or alter the constituents so as to render the wastes or sludges less offensive or dangerous to public health, safety, welfare, comfort, property or environment of the State or any inhabitants of the State before discharge of the resulting effluent either directly or indirectly into any waters of the State.

“License” means a certificate of competency, issued by the Department, stating that the holder has met the requirements of a particular system classification.

“Licensed operator” means the licensee approved by the Department holding any local title, designation, or job description who is on-site at a system a significant amount of time, although not necessarily full time, and who has active involvement in and is responsible for the operation, and maintenance, and effectiveness of the system and who holds a license equal or superior to that required for the system.

“Licensee” means a person who possesses a valid license issued by the Department pursuant to the Act.

“Metal finishing” means any of the following metal finishing operations performed on any basis material: electroplating; electroless plating; anodizing; coating (chromating, phosphating, and coloring); chemical etching and milling; and printed circuit board manufacturing.

“NJPDES” means the New Jersey Pollutant Discharge Elimination System as defined at N.J.A.C. 7:14A.

“Oil water separator” means an industrial wastewater treatment system designed for the separation and removal of insoluble oils or floating grease.

“Operating experience” means the time spent in the satisfactory performance of operational duties at a system which is acceptable to the Board. For an industrial wastewater treatment system (N) license, manufacturing and process experience may be acceptable in lieu of operating experience.

“Operating requirements” means provisions of permits or approvals, administrative orders, directives, or rules and regulations which the Department may issue or adopt to ensure the safe and efficient operation of systems, consistent with statutory authority.

“Owner” means any municipality, institution, authority, commission, corporation, person or other similar body who owns or controls a system.

"Population equivalent" means the number of individuals who would normally be expected to generate a given flow or quantity of pollutants, based either on 100 gallons per day or 0.17 lbs. BOD or suspended solids per person per day. For the purposes of this chapter population equivalent shall be used only to classify public wastewater collection systems (C).

"Proof of equivalent training" means a transcript and description of relevant courses, including textbooks used in such courses, taken by an applicant.

"Public Non-Community Surface Water Treatment System" means a non-community water system using surface water or groundwater under the direct influence of surface water that is subjected to water treatment.

"Public Wastewater Collection System" means a system which serves more than 250 people or conveys more than 25,000 gallons of wastewater per day which is regulated by the Department pursuant to the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq., and which system consists of structures which, operating alone or with other structures, result in the collection and conveyance of wastewater from private, commercial, institutional or industrial sources, to public wastewater treatment plants for subsequent treatment, or a system which solely transmits treated effluent from a public wastewater treatment system for disposal.

"Public Wastewater Treatment System" means any structure or structures by means of which domestic, or combined domestic and non-sanitary liquid wastes or sewage are subjected to any treatment process in order to remove or so alter the constituents as to render the wastes less offensive or dangerous to public health, safety, welfare, comfort, property or environment of the State or any inhabitants of the State before discharge of the resulting effluent either directly or indirectly into any waters of the State, and which is regulated by the Department pursuant to the authority of the Water Pollution Control Act, N.J.S.A. 58:10A-1 et seq.

"Public Water Distribution System" means a system comprising structures which is a public community water system or a public nontransient noncommunity water system identified by a specific ID number pursuant to the Safe Drinking Water Act Regulations, N.J.A.C. 7:10, and which operating alone or with other structures, results in the derivation, conveyance (or transmission) or distribution of piped water for human consumption and domestic purposes.

"Public Water Treatment System" means any structure or structures delivering water into a public water distribution system as identified by a specific ID Number pursuant to the Safe Drinking Water Act Regulations, N.J.A.C. 7:10, and which subjects water, prior to use for potable purposes, to the addition or subtraction of a substance or substances in order to enhance the safeness, palatability, public health, purity, or aesthetic qualities; or reduce the corrosive or hazardous properties of the water used.

"Sedimentation unit" means any industrial wastewater treatment system at which wastewater is only physically, not chemically, treated to reduce suspended solids including a clarifier, settling tank, lagoon, basin or pond, detention basin or pond, or sedimentation basin or pond.

"System" means any Industrial Wastewater Treatment System, Public Wastewater Collection System, Public Wastewater Treatment System, Public Water Distribution System, Public Water Treatment System or Public Non-Community Surface Water Treatment System.

"Training contact hours (TCHs)" means the hours of training a licensed operator has received through a seminar, workshop, training course, college course or other means as approved by the Department.

"Variations in raw waste" means, for the purpose of classifying public wastewater treatment systems, the frequency and/or intensity of deviation or excessive variation from normal or typical fluctuations in raw waste influent flow; such deviation can be determined in terms of strength, toxicity, shock loads or inflow/infiltration.

"Very Small Water System (VSWS)" means:

1. A public community water system, that serves 100 or fewer dwellings or properties, that does not use treatment; or
2. A public nontransient noncommunity water system which does not use treatment or uses treatment in the form of disinfection, home style ion exchange units or any other treatment that does not require chemical addition, process adjustment, backwashing, media regeneration (for example, calcium carbonate filters, granular activated carbon, cartridge filters).

"Waters of the State" means the ocean and its estuaries, all springs, groundwater, streams or bodies of surface waters, whether natural or artificial, within the boundaries of this State or subject to its jurisdiction.

Amended by R.1989 d.170 effective March 20, 1989.

See: 20 N.J.R. 1141(b), 21 N.J.R. 750(c).

Definitions for "oil water separator" and "sedimentation unit" added.

Amended by R.1997 d.48, effective February 3, 1997.

See: 28 N.J.R. 4300(a), 29 N.J.R. 480(c).

Added "Associates degree", "Automated system", "Bachelor's degree", "Classification", "Controlling agency", "Direct responsible charge experience", "Full time operator", "Metal finishing", "NJPDES", "Operating experience", "Population equivalent", "Proof of equivalent training", "Public Non-Community Surface Water Treatment System", and "Variations in raw waste"; and amended "Board", "Bureau", "Industrial Wastewater Treatment System", "Oil water separator", "Public Wastewater Collection System", "Public Wastewater Treatment System", "Public Water Treatment System" and "System". Amended by R.2000 d.406, effective October 2, 2000.

See: 32 N.J.R. 2279(b), 32 N.J.R. 3585(a).

Deleted "Bureau"; added "Division", "Examination and Licensing Unit", "License", "Training contact hours (TCHs)" and "Very Small Water System (VSWS)"; and in "Classification", substituted "operation" for "treatment", and inserted "VSWS"; in and "Public Water

Distribution System", inserted a reference to public nontransient non-community water systems.

7:10A-1.3 Examining board

(a) A Board of Examiners is hereby established to advise and assist the Department in the preparation and administration of examinations conducted under the authority of the Act.

(b) The Board shall be comprised of certain personnel of the Department, and actively engaged licensed operators having at least five years experience in the operation of a system in the State of New Jersey and possessing a current Class 4 license for one or more systems at the time of appointment. The members of the Board shall be appointed and may be reappointed by the Commissioner and shall:

1. Be appointed for a three year term and shall serve until the appointment of a successor;
2. Be comprised of three representatives from the water works field and three representatives from the wastewater field and three representatives from the Department; and
3. Be subject to removal at the discretion of the Commissioner.

(c) Five members of the Board shall constitute a quorum of the Board for conducting business.

(d) No compensation shall be paid for the services of the members of the Board but they shall be reimbursed for their necessary expenses incurred in performing the services herein prescribed.

(e) The Board shall keep minutes of its meetings and it shall transmit its recommendations through the Administrator, General Services to the Commissioner.

(f) The current members of the Board shall continue as members of the Board until the completion of their terms, when they may be reappointed.

Amended by R.1997 d.48, effective February 3, 1997.
See: 28 N.J.R. 4300(a), 29 N.J.R. 480(c).
Amended by R.2000 d.406, effective October 2, 2000.
See: 32 N.J.R. 2279(b), 32 N.J.R. 3585(a).

In (e), substituted "Administrator," for "Director, Division of Financial Management and".

7:10A-1.4 Examinations

(a) Examinations for licenses to operate Systems shall be given at least twice annually and at such other times as the Department may deem necessary. They shall be prepared, conducted, and scored in accordance with the Department's standard operating procedures with the advice of the Board.

(b) The examinations may consist of written questions, or oral questions, or a combination thereof.

(c) The Board shall establish examination review procedures which are fair to the applicants and which preserve the integrity of the examinations.

7:10A-1.5 Advisory committee on training

(a) An Advisory Committee on Water Supply and Wastewater Licensed Operator Training is hereby established to:

1. Advise the Department through the Board on such matters as are referred to the Committee by the Department or Board with respect to the instructional process leading to State licensing of system operators and for the further educational advancement of licensees;
2. Coordinate the activities of New Jersey educational institutions offering or proposing to offer appropriate coursework;
3. Establish and periodically update standardized course outlines for the educational training of the operators of water supply and wastewater facilities leading to State licenses and specifying a minimum number of classroom hours for each;
4. Periodically review available textbooks in the field of water supply, water treatment and wastewater treatment, and make recommendations for standard textbooks which should be used for approved courses;
5. Act as a clearing house on matters affecting water supply and wastewater licensee training in New Jersey; and
6. Review and make recommendations to the Department regarding those seminars, workshops, training courses, college courses or other means, which are acceptable as credit toward training contact hours for license renewal.

(b) The Committee members shall be appointed and may be reappointed by the Commissioner for terms of three years and shall include, as a minimum:

1. One representative who is a Department employee from the Board;
2. Three representatives who are Department employees, one from wastewater regulation, one from water supply regulation and one from water compliance and enforcement;
3. Two representatives from nomination lists submitted by the New Jersey Section American Water Works Association one of these representatives shall be a licensed operator, and one shall be a member of the Education Committee of the American Water Works Association;
4. Two representatives from nomination lists submitted by the New Jersey Water Environment Association; one of these representatives shall be a licensed operator, and one shall be a member of the Education Committee of the New Jersey Water Environment Association;

5. Two representatives from nomination lists submitted by the Association of Environmental Authorities; one of these representatives shall be from a water authority and one shall be from a wastewater authority;

6. Two members selected from environmental groups in the State actively concerned or involved in water quality or wastewater treatment;

7. One representative from a nomination list submitted by the New Jersey Business and Industry Council;

8. 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

9. The Director of the Office of Continuing Professional Education at Cook College, the State University of New Jersey.

(c) If a vacancy should occur on the committee during the term of a member, the Commissioner may fill the vacancy by appointing a qualified person for the time remaining in the term.

(d) The Advisory Committee shall meet at least once each year.

1. Minutes shall be kept.
2. A copy of all recommendations and minutes shall be sent to each member and the Chairman of the Board.

(e) Administrative support for the Advisory Committee shall be provided by the Examination and Licensing Unit.

Amended by R.1997 d.48, effective February 3, 1997.
See: 28 N.J.R. 4300(a), 29 N.J.R. 480(c).

Substantially amended (b); in (d), decreased minimum number of meetings each year from two to one, and deleted reference to the Director of the Division of Water Resources; and in (e), substituted the Bureau of Revenue for the Division of Water Resources.

Amended by R.2000 d.406, effective October 2, 2000.
See: 32 N.J.R. 2279(b), 32 N.J.R. 3585(a).

Added (a)6; in (e), substituted "Examination and Licensing Unit" for "Bureau of Revenue".

7:10A-1.6 Applications

(a) An application for a license shall be submitted on forms furnished by the Department and shall be filed with the Department on or before the prestamped closing date on the application form.

1. All applications shall be completed to the satisfaction of the Department and shall be accompanied by documentary evidence supporting education and experience, and the nonrefundable application fee.

2. Applicants shall be advised at least two weeks in advance regarding admission to examinations.

(b) Any applicant who submits false information when applying for a license may be disqualified from taking the examination or receiving the license. In addition, any licensee whose eligibility for a license was based on the submission of false information is subject to having that license suspended or revoked by the Department.

Amended by R.1997 d.48, effective February 3, 1997.
See: 28 N.J.R. 4300(a), 29 N.J.R. 480(c).

7:10A-1.7 Examination results

An applicant who passes the examination and pays the appropriate license fee shall be issued the license of the classification for which the applicant was examined.

7:10A-1.8 Fees

(a) The fee schedule is based upon the approximate cost to the Department to process the action requiring the fee. All fees submitted to the Department are nonrefundable. The following fees must be received by the Department before any action shall be taken on the matter requiring the fee:

1. Application Fee	\$35.00
2. Initial License Fee	\$25.00
3. Annual License Fee	\$20.00
4. Late Renewal Fee	\$10.00

7:10A-1.9 License renewal requirements

(a) Each license shall be valid from its issue date until the following October 1.

(b) Each license holder shall renew his or her license by submitting a complete renewal application which shall include the nonrefundable annual license fee to the Division, for a new license prior to September 30, of each year.

1. Any renewal application which does not contain all required information, including documentation that the applicant has completed the required number of TCHs under (d) below and the nonrefundable annual license fee, shall be deemed incomplete and returned to the license holder without substantive review.

(c) A licensee who fails to renew his or her license within one year following the renewal date of the license, shall not receive a new license unless he or she meets the current requirements of the license and until he or she successfully passes another qualifying examination.

1. The provisions of (c) above shall not, in any way, extend the time requirements imposed by (d) below, for purposes of accumulating TCHs.

(d) As of October 1, 2000, all licensees shall accumulate TCHs to meet the continuing education requirements for license renewal. Effective October 1, 2003, all licensees shall demonstrate to the Board that they have completed the required number of TCHs, within the prior three year period, for license renewal. Every three calendar years after

October 1, 2003 (that is, October 1, 2006, October 1, 2009, October 1, 2012, etc.), a licensee shall demonstrate that he or she has completed the required number of TCHs, within the prior three year period, for license renewal. The TCH's requirements are as follows:

<u>License Classification</u>	<u>Training Contact Hours</u>
3 and 4	36
CN, NS, NN, 1 and 2	18
VSWS	12

1. For purposes of accumulating TCHs pursuant to this chapter, any seminar, workshop, training course or college course related to the water and/or wastewater field and approved by the International Association for Continuing Education and Training is approved by the Department.

2. The Department shall review and approve, on an individual case basis, any other seminar, workshop, training course, college course or other means of training, related to the water and/or wastewater field, which the Department determines substantially meets the criteria used by the International Association for Continuing Education and Training for the approval of a seminar, workshop, training course or college course.

(e) A licensee who has been licensed for less than three years is not required to demonstrate that he or she has completed the required number of TCHs. If a license upgrade is approved within the three year period, the TCH requirement for the lesser classification shall apply. TCHs are required for all water (T, W and VSWS) and wastewater (S, C, N, NS, CN, NN) licenses. Any TCHs approved for a water license applies to all water licenses. Any TCHs for a wastewater license applies to all wastewater licenses. A licensee who holds both water and wastewater licenses shall obtain the required number of TCHs for each category of license.

Amended by R.1997 d.48, effective February 3, 1997.
See: 28 N.J.R. 4300(a), 29 N.J.R. 480(c).

Substantially amended (c).

Amended by R.2000 d.406, effective October 2, 2000.
See: 32 N.J.R. 2279(b), 32 N.J.R. 3585(a).

In (b), substituted a reference to the Division for a reference to the Bureau; and added (d) and (e).

Amended by R.2002 d.192, effective June 17, 2002.

See: 34 N.J.R. 407(a), 34 N.J.R. 2046(a).

In (b), substituted "which shall include" for "and" following "application" in the introductory paragraph and added 1; added (c)1.

7:10A-1.10 Licensed operator required; exemptions

(a) Unless exempted pursuant to (c) below, every owner of a system shall employ a licensed operator holding the license prescribed by the Department for that classification of system as follows:

1. S licenses are licenses to operate a public wastewater treatment system.
2. C licenses are licenses to operate a public wastewater collection system.

3. T licenses are licenses to operate a public water treatment system. A T licensed operator may operate any VSWS.

4. W licenses are licenses to operate a public water distribution system. A W licensed operator may operate any VSWS.

5. N licenses are licenses to operate an industrial wastewater treatment plant.

6. NS licenses are licenses to operate an industrial wastewater treatment system consisting only of an oil water separator or a sedimentation unit.

7. CN licenses are licenses to operate only the public wastewater collection system which a person was operating on July 2, 1984. A CN license is restricted to a particular system, permits the operator to continue operating only that system, and shall not be used to meet the licensed operator requirements for any other system.

8. NN licenses are licenses to operate an industrial wastewater treatment system which a person was operating with a valid S-In license on July 2, 1984. However, the NN license shall not be used to meet the licensed operator requirements for any other system.

i. S-In licenses were licenses to operate industrial wastewater treatment systems. These licenses were discontinued effective July 2, 1984.

9. VSWS licenses are licenses to operate:

i. A public community water system, which serves 100 or fewer dwellings or properties, and which does not have treatment; or

ii. A public nontransient noncommunity water system which has no treatment or treatment in the form of disinfection, home style ion exchange units or any other treatment which does not require chemical addition, process adjustment, backwashing, media regeneration (for example, calcium carbonate filters, granular activated carbon, cartridge filters).

(b) The licensed operator shall be in charge of the operation of the system.

1. If a system is reclassified by the Department, the licensed operator of the reclassified system may continue as the licensed operator of that system, regardless of the new classification of that system, except that a VSWS licensed operator shall not operate a system reclassified so that it requires a T or W licensed operator.

(c) A licensed operator is not required for the following systems:

1. Industrial wastewater treatment systems and public wastewater treatment systems which do not require an individual NJPDES permit or a NJPDES general permit authorization to discharge pursuant to N.J.A.C. 7:14A;

2. Industrial wastewater treatment systems for which a NJPDES general permit authorization to discharge has been issued pursuant to N.J.A.C. 7:14A, for stormwater runoff only;

3. Industrial wastewater treatment systems which consist of American Petroleum Institute (API) approved or equivalent gravity oil/water separators and/or sedimentation units used to treat discharges consisting solely of stormwater runoff not commingled with other wastewater;

4. Industrial wastewater treatment systems which are designed to treat a monthly average of less than 4,000 gallons daily of process wastewater prior to indirect discharge to a Public Wastewater Treatment System for which an individual NJPDES significant indirect user permit has been issued pursuant to N.J.A.C. 7:14A solely on the basis that the permittee is subject to Federal categorical pretreatment standards;

5. Industrial wastewater treatment systems and public wastewater treatment systems for which a general permit authorization to discharge has been issued pursuant to N.J.A.C. 7:14A that specifically exempts any related treatment systems from the licensed operator requirements;

6. Industrial wastewater treatment systems and public wastewater treatment systems for which an individual NJPDES permit or a NJPDES general permit authorization to discharge has been issued pursuant to N.J.A.C. 7:14A for a Class V Injection Well which relies solely upon gravitational means or an automatic siphon to convey a discharge;

7. Public wastewater treatment systems for which a NJPDES/DGW permit has been issued pursuant to N.J.A.C. 7:14A that perform discharge monitoring for the parameter of flow only, and which are designed and constructed in accordance with N.J.A.C. 7:9A and with the oversight of the local administrative authority; and

8. Public wastewater collection systems determined by the Department to consist of one establishment or building complex pursuant to N.J.A.C. 7:14A-23 and which has no more than one gravity lateral connection.

(d) A holder of a CN license shall serve as the licensed operator only at the system for which the CN license was issued.

(e) A holder of an NN license shall serve as the licensed operator only at the system for which the NN license was issued.

(f) Any time the licensed operator is unavailable to cover the system for which he or she is the licensed operator, the owner shall obtain the services of a licensee holding a license not more than one class lower than the classification required for the operation of the system to cover the system during the unavailability of the licensed operator.

(g) Unless exempted pursuant to (g)1 through 3 below, class 3 treatment systems and class 4 treatment systems shall have the appropriate full-time licensed operator. In addition, class 4 treatment systems should have a licensee possessing any valid treatment license within the appropriate system classification, physically present at the treatment system during that portion of each 24 hour period when the licensed operator is not present.

1. The Department shall exempt class 3 and class 4 automated systems from the full-time operator require-

ment upon submission by the owner or permittee, of a written request.

2. A written request for an exemption pursuant to this subsection shall be submitted to the Examination and Licensing Unit and shall include the following:

- i. The name and address of facility;
- ii. A description of facility including classification;
- iii. The identification number of facility;
- iv. The name, address and telephone number of owner of facility;
- v. The name and telephone number of contact person onsite; and
- vi. The basis upon which an exemption is claimed.

3. An exemption from the full time operator requirement shall specify the special conditions of the exemption and the minimum number of hours the licensed operator is required to be in attendance at the treatment system.

(h) The Department reserves the right to limit the number of systems a licensed operator may operate and to specify the number of hours the licensed operator is required to be in attendance at each system.

(i) Licensed operators shall notify the Examination and Licensing Unit at least two weeks prior to changing their positions or employment.

(j) The owner of a system employing a new licensed operator shall notify, in writing, the Examination and Licensing Unit of the name of the new licensed operator within two weeks after the licensed operator begins his or her employment.

(k) No person shall operate a system in violation of the provisions of the Act, this chapter or any other operating requirements.

Amended by R.1989 d.170 effective March 20, 1989.
See: 20 N.J.R. 1141(b), 21 N.J.R. 750(c).

(c)1. Deleted reference to two year time frame since time period passed.

Amended by R.1997 d.48, effective February 3, 1997.
See: 28 N.J.R. 4300(a), 29 N.J.R. 480(c).

In (a), inserted "Unless exempted pursuant to (b) below"; in (a)1, inserted "by the Department"; inserted new (b) through (d); recodified former (b) through (g) as (e) through (j); and substantially amended (f) and (g).

Amended by R.2000 d.406, effective October 2, 2000.
See: 32 N.J.R. 2279(b), 32 N.J.R. 3585(a).

Rewrote the section.

7:10A-1.11 Reciprocity with other states

(a) The Department may issue licenses to persons meeting the requirements of N.J.S.A. 58:11-69.

(b) Any person meeting the requirements of N.J.S.A. 58:11-69 may apply to the Department for a license by filing

a completed application form and the nonrefundable application fee with the Department.

(c) The Board shall evaluate the person's application and if it meets the criteria set forth in (a) above, the Department shall, upon receipt of the nonrefundable initial license fee, issue a license to the person.

7:10A-1.12 Duties, records and reports

(a) At a minimum, all licensed operators shall perform the following duties and maintain the following information for each system operated:

1. Each licensed operator shall have readily available written detailed operations and maintenance (O&M) procedures. The O&M procedures shall be designed to maximize preventive maintenance and operating techniques that will ensure that the system operates in a manner that satisfies all laws, rules, regulations, license conditions and orders relating to this chapter.

2. Each licensed operator shall:

- i. Properly operate and maintain the system;
- ii. Schedule routine inspections and preventive maintenance tasks which will be undertaken to preserve the physical integrity of the system;
- iii. Establish and implement a routine recordkeeping system designed to incorporate all O&M procedures that relate to the system;
- iv. Develop a protocol for the system designed to ensure that each employee associated with the system is acquainted with his or her particular responsibilities and obligations, including the protocol to be followed in the event of an emergency within the system or an intervening factor which mandates deviation from routine O&M procedures; and
- v. Ensure that health and safety measures related to the O&M procedures are followed by the licensee, employees and agents of the system so as to protect human health, safety, welfare, and the environment.

3. Each licensed operator shall be responsible for conducting inspections of the system(s) and appurtenances in accordance with the schedule specified in the O&M procedures, and as otherwise indicated by operating requirements, and/or directed by the Department.

i. Such inspections shall ensure that the system is operated and maintained properly and complies with all laws, rules, regulations, license conditions and orders relating to this chapter;

ii. The results of all mechanical equipment and appurtenance inspections essential to the proper O&M of the system shall either be recorded in ink and maintained in bound inspection log books or be maintained in secured-access computer databases or files or other equivalent method of recordkeeping. The log books or computer databases, or file or equivalent shall also include:

(1) Time, date and subject of all system inspections;

(2) A report of all breaks, breakdowns, problems, bypasses, pump failures, occurrences, emergencies, complaints and/or intervening factors within the system that result in or necessitate deviation from the routine O&M procedures, and any situations that have the potential to affect public health, safety, welfare, or the environment or have the potential to violate any permits, regulations or laws relating to this chapter;

(3) A record of the remedial or follow up action and protocol taken to correct all breakdowns, problems, bypasses, pump failures, occurrences, emergencies and/or intervening factors within the system that result in or necessitate deviation from the routine O&M procedures, and any situations that have the potential to affect public health, safety, welfare, or the environment or have the potential to violate any permits, regulations or laws relating to this chapter; and

(4) The date and time of each entry.

4. Each licensed operator shall be familiar with and shall ensure compliance with all laws, rules, regulations, license conditions and orders relating to this chapter.

5. System records, current permits, written O&M procedures, log books, computer databases or files or other equivalent records, pertinent documents and correspondence shall be made available upon request by the Department or other controlling agency, and shall be kept in a safe and secure area for a period of five years.

(b) Each licensed operator shall immediately report any system deficiencies, breaks, breakdowns, problems, bypasses, pump failures, occurrences, emergencies, complaints and/or intervening factors within the system that result in or necessitate deviation from the routine O&M procedures and any situations that have the potential to affect public health, safety, welfare, or the environment or have the potential to violate any permits, regulations or laws relating to this chapter. All reports shall be made to the owner or permittee of the system to or from which treatment is provided. All violations shall be reported by the owner or permittee, as appropriate, to the Department.

1. Each licensed operator shall submit to the Department, upon request, a report summarizing any event described in (b) above and the remedial action taken.

2. Each Public Wastewater Collection System operator shall submit to the receiving system a monthly report summarizing all events described in (b) above and the remedial action taken, by the 10th day of the month following each month for which the data is collected.

(c) Each licensed operator of a public wastewater treatment system (S class) or a public wastewater collection system (C class) shall maintain a record of all industrial and commercial dischargers into such system which could exert a deleterious effect on either the collection system or the receiving treatment system. The collection system operator shall provide a list of all such industrial and commercial dischargers to the owner or permittee of the receiving system by the 10th day of the month following each month for which the data is collected.

(d) Each licensed operator or the owner of a Public Water Treatment System or Public Non-Community Surface Water Treatment System (T class) shall submit the monthly Operating Report of Water Treatment Plants, on the form provided by the Department, to the Department before the 10th day of the month following each month for which the data is collected. The report shall include:

1. The plant identification number and classification;
2. The month for which the report is provided;
3. The name of the purveyor;
4. Plant description and its location;
5. The pumpage quantity, both raw and treated water;
6. Chemical data as specified on the form;
7. The name and signature of the operator; and
8. Information related to system processes.

(e) Each licensed operator of a Public Water Distribution System (W class) shall, at a minimum:

1. Exercise all major system valves for emergency interconnections annually; and
2. Notify the system owner of any line breaks, pumping failures or water quality complaints relating to treatment.

7:10A-1.13 (Reserved)

7:10A-1.14 System classification

(a) Public wastewater treatment systems (S), public water treatment systems, or public noncommunity water treatment systems (T, VSWS), industrial wastewater treatment systems (N), public wastewater collection systems (C) and public water distribution systems (T, VSWS) shall be classified into one of the classes established in (b)1 through 5 below at Table I(S), Table I(T), Table I(N), Table I(C) and Table I(W), respectively.

1. Except for VSWS, the Department shall assign points to each public wastewater treatment system (S), public water treatment system or public non-community surface water treatment system (T), and industrial wastewater treatment system (N) for every item in (c) below that applies. The classification of each system as determined by (b)1 through 3 below shall be based upon the total number of points assigned to it in accordance with

(c)1 through 3 below in Table II(S), Table II(T) or Table II(N), respectively.

2. The Department shall determine the population served or the population equivalent for public wastewater collection systems (C), and the population served or equivalent for public water distribution systems (W) as established at (b) 4 and 5 below in Table I(C), and Table I(W), respectively.

3. If unique treatment system conditions exist that are not set forth in the tables below, the Department shall adjust the system classification by determining the unique conditions equivalent to a comparable factor in the tables and assigning points accordingly.

4. The toxicity grouping for an industrial wastewater treatment system (N) in Table II (N) shall be determined from the North American Industrial Classification System (NAICS) code table, at (c)4 below, for the facility whose system is being classified.

(b) Systems are classified in accordance with the following tables:

1. The classification of public wastewater treatment systems (S) is as follows:

Table I(S)

System class	S1	S2	S3	S4
Range of points as determined under (c)1 below	30 or less	31 to 55	56 to 75	76 and greater

2. The classification of public water treatment systems or public non-community surface water treatment systems (VSWS or T) is as follows:

i. "Very Small Water System (VSWS)" as defined at N.J.A.C. 7:10A-1.10.

ii.

Table I(T)

System class	T1	T2	T3	T4
Range of points as determined under (c)2 below	30 or less	31 to 55	56 to 75	76 and greater

3. The classification of industrial wastewater treatment systems (N) is as follows:

Table I(N)

System class	N1	N2	N3	N4
Range of points as determined under (c)3 below	6 to 19	20 to 49	50 to 69	70 or more

4. The classification of public wastewater collection systems (C) is as follows:

Table I(C)

System class	C1	C2	C3	C4
Population served or population equivalent	251 to 1,500 people	1,501 to 15,000 people	15,001 to 50,000 people	50,001 or more people

5. The classification of public water distribution systems (W) is as follows:

Table I(W)

System class	W1	W2	W3	W4
Population served or equivalent	101 or more connections and less than 1,501 people	1,501 to 15,000 people	15,001 to 50,000 people	50,000 or more people

(c) Points shall be assigned to systems in accordance with the following tables.

1. Points shall be assigned to public wastewater treatment systems (S) as follows:

Table II(S)

Item/Unit	Points
DESIGN FLOW	
2 pts per MGD or part thereof, 20 max., multiply MGD by 2	MGD x 2
EFFLUENT DISCHARGE	
Surface water discharge	2
Land disposal—evaporation	2
Subsurface disposal	4
Direct recycle and reuse system	6
VARIATIONS IN RAW WASTE	
Variations do not exceed those normally or typically expected	0
Recurring deviations or excessive variations of 100% to 200% in strength and/or flow	3
Recurring deviations or excessive variations of more than 200% in strength and/or flow	6
Raw wastes subject to toxic waste discharges which affect plant performance	10
PRETREATMENT	
Screening, comminution, grinder	3
Grit removal	3
Plant pumping of main flow	3
Equalization	3
PRIMARY TREATMENT	
Primary clarifiers	5
Combined sedimentation/digestion	5
Chemical addition (except chlorination, enzymes, etc.)	4
SECONDARY TREATMENT	
Trickling filter or rotating Biological contactor with secondary clarifiers	10
Activated sludge with secondary clarifiers (including extended aeration and oxidation ditches)	20
Stabilization ponds without aeration	6
Aeration lagoon	10

Item/Unit	Points
ADVANCED WASTEWATER TREATMENT	
Polishing pond	4
Chemical/physical without secondary treatment	18
Chemical/physical following secondary treatment	12
Biological or chemical/biological	14
Ion exchange	12
Reverse osmosis electro dialysis	16
Chemical recovery, carbon regeneration	6
Sand filters	5

Item/Unit	Points
SOLIDS HANDLING	
Thickening	6
Anaerobic digestion/aerated holding tank	12
Aerobic digestion	8
Evaporation sludge drying	2
Mechanical dewatering	10
Solids reduction (incineration, wet oxidation)	14
Composting	5

Item/Unit	Points
DISINFECTION	
Chlorination or comparable treatment	6
On site generation of disinfectant	6

2. Points shall be assigned to public water treatment systems or public non-community surface water treatment systems (T) as follows:

Table II(T)

Item/Unit	Points
SIZE	
Population served, 1 pt. per 10,000 or part thereof, 10 pts max., population divided by 10,000 to obtain number	# x 1
Peak month's production (average day), 10 pts max., 1 pt per mgd or part thereof, multiply mgd by 1	mgd x 1
WATER SUPPLY SOURCE	
Ground water	6
Ground water under direct influence of surface water	10
Surface water	22
TREATMENT	
Aeration (without packed column)	8
Chemical precipitation softening	20
Coagulation-flocculation with sedimentation	20
Coagulation-flocculation without sedimentation	10
Corrosion inhibitors	8
Disinfection with chlorine	8
Disinfection with chlorine dioxide	10
Disinfection with chloramines	10
Disinfection with ozone	15
Fluoridation	8
Filtration with membrane	15
Filtration with multimedia and/or gravity filters	15
Filtration with monomedia and/or pressure filters	10
Granular activated carbon (GAC)	15
Ion exchange	10
Ion exchange with degasser	15
Iron/Manganese removal employing oxidation	10
Iron/Manganese hardness sequestration	8

7:10A-1.15 Criteria needed to take the examination for each license

(a) Persons applying to take an examination for a Very Small Water System (VSWS), public wastewater treatment system (S), public water treatment system or public non-community surface water treatment system (T), public wastewater collection system (C) or public water distribution system (W) license shall meet the following requirements and possess the minimum education and experience requirements for the license applied for found in Table IIIA in (b) below.

1. Persons applying to take any examination and holding no degree higher than a high school diploma or not holding an associates degree, as defined at N.J.A.C. 7:10A-1.2, shall have successfully completed an introductory course approved by the Department in the subject matter pertaining to the license being sought, prior to applying to take the examination.

2. Any person applying to take an examination for a class 2, 3 or 4 license shall complete an advanced course approved by the department in the subject matter pertaining to the license being sought, prior to applying to take the examination.

3. Any of the courses required above may be waived if the applicant submits satisfactory proof of equivalent training to the Department.

i. Such proof of equivalent training shall consist of transcripts and descriptions of relevant courses, including textbooks used in the courses, taken by the applicant.

(b) Minimum admission requirements for the licensing examination for VSWS, S, T, C, and W treatment system licenses are as follows:

Table IIIA

Personnel classification	Education	Operating experience (years)	Direct responsible charge experience (years)	Total experience (years)
VSWS	High School Diploma or equivalency certificate:	6 months	0	6 months
	Associates Degree:	6 months	0	6 months
	Bachelors Degree category:	6 months	0	6 months
Classification 1	High School Diploma or equivalency certificate:	1	0	1
	Associates Degree:	1	0	1
	Bachelors degree category:	1	0	1
Classification 2	High School Diploma or equivalency certificate:	3	0	3
	Associates Degree:	2	0	2
	Bachelors degree category:	1.5	0	1.5
Classification 3	High School Diploma or equivalency certificate:	3 plus	3	6
	Associates Degree:	2 plus	2	4
	Bachelors degree category:	1.5 plus	1.5	3
Classification 4	High School Diploma or equivalency certificate:	6 plus	4	10
	Associates Degree:	4 plus	3	7
	Bachelors degree category:	3 plus	2	5

(c) Persons applying to take an examination for an industrial wastewater treatment system license shall meet the following requirements and possess the minimum education and experience requirements for the license applied for, found at Table IIIB in (d) below.

1. Persons applying to take any industrial wastewater treatment system license examination shall have successfully completed an industrial waste course approved by the department prior to applying to take the examination. The course requirement may be waived if the applicant submits satisfactory proof of equivalent training to the department.

i. Such proof of equivalent training shall consist of transcripts and descriptions of relevant courses, including textbooks used in courses, taken by the applicant.

(d) Minimum admission requirements for the licensing examination for an N treatment system license are as follows:

Personnel Classification	Education	Operating experience (years)
Classification 1	High School Diploma or equivalency certificate:	1
	Associates Degree:	1
	Bachelors degree category:	1
Classification 2	High School Diploma or equivalency certificate:	3
	Associates Degree:	2
	Bachelors degree category:	1.5
Classification 3	High School Diploma or equivalency certificate:	6
	Associates Degree:	4
	Bachelors degree category:	3
Classification 4	High School Diploma or equivalency certificate:	10
	Associates Degree:	7
	Bachelors degree category:	5

Table IIIB

R.1984 d.350, eff. August 20, 1984.
 See: 16 N.J.R. 1423(a), 16 N.J.R. 2268(b).
 Amended by R.1997 d.48, effective February 3, 1997.
 See: 28 N.J.R. 4300(a), 29 N.J.R. 480(c).

Substantially amended (a), and rewrote (b) and (d).
Amended by R.2000 d.406, effective October 2, 2000.
See: 32 N.J.R. 2279(b), 32 N.J.R. 3585(a).

In (a) and (b), added references to Very Small Water Systems (VSWS); in (a)1, inserted "or not holding an associates degree, as defined in N.J.A.C. 7:10A-1.2."; and in (a)3, substituted "Any" for "Either or both".

**SUBCHAPTER 2. CIVIL ADMINISTRATIVE
PENALTIES, INJUNCTIVE RELIEF,
SUSPENSION AND REVOCATION OF
OPERATOR'S LICENSE, DENIAL OF AN
APPLICATION TO RENEW A LICENSE AND
REQUESTS FOR ADJUDICATORY
HEARINGS**

7:10A-2.1 Purpose

This subchapter establishes the procedures governing the issuance of civil administrative orders, the assessment of civil administrative penalties and the suspension of, revocation of, or denial of an application to renew, any license issued pursuant to this chapter and the Act. This subchapter

also governs the procedures for the submittal and review and grant or denial of requests for adjudicatory hearings on appeal from any administrative order, notice of civil administrative penalty assessment, notice of suspension of license, notice of revocation of license, or notice of intent to deny an application to renew a license.

Amended by R.2000 d.406, effective October 2, 2000.
See: 32 N.J.R. 2279(b), 32 N.J.R. 3585(a).

Inserted a reference to denial of applications to renew licenses, and added a reference to notices of intent to deny applications to renew licenses.

7:10A-2.2 Administrative orders

(a) The Department may issue an administrative order against a licensed operator or other person who has violated any provision of this chapter, or any provision of the Act, for one or more of the following purposes:

1. To assess a civil administrative penalty pursuant to this subchapter;
2. To suspend or revoke an operator's license pursuant to this subchapter;
3. To direct a licensed operator or other person to cease violation of any provision of this chapter; or