

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.2008 d.381, effective November 20, 2008.
 See: 40 N.J.R. 3785(a), 40 N.J.R. 6961(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 10A, Licensing of Water Supply and Wastewater Treatment System Operators, expires on November 20, 2015. See: 43 N.J.R. 1203(a).

Chapter Historical Note

Chapter 10A, Licensing of Water Supply and Wastewater Treatment System Operators, was adopted as 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: 34 N.J.R. 407(a), 34 N.J.R. 2046(a).

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).

Chapter 10A, Licensing of Water Supply and Wastewater Treatment System Operators, was readopted as R.2008 d.381, effective November 20, 2008. See: Source and Effective Date. See, also, section annotations.

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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).