

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)

Co-Sponsored by:

Assemblywoman Murphy

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



(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.

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
2 read as follows:

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

14 b. A person seeking a license, without examination, under this
15 section shall submit to the department the following documentation
16 to 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
23 employment history and qualifications; and

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

33 (cf: P.L.1983, c.230, s.6)

34
35 4. This act shall take effect immediately.

36 37 38 STATEMENT

39
40 This bill amends the "Water Supply and Wastewater Operators'
41 Licensing Act" by requiring class 3 and class 4 treatment systems to
42 be operated by a full-time licensed operator. The bill also stipulates
43 that class 4 treatment systems must have a person with any valid
44 treatment license within the appropriate system classification
45 physically present for that portion of each 24-hour period when the
46 licensed operator is not present.

1 The bill also permits professional engineers to take the water
2 supply and wastewater treatment systems operator licensing
3 examination without meeting certain additional requirements. The
4 bill specifically provides that a licensed professional engineer who
5 has a college degree in an engineering program or curriculum of
6 four years or more shall be admitted to any examination offered
7 pursuant to the “Water Supply and Wastewater Operators Licensing
8 Act,” notwithstanding that the professional engineer does not have
9 operating experience or direct responsible charge experience or has
10 not completed additional courses.

11 The bill also establishes an operator in training certification for
12 operators or students who have taken water supply and wastewater
13 courses. Hands-on operating experience is not required for
14 certification but an individual must complete required courses, pass
15 an examination, and apply to the Department of Environmental
16 Protection to obtain certification as an operator in training.

17 The bill adds a provision allowing a licensed operator to renew
18 his or her license in an inactive status, without requiring additional
19 training contact hours. An operator with an inactive license is not
20 permitted to operate or maintain a system. An operator in inactive
21 status may also return to active status at any time if the operator
22 submits to the board of examiners proof of successful completion of
23 one cycle of training contact hours earned within the previous three
24 years. Only licensed operators who have been licensed for a
25 minimum of 25 years and who are 62 years of age or older are
26 eligible for inactive license status.

27 Lastly, the bill requires the following documentation be
28 submitted to the Department of Environmental Protection if an
29 individual seeks a water supply and wastewater treatment systems
30 operator license without examination:

- 31 (1) educational transcripts;
- 32 (2) a copy of a license from another state, country, or territory;
- 33 (3) letters of recommendation from previous employers;
- 34 (4) an attestation from a previous employer indicating
35 employment history and qualifications; and
- 36 (5) any other documentation that the department deems
37 necessary in demonstrating that the person has met all the
38 requirements of P.L.1983, c.230 (C.58:11-64 et seq.) and the rules
39 and regulations adopted pursuant thereto.