

**Rules and Regulations
Governing the
Licensing of Water
Supply and
Wastewater Treatment
System Operators
N.J.A.C. 7:10A**



Includes all amendments through December 2008

This is a courtesy copy of this rule. All of the Department's rules are compiled in Title 7 of the New Jersey Administrative Code.

**New Jersey Department of Environmental Protection
Division of Water Quality
Division of Water Supply
Water Compliance and Enforcement**

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N.J.A.C. 7:10A. LICENSING OF WATER SUPPLY AND WASTEWATER TREATMENT SYSTEM OPERATORS

SUBCHAPTER 1. WATER SUPPLY AND WASTEWATER COLLECTION AND TREATMENT SYSTEMS: EXAMINING AND LICENSING OF OPERATORS

N.J.A.C. 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.

N.J.A.C. 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.

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"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.

N.J.A.C. 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;

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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.

N.J.A.C. 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.

N.J.A.C. 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 the New Jersey Agricultural Experiment Station, Rutgers, 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.

N.J.A.C. 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.

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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.

N.J.A.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.

N.J.A.C. 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 \$ 70.00
- 2. Initial License Fee \$ 50.00
- 3. Annual License Fee \$ 50.00
- 4. Late Renewal Fee \$ 20.00

N.J.A.C. 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.

2. A licensee who does not submit his or her renewal application prior to the renewal date shall be subject to a late renewal fee.

(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.

(f) As part of the license renewal requirements specified in (d) above, the Department shall accept only up to one third of the required TCHs per license classification for completion of safety training. In addition, the Department shall not accept TCHs for the same course completed within the time period specified in (d) above.

(g) The Department shall extend the renewal date of the license of any licensee in the military service of the United States, of the State of New Jersey or of another state, who is deployed or ordered to active duty by Federal or State authorities, until 60 days following the end of such deployment or active duty, to allow the licensee an opportunity to renew his or her license, as required by this section. The licensee shall demonstrate that he or she was deployed or on active duty by providing the Department a copy or copies of the executed deployment and/or activation orders, or a letter from the licensee's commanding officer, on appropriate letterhead, and providing the information required, at the time the licensee submits his or her renewal application.

(h) A license holder who fails to renew his or her license within the time period set forth in this section, or complete his or her TCHs in accordance with (d) above, due to a medical condition or other hardship, may request an extension of his or her license renewal date in accordance with (i) through (k)

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below, to allow him or her to renew the license without a late fee, and complete the required TCHs.

1. The written request, along with any supporting documentation, shall be submitted to:

New Jersey Board of Examiners
c/o NJDEP Examinations & Licensing Unit
P.O. Box 441
Trenton, New Jersey, 08625-0441

2. The request shall:

i. Explain in detail why the extension of the license renewal date is needed, including a statement of the type and the nature of the medical condition or hardship that prevented the timely renewal of the license or completion of the TCHs; and

ii. Provide appropriate documentation as necessary to support the request for the extension.

(i) The Department shall approve an extension request under (h) above only if it determines that the request and documentation demonstrate that:

1. By reason of a medical condition or other hardship, the applicant was precluded from renewing his or her license during the time period provided in this section, or complete his or her TCHs within the time period provided at (d) above; and

2. The circumstances supporting (h) above were not created by the applicant, and the approval of the extension will not unreasonably interfere with the orderly administration of this licensing program.

(j) The Department shall provide written notice to the applicant of its decision to approve or deny the request for extension of the renewal date.

(k) The denial of a request for an extension of the license renewal date may be appealed pursuant to the procedures outlined in N.J.A.C. 7:10A-2.8.

N.J.A.C. 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 an authorization to discharge has been issued under a NJPDES general permit pursuant to N.J.A.C. 7:14A, for stormwater runoff only, unless specifically required in the NJPDES general permit;

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;

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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 requirement 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 Division of Water Supply, P.O. Box 426, Trenton, New Jersey 08625-0426 for T systems and to the Division of Water Quality, P.O. Box 029, Trenton, New Jersey 08625-0029 for S and N systems, 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.

1. Any licensee who desires to serve as the licensed operator for more than 10 VSWSs shall demonstrate to the Department that he or she is able to comply with this chapter for each VSWS. The written demonstration shall include:

i. The name, address, and telephone number of the licensee;

ii. The name and Public Water System Identification Number (PWSID) of each VSWS that the licensee currently operates;

iii. The name and PWSID of each VSWS the licensee proposes to operate;

iv. The number of hours needed to operate each VSWS that the licensee currently operates and proposes to operate;

v. The approximate distance (in miles) of each system above from the licensee's primary residence; and

vi. A proposed monthly schedule, including the time spent at each VSWS and the estimated commute time to and from each VSWS.

2. A licensee serving as the licensed operator for more than 10 VSWS on January 1, 2009 shall submit the demonstration required under (h)1 above to the Department no later than March 31, 2009.

3. The Department will consider the compliance history for each of the operator's VSWS in determining whether the demonstration required under (h)1 above is sufficient.

(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.

N.J.A.C. 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.

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(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.

N.J.A.C. 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. The written O&M procedures shall be updated within 30 days after any substantial change to the system that warrants a change in the operation and maintenance of the system. The written O&M procedures shall include, at a minimum:

- i. Standard operating procedures, including a description of each major treatment unit and/or process;
- ii. A plan for monitoring system process controls;
- iii. An emergency operations plan, which addresses facility and system security, and includes a list of names and telephone numbers of facility personnel to be contacted in the event of emergency;
- iv. A schedule of routine inspections and preventive maintenance;
- v. For a public wastewater collection system (C class) or a public water distribution system (W class), a system map;
- vi. A sampling and/or water quality monitoring plan, if applicable to the facility;
- vii. A schedule of routine meter readings, tests, and chemical use, if applicable to the facility; and
- viii. An inventory of equipment and supplies necessary to operate and maintain the system.

2. Each licensed operator shall:

- i. Properly operate and maintain the system, including, but not limited to, the following duties, as applicable:
 - (1) Monitor chemical feed and other system components;
 - (2) Monitor effectiveness of treatment;
 - (3) Develop a preventive maintenance plan consistent with the schedule specified in the O&M procedures;
 - (4) Read meters and gauges, making adjustments as needed;
 - (5) Make all process control and/or system component integrity decisions;
 - (6) Assist the system owner in resolving any problems complying with applicable regulations and permits;

(7) Collect or oversee the collection of samples in accordance with O&M procedures;

(8) Store chemicals in locked areas with proper safety equipment;

(9) Inform the system owner of any technical or equipment needs of the system;

(10) Assess the efficiency of system components (such as pumps and valves); and

(11) Respond in a timely manner to customer complaints;

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

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(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:

1. Conduct inspections of wells or surface water sources to identify potential sources of contamination; and

2. 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:

- i. The plant identification number and classification;
- ii. The month for which the report is provided;
- iii. The name of the purveyor;
- iv. Plant description and its location;
- v. The pumpage quantity, both raw and treated water;
- vi. Chemical data as specified on the form;

vii. The name and signature of the operator; and

viii. 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;
- 2. Notify the system owner of any line breaks, pumping failures or water quality complaints relating to treatment; and
- 3. Periodically flush distribution system using hydrants and blow-off valves.

N.J.A.C. 7:10A-1.13 (Reserved)

N.J.A.C. 7:10A-1.14 System classification

(a) Public wastewater treatment systems (S), public water treatment systems, or public noncommunity surface water treatment systems (T, VSWS), industrial wastewater treatment systems (N), public wastewater collection systems (C) and public water distribution systems (W, 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 noncommunity 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)			
<u>System class</u>	<u>S1</u>	<u>S2</u>	<u>S3</u>	<u>S4</u>
Range of points as determined under (c)1 below	30 or less	31 to 55	56 to 75	76 and greater

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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	3

100% to 200% in strength and/or flow	
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

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 electrodialysis	16
Chemical recovery, carbon regeneration	6
Sand filters	5

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

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

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Corrosion inhibitors	8	Discharge 0.1 to 1.0 MGD	4
Disinfection with chlorine	8	Discharge 1.0 to 10.0 MGD	6
Disinfection with chlorine dioxide	10	Discharge greater than 10.0 MGD	10
Disinfection with chloramines	10		
Disinfection with ozone	15	PRIMARY TREATMENT	
Fluoridation	8	pH adjustment	1
Filtration with membrane	15	Equalization	1
Filtration with multimedia and/or gravity filters	15	Oil separation	3
Filtration with monomedia and/or pressure filters	10	Dissolved air flotation	3
Granular activated carbon (GAC)	15	Chemical coagulation/flocculation	5
Ion exchange	10	Sedimentation/clarification	3
Ion exchange with degasser	15	Chemical addition	2
Iron/Manganese removal employing oxidation	10	Simple filtration (bag filters, cartridge filters, etc.)	2
Iron/Manganese hardness sequestration	8	Disinfection	2
Packed column aeration (PCA)	15	Air stripper/cooling towers	5
Packed column aeration with granular activated carbon	20		
air pollution abatement		SECONDARY TREATMENT	
pH adjustment	8	Activated sludge with secondary clarifiers	15
Reverse osmosis or electrodialysis, etc.	15	Bio-filtration with secondary clarifiers (including trickling filters or rotating biological contactors)	10
Sludge (in plant) treatment with recycling	6	Stabilization pond	5
Taste and odor control (carbon or oxidants)	8	Disinfection	2
		Spray irrigation/overland flow	10
		Oxidation ditches	10

3. Points shall be assigned to industrial wastewater treatment systems (N) as follows:

Table II(N)

<u>Item/Unit</u>	<u>Points</u>
TOXICITY GROUP BASED ON NAICS CODE FROM TABLE II(N) A BELOW:	
Group I	
Group II	5
Group III	10
Group IV	15
Group V	20
Group VI	25
RECEIVING WATER	
Surface water-FW or Delaware River Zones 1, 2 or 3	5
Surface water-SE or Delaware River Zones 4, 5 or 6	3
Surface water-SC	2
Ground water	5
Discharge into a public wastewater treatment system	2
HYDRAULIC LOAD	
Indirect discharge less than 0.008 MGD	0
Discharge less than 0.1 MGD	2

ADVANCED WASTEWATER TREATMENT	
Ammonia removal (nitrification/break point chlorination)	10
Nutrient removal (denitrification or phosphorus removal)	10
Advanced filtration (sand filters, multi-media filters, plate and frame filters, etc.)	5
Carbon adsorption	10
Ion exchange	10
Post aeration/dechlorination	2
Reverse osmosis ultra filtration	10
Ultraviolet - peroxide reactor	5
SLUDGE HANDLING/DISPOSAL	
Digestion	5
Sludge conditioning	2
Mechanical dewatering	4
Drying bed or lagoons	2
Thickening or dissolved air flotation	3
On-site land filling	2
Composting	7
Incineration/wet oxidation	10

4. Toxicity groups based on North American Industrial Classification System (NAICS) Codes shall be as follows:

Table II(N)A

<u>NAICS Code</u>	<u>Description</u>	<u>Group</u>
Any NAICS Code	Non-Contact Cooling Water Only	I
Any NAICS Code	All groundwater remediations of toxic substances, including priority pollutants	V
Any NAICS Code	Contaminated stormwater runoff shall be considered process water for purposes of determining Toxicity group	as listed below
115112	Agriculture--Spraying/Dusting only	IV
211xxx	Crude Petroleum and Natural Gas	IV
2121xx, 213113	Coal Mining & Support Activities	III
2122xx, 213114	Metal Mining	V
2123xx	Phosphate Rock	IV
2211xx, 2212xx	Utilities (Electric, Water Supply) except Sewage Treatment	IV
235xxx	Contractors--Repair Shops with Metal Finishing only	V
235xxx	Contractors--All Others	I
313xxx, 314xxx, 315xxx except	Textile Mills--Any Finishing	V

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31332x and 3152xx		
313xxx, 314xxx,	Textile Mills--No Finishing	I
315xxx except		
31332x and 3152xx		
31332x	Fabric Rubberizing	IV
31611x	Leather Tanning and Finishing	IV
316211	Rubber and Plastics Footwear	IV
316xxx except	Leather Goods--No Tanning	I
316211		
321114	Wood Preserving	VI
321219	Reconstituted Wood Products	II
3221xx, 32222x	Pulp, Paper and Paperboard Mills	V
3231xx	Printing and Support without Metal Finishing	II
323122	Platemaking and Related Services--with Metal Finishing	V
3241xx, except	Petroleum Refining	V
Coke Ovens		
324199	Coke Ovens only	VI
325xx, unless	Chemical Manufacturing	VI
otherwise listed		
32512x	Industrial Gases	II
32513x	Inorganic Dyes	IV
325181	Alkalies and Chlorine	V
325182	Bone, Lamp and Carbon Black	IV
325191	Gum and Wood Chemicals	III
325199 (part)	Fatty Acids	IV
3252xx	Plastics Material and Synthetic Resin	V
3253xx	Pesticides and Agricultural Chemicals	VI
3254xx	Pharmaceutical and Medicine Manufacturing	V
32551x	Paint and Coating Manufacturing	IV
32552x	Adhesive Manufacturing	V
32561x	Soap and Cleaning Compound Manufacturing	III
32562x	Toilet Preparation Manufacturing	III
32591x	Printing Ink Manufacturing	IV
32592x	Explosives Manufacturing	IV
325991	Compounding of Purchased Plastic	IV
325998	Photographic Film, Paper, Plates	I
325998	Activated Carbon and Charcoal	IV
325998	Drawing and India Ink, Matches	V
326xxx	Plastics and Rubber Products	IV
3312xx except	Metal Ferrous Products	VI
Powder		
331221	Ferrous Metal Powder	V
331311	Alumina Refining	IV
331314, 33142x,	Secondary Smelting of Non-Ferrous Metals	V
33149x		
331319	Aluminum Wire Drawing	V
331312, 33141x	Primary Smelting of Non-Ferrous Metals--Except Electrometallurgical	VI
331312, 33141x	Primary Smelting of Non-Ferrous Metals--Electrometallurgical	III
33151x	Iron and Steel Foundries	V
33152x	Non-Ferrous Foundries	V
332xxx, 333xxx	Metal Parts and Machinery (unless noted below)--with Metal Finish/Porcelain Enameling but without Explosives	V
332xxx, 333xxx	Metal Parts and Machinery (unless noted below)--without Metal Finish/Porcelain Enameling/Explosives	I
332xxx	Arms and Ordnance--Explosive Load/Assemble/Pack	IV
332xxx	Enameled Metal	VI
333315	Photographic Chemicals	V
334xxx, except	Computer and Electronic Product Manufacturing--with Metal Finishing/Porcelain Enameling/Tube Manufacture	V
3344xx and 3346xx	Computer and Electronic Product Manufacturing--without Metal Finishing/Porcelain Enameling/Tube Manufacture	I
3344xx, except	Computer and Electronic Product Manufacturing--without Metal Finishing/Porcelain Enameling/Tube Manufacture	I
3344xx and 3346xx		
334413	Semiconductors and Related Devices	VI

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334419	Electronic Crystals only	III
335xxx and 336xxx, except 335921	Electrical Equipment--with Metal Finish/Porcelain Enameling	V
335xxx and 336xxx, except 335921	Electrical Equipment--without Metal Finish/Porcelain Enameling	I
335921	Fiber Optic Cable	V
335991	Carbon and Graphite Products	V
336xxx	Transportation Equipment Manufacturing with Metal Finishing/Porcelain Enameling	V
336xxx	Transportation Equipment Manufacturing without Metal Finishing/Porcelain Enameling	I
337xxx	Furniture and Fixtures with Metal Finishing/Porcelain Enameling	V
337xxx	Furniture and Fixtures without Metal Finishing/Porcelain Enameling	I
339xxx except rubber goods	Miscellaneous Manufacturing with Metal Finishing/Porcelain Enameling	V
339xxx	Rubber Goods	IV
42152x	Coal and Other Minerals and Ores: Wholesalers	V
42193x	Recyclable Material Wholesalers	VI
42269x	Chemicals and Allied Products Wholesalers	VI
42271x	Petroleum Bulk Stations and Terminals	V
42291x	Farm Supplies Wholesalers	IV
44422x	Nursery and Garden Centers—Retail	IV
454311	Heating Oil Dealers	V
454312	Liquefied Petroleum Gas (Bottled Gas) Dealers	V
486xxx	Pipeline Transportation, petroleum and products except Natural Gas	V
4883x, except Scaling	Ship Port and Harbor Operations except Floating Dry Docks	III
48839x	Ship Scaling only	I
48849x	Terminal and Joint Terminal Maintenance	III
511xxx, 512xxx, except 51222	Publishing	II
51112x	Integrated Record Production/Distribution with Metal Finishing/Porcelain Enameling	V
51112x	Integrated Record Production/Distribution without Metal Finishing/Porcelain Enameling	I
532411	Boat and Ship Rental	III
54138x and 54194x	Veterinary Services and Labs	VI
54171x	Research and Development in the Physical, Engineering and Life Sciences--with Metal Finishing	V
54171x	Research and Development in the Physical, Engineering and Life Sciences--without Metal Finishing	I
561491	Recovery and Repossession only—Solvent Recovery	VI
561491	Recovery and Repossession only--no Solvent Recovery	I
561622	Locksmith Shops--Repair Shops with Metal Finishing	V
561622	Locksmith Shops--Repair Shops without Metal Finishing	I
56171x	Exterminating and Pest Control Services	VI
56172x	Disinfecting Services	VI
56174x	Carpet and Upholstery Cleaning	II
56179x	Furnace Ducts, Chimney, and Gutters—Repair Shops with Metal Finishing	V
56179x	Furnace Ducts, Chimney, and Gutters—Repair Shops without Metal Finishing	I
562211	Hazardous Waste Treatment and Disposal	VI
5622xx	Other Solid Waste Treatment and Disposal	IV
56291x	Asbestos Abatement and Lead Paint	VI
56292x	Materials Recovery Facilities	IV
6215xx, 622xxx	Medical Laboratories and Hospitals	VI
71151x	Taxidermists, and Antiques--Repair Shops with Metal Finishing	V
71151x	Taxidermists, and Antiques--Repair Shops without Metal Finishing	I
71393x	Marinas	III

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811192	Carwashes	II
8112xx, 8113xx	Repair and Maintenance Services (except Car Washes) with Metal Finishing	V
8112xx, 8113xx	Repair and Maintenance Services (except Car Washes) without Metal Finishing	I
8123xx except 81233x	Dry-cleaning and Laundry Services	II
81233x	Linen Supply and Industrial Launderers	IV
NAICS Code assigned but not listed above		I
NAICS Code not assigned (for example, new industry sector)		To be determined

NAICS (North American Industrial Classification System) codes are determined from the "Bridge Between NAICS and SIC (1997)" issued on June, 2000 by the US Census Bureau.

(d) A class 3 or class 4 treatment system will be classified as an automated system if:

1. The treatment system is designed and constructed in such a manner that in the event of system failure no untreated or partially treated water or wastewater is discharged;
2. An alarm system is provided which notifies a constantly staffed monitoring location that treatment system failure has occurred; and
3. Staff at the monitoring location are trained to properly respond to such an alarm.

N.J.A.C. 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.

4. Any person applying to take an examination in accordance with (a) above, and who fails the examination three times shall not be permitted to take that examination a fourth time until that person submits proof that he or she has retaken and satisfactorily completed the appropriate Department-approved training course in the subject matter pertaining to the license being sought.

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

		Table IIIA		
<u>Personnel Classification</u>	<u>Education</u>	<u>Operating experience (years)</u>	<u>Direct responsible charge experience (years)</u>	<u>Total experience (years)</u>
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

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	Associates Degree:	2 plus	2	4
Classification 4	Bachelors degree category:	1.5 plus	1.5	3
	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:

Table IIIB

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

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

N.J.A.C. 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.

N.J.A.C. 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
4. To direct a licensed operator or other person to comply with a provision of this chapter or an order issued pursuant to this chapter.

N.J.A.C. 7:10A-2.3 Civil administrative penalties

(a) The Department may assess a civil administrative penalty of not more than \$ 5,000 per day for each violation of any provision of this chapter or of the Act or any provision of any license or administrative order promulgated or issued pursuant thereto.

(b) The authority to assess a civil administrative penalty pursuant to (a) above is in addition to any other remedies available to the Department pursuant to law.

(c) The Department may consider each violation of any provision of this chapter the Act, or any license or administrative order issued pursuant thereto, as a separate and distinct violation. Each day during which a violation continues may constitute an additional, separate and distinct offense subjecting the violator to the penalty schedule set forth in (d) below.

(d) The Department may assess a civil administrative penalty for each violation of any provision of this chapter, or the Act, or any provision of any license or administrative order issued pursuant thereto in an amount as follows:

1. For the first violation of a provision, \$ 1,000;
2. For the second violation of the same provision, \$ 2,500;
3. For the third and subsequent violation of the same provision, \$ 5,000;

(e) The Department may assess a civil administrative penalty of \$ 5,000 for refusing, inhibiting or prohibiting immediate lawful entry and inspection of any premises, building or place

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by any authorized Department personnel. Each day from the initial day of failure by the violator to allow immediate lawful entry and inspection to the day of receipt by the Department of written notification from the violator that entry and inspection will be allowed shall constitute an additional, separate and distinct violation.

(f) The Department may assess a civil administrative penalty against any licensed operator or other person who submits inaccurate information or who makes a false statement, representation or certification in any application, record or other document required to be submitted or maintained under this chapter or the Act or who fails to submit or maintain any application, record, or other document required to be submitted or maintained under this chapter or the Act, or who falsifies, tampers with or renders inaccurate any monitoring device or method required to be maintained by this chapter or the Act. Each day, from the day of submittal of the false or inaccurate information to the Department to the day of receipt by the Department of a written correction of the inaccurate information or falsified statement, shall constitute an additional, separate and distinct violation. The Department shall determine the amount of the civil administrative penalty based on the conduct of the violator as follows:

1. For any intentional, deliberate, purposeful, knowing or willful act or omission by the violator, the civil administrative penalty shall be in an amount of not more than \$ 5,000 nor less than \$ 4,000;
2. For any unintentional but foreseeable act or omission, the civil administrative penalty shall be in an amount of not more than \$ 4,000 nor less than \$ 3,000;
3. For any other violation, the civil administrative penalty shall be in an amount of not more than \$ 2,500 nor less than \$ 1,500.

(g) The Department may treat a violation as a first violation for purposes of determining the civil administrative penalty amount if the violator has not committed the same violation in the calendar year immediately preceding the date of the violation at issue.

(h) The Department may increase or reduce the amount determined pursuant to (d) through (f) above on the basis of the following factors:

1. The compliance history of the violator relating to the provisions of this chapter;
2. The nature, timing and effectiveness of any measures taken by the violator to mitigate the effects of the violation for which the penalty is being assessed;
 - i. Immediate implementation of measures to effectively mitigate the effects of the violation will result in a reduction to the bottom of the range.
3. The nature, timing and effectiveness of any measures taken by the violator to prevent future similar violations;
 - i. Implementation of measures that can reasonably be expected to prevent a recurrence of the same type of violation will result in a reduction equal to the bottom of the range.
4. Any unusual or extraordinary costs or impacts directly or indirectly imposed on the public or the environment as a result of the violation; and/or
5. Other specific circumstances of the violator or violation.

(i) The Department may settle any civil administrative penalty assessed pursuant to this section according to the following factors:

1. Mitigating or extenuating circumstances not previously considered in the notice of civil administrative penalty assessment;
2. The timely implementation by the violator of measures leading to compliance not previously considered in the penalty assessment;
3. The nature, timing and effectiveness of measures taken to mitigate the effects of the violation or prevent future similar violations not previously considered in the penalty assessment;
4. The compliance history of the violator not previously considered in the penalty assessment;
5. The deterrent effect of the penalty not previously considered in the penalty assessment; and/or
6. Any other terms or conditions acceptable to the Department.

N.J.A.C. 7:10A-2.4 Suspension of license

(a) The Department may suspend a licensee's license upon a determination of any of the following:

1. The application for the subject license or any other material submitted to the Department as part of the license application review included false information;
2. The licensee has falsified any record required to be maintained pursuant to this chapter or the Act, or any license or order issued pursuant thereto.
3. The licensee committed a second violation of the same provision of this chapter or the Act or any license or order issued pursuant thereto; or
4. The licensee committed two or more concurrent violations of any provision of this chapter or the Act or any license or order issued pursuant thereto;

(b) The Department shall suspend a licensee's license in accordance with the provisions of (a) above as follows:

1. The minimum duration of the suspension shall be six months;
2. A suspension shall terminate only upon a finding that the following requirements have been satisfied:
 - i. The minimum duration of the suspension has elapsed;
 - ii. The licensee has addressed all violations upon which the suspension was based; and
 - iii. The licensee has submitted a written request to the Department to terminate the suspension. The written request shall include documentation demonstrating that the requisite corrective action has been implemented; and
3. A licensee may request an adjudicatory hearing in accordance with the provisions of N.J.A.C. 7:10A-2.7 to contest a suspension.

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N.J.A.C. 7:10A-2.5 Revocation of license or denial of application to renew a license

(a) The Department may revoke a licensee's license upon a determination of any of the following:

1. The licensee has committed a third or subsequent violation of the same provision of this chapter or the Act or any license or order issued pursuant thereto;
2. The licensee has failed to correct any condition for which a license has been suspended pursuant to this N.J.A.C. 7:10A-2.4; or
3. The licensee has committed a violation or violations which the Department determines, with the concurrence of the Board, to have caused substantial harm to the public.

(b) The Department shall revoke a licensee's license in accordance with the provisions of (a) above as follows:

1. Any person whose license has been revoked for the first time pursuant to this subchapter shall be ineligible for any examination authorized by the Act for a period of not less than one year from the effective date of the revocation;
2. Any person whose license has been revoked for committing a violation or violations which the Department determines, with the concurrence of the Board, to have caused substantial harm to the public or whose license has been revoked more than once shall be ineligible for admission to any examination authorized by the Act; and
3. A licensee may request an adjudicatory hearing in accordance with the provisions of N.J.A.C. 7:10A-2.8 to contest a revocation.

(c) The Department shall deny an application to renew a licensee's license if that person has not accumulated the TCHs for license renewal in accordance with the provisions of N.J.A.C. 7:10A-1.9.

1. A licensee may request an adjudicatory hearing in accordance with the provisions of N.J.A.C. 7:10A-2.8 to contest a denial of an application to renew a license.

N.J.A.C. 7:10A-2.6 Effect of suspension or revocation of license or denial of an application to renew a license

Any person whose license has been suspended, revoked, or not renewed pursuant to this subchapter shall not be considered a licensee and shall not conduct any activity as such until the license has been reinstated or a new license has been issued by the Department.

N.J.A.C. 7:10A-2.7 Procedures for civil administrative orders, assessment of civil administrative penalties, suspension or revocation of license, or denial of an application to renew a license

(a) Any 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 issued pursuant to this subchapter shall:

1. Be served either personally or by certified mail, return receipt requested upon the person or persons who are the subject of the order or notice;
2. Identify the person or persons alleged by the Department to have committed the violation described in the order or notice;
3. Describe the activity or activities which constitute the violation;
4. Identify the specific provision or provisions of the Act, rule, license or order which have been violated;
5. Describe the remedial or other action which must be implemented or caused to be implemented by the violator and the time periods within which such implementation shall commence and be completed;
6. Identify the office within the Department to which any required reply or other correspondence must be directed;
7. Advise the person or persons named in the order of the right to request an adjudicatory hearing pursuant to the provisions of N.J.A.C. 7:10A-2.8;
8. In the case of a civil administrative penalty assessment, specify the amount of the civil administrative penalty to be imposed;
9. In the case of a suspension of a license, revocation of a license, or denial of an application to renew a license, include a description of the specific grounds for the suspension, revocation, or the denial of an application to renew; and
10. In the case of a suspension of license, the length of time for which the suspension shall remain in effect.

(b) If a civil administrative penalty is assessed against more than one person for the same violation or violations, each shall be jointly and severally liable for the penalty assessed.

(c) Suspension or revocation of license shall commence and payment of a civil administrative penalty is due upon receipt by the violator of a final order of the Department or when the notice of suspension or revocation of license or notice of civil administrative penalty assessment becomes a final order as follows:

1. If no hearing is requested pursuant to N.J.A.C. 7:10A-2.8, a notice of civil administrative penalty assessment becomes a final order on the 21st day following receipt of the notice of civil administrative penalty assessment by the violator;
2. If the Department denies a hearing request, a notice of civil administrative penalty assessment becomes a final order upon receipt by the violator of the notice of denial;
3. If a hearing request is submitted by the violator and subsequently withdrawn, the notice of civil administrative penalty assessment becomes a final order upon such withdrawal unless the violator and the Department have executed an administrative consent order or comparable instrument providing otherwise.

N.J.A.C. 7:10A-2.8 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

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(a) To request an adjudicatory hearing to contest an administrative order, civil administrative penalty assessment, suspension or revocation of license, or a denial of an application to renew a license, the person requesting the hearing (hereinafter "petitioner") shall:

1. Submit the original request in writing to:

Attention: Adjudicatory Hearing Requests
Office of Legal Affairs
Department of Environmental Protection
PO Box 402
Trenton, New Jersey 08625-0402; and

2. Submit a copy of the request to the offices indicated in the enforcement document.

(b) All written requests for an adjudicatory hearing must be received by the Department within 20 calendar days after receipt by the petitioner of notice of the Department's action being contested. If the Department does not receive a hearing request within the allotted time, it shall deny the hearing request.

(c) Each written request for an adjudicatory hearing shall include the following:

1. The name, address and telephone number of the petitioner and of the petitioner's legal or authorized representative;

2. An admission or denial of each of the Department's findings of fact;

i. If the petitioner lacks sufficient knowledge or information to form a belief as to the truth of a finding, the petitioner shall so state and this shall have the effect of a denial.

ii. A denial shall fairly meet the substance of the findings denied. When the petitioner intends, in good faith, to deny only part or a qualification of a finding, the petitioner shall specify so much of it as is true and material and deny only the remainder.

iii. The petitioner may not generally deny all of the findings, but shall make all denials as specific denials of designated findings.

iv. For each finding the petitioner denies, the petitioner shall allege the fact or facts as the petitioner believes it or them to be;

3. A description of any facts or issues which the petitioner believes constitute a defense to the allegations made by the Department;

4. Information supporting the hearing request and specific reference to, or copies of, other written documents relied upon to support the request;

5. An estimate of the time required for the hearing (in days and/or hours); and

6. A request, if necessary, for a barrier-free hearing location for physically disabled person;

(d) If the petitioner fails to provide all of the information required by (c) above, the Department shall deny the hearing request.

(e) All adjudicatory hearings shall be conducted in accordance with the Administrative Procedure Act, N.A.S.A. 52:14B-1 et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

N.J.A.C. 7:10A-2.9 Other enforcement actions

Neither the assessment of a civil administrative penalty nor the payment of any such civil administrative penalty shall affect the availability to the Department of any other remedies available to it pursuant to applicable law, including but not limited to, injunctive relief.