

[First Reprint]

**ASSEMBLY, No. 3142**

**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

INTRODUCED FEBRUARY 24, 2020

**Sponsored by:**

**Assemblyman WAYNE P. DEANGELO**

**District 14 (Mercer and Middlesex)**

**Assemblyman BENJIE E. WIMBERLY**

**District 35 (Bergen and Passaic)**

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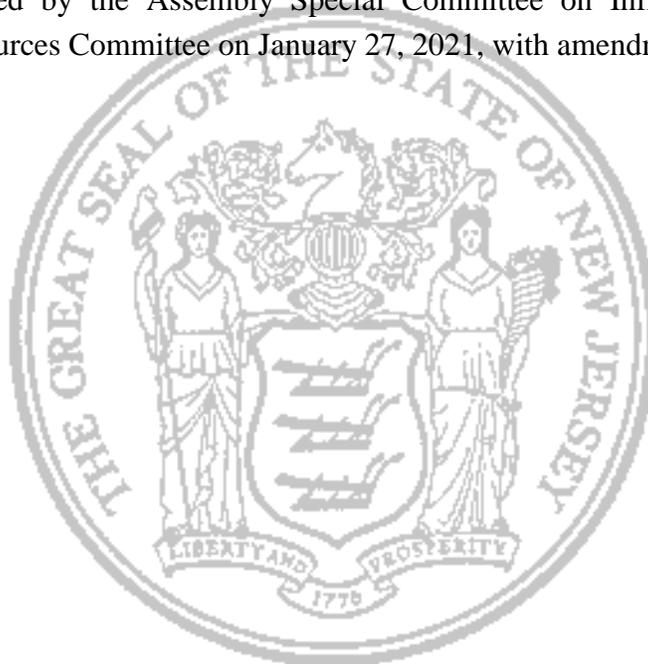
**Assemblywoman Murphy**

**SYNOPSIS**

Revises certain licensure requirements to operate water supply and wastewater treatment systems.

**CURRENT VERSION OF TEXT**

As reported by the Assembly Special Committee on Infrastructure and Natural Resources Committee on January 27, 2021, with amendments.



**(Sponsorship Updated As Of: 11/19/2020)**

1 AN ACT concerning water supply and wastewater treatment system  
2 operators and amending P.L.1983, c.230.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. Section 3 of P.L.1983, c.230 (C.58:11-66) is amended to  
8 read as follows:

9 3. a. Every system shall be operated and maintained by at  
10 least one licensed operator. Any person employed in the capacity  
11 of a licensed operator not holding the license required for a system  
12 may continue in such capacity, at the discretion of the department,  
13 if he meets the other requirements of **[this act]** P.L.1983, c.230  
14 (C.58:11-64 et seq.) and the rules and regulations adopted thereto.

15 Unless exempted pursuant to rule or regulation adopted by the  
16 department, class 3 treatment systems and class 4 treatment  
17 systems, as defined by the department, shall have the appropriate  
18 full-time licensed operator. Additionally, each class 4 treatment  
19 system, as defined by the department, shall have a licensee  
20 possessing any valid treatment license within the appropriate  
21 system classification, physically present at the treatment system  
22 during that portion of each 24-hour period when the licensed  
23 operator is not present.

24 b. The commissioner shall, pursuant to the "Administrative  
25 Procedure Act," P.L.1968, c. 410 (C.52:14B-1 et seq.), adopt, and  
26 may amend or repeal rules and regulations to classify and reclassify  
27 licenses and systems.

28 c. The department shall upgrade or downgrade the  
29 classification of a system whenever the system changes sufficiently  
30 to place it in a different classification from the one in which it is  
31 classified.

32 d. If licenses are reclassified by the department, subject to new  
33 classification requirements, the licensee at the time of the  
34 reclassification shall be reissued, at the time of the next license  
35 renewal, the highest license corresponding to the new classification.  
36 (cf: P.L.1983, c.230, s.3)

37

38 2. Section 4 of P.L.1983, c.230 (C.58:11-67) is amended to  
39 read as follows:

40 4. a. The department shall conduct examinations for licenses  
41 to operate systems to be held at least twice annually, by the persons  
42 and at the times and places it may appoint. The department shall  
43 determine the subject matter to be included in the examinations and  
44 the manner in which the examinations shall be conducted. Every  
45 applicant who has been admitted to an examination, and who has

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Assembly ANR committee amendments adopted January 27, 2021.

1 successfully passed the examination shall receive the license of the  
2 classification for which the examination was held.

3 b. The commissioner shall establish a board of examiners  
4 composed of licensed operators, and employees of the department,  
5 and any additional advisory bodies deemed necessary, to assist the  
6 department in administering the licensing program established  
7 pursuant to **【this act】** P.L.1983, c.230 (C.58:11-64 et seq.). The  
8 board of examiners shall annually review the programs and  
9 regulations adopted pursuant to **【this act】** P.L.1983, c.230  
10 (C.58:11-64 et seq.) and make recommendations to the department  
11 for their improvement.

12 c. The commissioner shall adopt, and may amend, or repeal  
13 rules and regulations establishing the board of examiners, and other  
14 advisory bodies, their composition and duties, and the qualifications  
15 for issuance of licenses, examination methods and procedures, and  
16 all other matters including fees necessary to implement and  
17 administer an adequate licensing program.

18 d. A professional engineer who is duly licensed to practice  
19 professional engineering in this State pursuant to P.L.1938 c.342  
20 (C.45:8-27 et seq.), and has a college degree in an engineering  
21 program or curriculum of four years or more, shall be admitted to  
22 any examination offered pursuant to this section, notwithstanding  
23 that the professional engineer does not have operating experience or  
24 direct responsible charge experience, as defined by the department,  
25 or has not completed additional courses.

26 e. The commissioner shall establish an operator in training  
27 (OIT) certification for operators or students who have taken water  
28 supply and wastewater courses as required and approved by the  
29 department. Upon completion of the required courses, the operator  
30 or student may apply for the licensing exam, without hands on  
31 experience, and upon passing the exam shall become an OIT. Upon  
32 acquiring the required operating experience, and making application  
33 to the board of examiners, the department shall issue the OIT the  
34 appropriate license.

35 f. The commissioner shall permit licensed operators to renew  
36 their license by choosing inactive status, without requiring  
37 additional training contact hours. An operator with an inactive  
38 license shall not operate or maintain a system. An operator with an  
39 inactive license may return to active status at any time, provided the  
40 operator submits to the board of examiners proof of successful  
41 completion of one cycle of training contact hours earned within the  
42 three years immediately preceding the date the license is  
43 reactivated. Only licensed operators who have been licensed for a  
44 minimum of 25 years and who are 62 years of age or older shall be  
45 eligible for inactive license status. Inactive licensed operators shall  
46 pay the annual license registration fee.

47 (cf: P.L.1983, c.230, s.4)

1       3. Section 6 of P.L.1983, c.230 (C.58:11-69) is amended to read  
2 as follows:

3       6. ~~1~~~~[a.]~~ a.<sup>1</sup> The department may issue licenses, without  
4 examination, for the operation of systems to such persons who, in the  
5 judgment of the department, meet all the requirements of ~~【this act】~~  
6 P.L.1983, c.230 (C.58:11-64 et seq.) and the rules and regulations  
7 adopted pursuant ~~【to this act】~~ thereto and who hold valid current  
8 licenses to operate a system with at least the equivalent classification  
9 in a state, country or territory other than the State of New Jersey,  
10 which state, country or territory also recognizes the validity of New  
11 Jersey licenses, and which has requirements for the issuance of  
12 licenses to operate systems at least as stringent as the requirements of  
13 the State of New Jersey.

14       b. A person seeking a license, without examination, under this  
15 section shall submit to the department the following documentation to  
16 determine whether the person has met all the requirements of  
17 P.L.1983, c.230 (C.58:11-64 et seq.) and the rules and regulations  
18 adopted pursuant thereto:

19       (1) educational transcripts;

20       (2) copy of a license from the other state, country or territory;

21       (3) letters of recommendation from previous employers;

22       (4) an attestation from a previous employer indicating employment  
23 history and qualifications; and

24       (5) any other documentation that the department deems necessary  
25 in demonstrating that the person has met all the requirements of  
26 P.L.1983, c.230 (C.58:11-64 et seq.) and the rules and regulations  
27 adopted pursuant thereto.

28       c. The department shall require an examination for the license  
29 being sought under this section if the department determines that the  
30 person fails to meet all the requirements of P.L.1983, c.230 (C.58:11-  
31 64 et seq.) and the rules and regulations adopted pursuant thereto.  
32 (cf: P.L.1983, c.230, s.6)

33

34       4. This act shall take effect immediately.