

58:11-64 to 58:11-73

LEGISLATIVE HISTORY CHECKLIST

NJSA: 58:11-64 to 58:11-73 (Water Supply and Wastewater operators licensing act)

LAWS OF: 1983

CHAPTER: 230

Bill No: A1244

Sponsor(s): Hollenbeck

Date Introduced: May 13, 1982

Committee: Assembly: Energy and Natural Resources

Senate: -----

Amended during passage: Yes Amendments denoted by asterisks

Date of Passage: Assembly: June 7, 1982

Senate: December 13, 1982

Date of Approval: June 29, 1983  
According to Governor's recommendations

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly Yes

Senate No

Fiscal Note: No

Veto Message: Yes

Message on Signing: No

Following were printed:

Reports: No

Hearings: No

Regulations, pursuant to act:  
16 N.J.R. 959 (May 7, 1984); pending as N.J.A.C. 7:10-13

DEPOSITORY COPY  
Do Not Remove From Library

230 83  
6-29-83

[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 1244

STATE OF NEW JERSEY

INTRODUCED MAY 13, 1982

By Assemblyman HOLLENBECK

AN ACT concerning the licensing of operators for water supply and wastewater plants and systems, and repealing parts of Title 58 of the Revised Statutes relating thereto.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. This act shall be known and may be cited as the "Water Supply  
2 and Wastewater Operators Licensing Act."

1 2. As used in this act:

2 a. "Commissioner" means the Commissioner of the Department  
3 of Environmental Protection or his designated representative;

4 b. "Department" means the Department of Environmental Pro-  
5 tection;

6 c. "Licensed operator" means a licensee approved by the depart-  
7 ment holding any local title, designation, or job description who  
8 is on the premises of a system a significant amount of time, although  
9 not necessarily full-time, and who is actively involved in and  
10 responsible for the operation, maintenance, and effectiveness of  
11 the system and who holds a valid license equal or superior to that  
12 required for the system;

13 d. "Licensee" means a person who possesses a valid license issued  
13A by the department pursuant to this act;

14 e. "Industrial wastewater treatment system" means any treatment  
15 works regulated by the department pursuant to the "Water Pollu-  
16 tion Control Act," P. L. 1977, c. 74 (C. 58:10A-1 et seq.);

17 f. "Operating requirements" means any and all provisions of  
18 permits or approvals, administrative orders, directives, or rules

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 printed in italics *thus* is new matter.

Matter enclosed in asterisks or stars has been adopted as follows:

\*—Assembly committee amendment adopted May 24, 1982.

\*\*—Assembly amendments adopted in accordance with Governor's recommendations January 31, 1983.

19 and regulations which the department may issue or adopt to insure  
20 the safe and efficient operations of systems, consistent with its  
21 statutory authority;

22 g. "Public wastewater collection system" means any collection  
23 system regulated by the department pursuant to the "Water Pollu-  
24 tion Control Act," P. L. 1977, c. 74 (C. 58:10A-1 et seq.), and  
25 which system consists of structures which, operating alone or with  
26 other structures, result in the collection and conveyance or trans-  
27 mission of wastewater from private, commercial, institutional or  
28 industrial sources, to public wastewater treatment systems for  
29 subsequent treatment;

30 h. "Public wastewater treatment system" means any structure  
31 or structures by means of which domestic, or combined domestic  
32 and industrial liquid wastes or sewage are subjected to any process  
33 in order to remove or so alter constituents as to render the wastes  
34 less offensive or dangerous to the public health, safety, welfare,  
35 comfort, property or environment of any of the inhabitants of  
36 the State before the discharge of the resulting effluent either  
37 directly or indirectly into any of the waters of the State, and which  
38 is regulated by the department pursuant to the "Water Pollution  
39 Control Act," P. L. 1977, c. 74 (C. 58:10A-1 et seq.);

40 i. "Public water supply system" means a system comprising  
41 structures which operating alone or with other structures result  
42 in the derivation, conveyance or transmission or distribution of  
43 potable water for human consumption and domestic purposes;

44 j. "Public water treatment system" means any structure or  
45 structures by means of which prior to discharge into a public water  
46 supply system is subjected to the addition or abstraction of a  
47 substance or substances in order to enhance the safeness, palata-  
48 bility, public health or aesthetic qualities, or reduce the corrosive  
49 or hazardous properties of the water used for potable or domestic  
50 purposes;

51 k. "System" means any industrial wastewater treatment system,  
52 public wastewater collection system, public wastewater treatment  
53 system, public water supply system or public water treatment  
54 system defined in this act; and

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

1     \*\*[3. a. No person now or hereafter licensed under the provisions  
2 of this act, who is the licensed operator of a system for a period of  
3 3 years consecutive service, shall be removed by any governing

4 body having the power of appointment of the licensee, or be sub-  
 5 jected to a reduction of salary, except for cause and after holding  
 6 a public hearing. In computing the 3 years service, the time served  
 7 shall include service both prior to and after the effective date of  
 8 this act. The governing body having the power to appoint a suc-  
 9 cessor to the person whose removal or reduction of salary is being  
 10 sought shall formulate or receive charges, in writing, against the  
 11 person and shall fix a time and place for a hearing thereon. A  
 12 written copy of the charges and a written notice of the time and  
 13 place of the hearing shall be transmitted to the person by certified  
 14 mail at least 5 days prior to the hearing.

15 b. The provisions of this section shall in no way limit the depart-  
 16 ment's rights and remedies established pursuant to this act, the  
 17 "Safe Drinking Water Act," P. L. 1977, c. 224 (C. 58:12A-1 et seq.),  
 18 the "Water Pollution Control Act," P. L. 1977, c. 74 (C. 58:10A-1  
 19 et seq.), and the rules and regulations adopted therefor.

20 c. The provisions of this section shall not affect any public officer  
 21 whose term of office is now or shall hereafter be fixed by statute,  
 22 and shall not apply to any private water purveyor, either at whole-  
 23 sale or retail, or to a privately owned entity operating a system  
 24 as hereinbefore defined.】\*\*

1 \*\*【4.】\*\* \*\*3.\*\* a. Every system shall be operated and maintained  
 2 by at least one licensed operator. Any person employed in the  
 3 capacity of a licensed operator not holding the license required for  
 4 a system, may continue in such capacity, at the discretion of the  
 5 department, if he meets the other requirements of this act and the  
 6 rules and regulations adopted thereto.

7 b. The commissioner shall, pursuant to the "Administrative Pro-  
 8 cedure Act," P. L. 1968, c. 410 (C. 52:14B-1 et seq.), adopt, and  
 9 may amend or repeal rules and regulations to classify and reclassify  
 10 licenses and systems.

11 c. The department shall upgrade or downgrade the classification  
 12 of a system whenever the system changes sufficiently to place it  
 13 in a different classification from the one in which it is classified.

14 d. If licenses are reclassified by the department, subject to new  
 15 classification requirements, the licensee at the time of the reclassi-  
 16 fication shall be reissued, at the time of the next license renewal,  
 17 \*【a】\* *the highest* license corresponding to the new classification.

1 \*\*【5.】\*\* \*\*4.\*\* a. The department shall conduct examinations  
 2 for licenses to operate systems to be held at least twice annually, by  
 3 the persons and at the times and places it may appoint. The depart-  
 4 ment shall determine the subject matter to be included in the exam-  
 5 inations and the manner in which the examinations shall be con-

6 ducted. Every applicant who has been admitted to an examination,  
7 and who has successfully passed the examination shall receive the  
8 license of the classification for which the examination was held.

9 b. The commissioner shall establish a board of examiners com-  
10 posed of licensed operators, and employees of the department; and  
11 any additional advisory bodies deemed necessary, to assist the  
12 department in administering the licensing program established  
13 pursuant to this act. The board of examiners shall annually review  
14 the programs and regulations adopted pursuant to this act and  
15 make recommendations to the department for their improvement.

16 c. The commissioner shall adopt, and may amend, or repeal rules  
17 and regulations establishing the board of examiners, and other  
18 advisory bodies, their composition and duties, and the qualifications  
19 for issuance of licenses, examination methods and procedures, and  
20 all other matters including fees necessary to implement and ad-  
21 minister an adequate licensing program.

1 \*\***[6.]**\*\* \*\*5.\*\* a. The commissioner is authorized to adopt a fee  
2 schedule which shall reasonably cover the cost of examinations,  
3 licensing procedures, and the administration and enforcement of  
4 this act. All fees collected pursuant to the provisions of this act  
5 shall be deposited into the "Environmental Services Fund" created  
6 by P. L. 1975, c. 232 (C. 13:1D-29 et seq.). There shall be annually  
7 appropriated an amount equivalent to the amount anticipated to  
8 be collected as fees by the department for the administration of the  
9 licensing program.

10 b. The department shall issue or renew a license upon payment  
11 of the appropriate license fee to any applicant who in the opinion  
12 of the department has satisfactorily met all the appropriate require-  
13 ments of this act and rules and regulations adopted pursuant to  
14 this act.

15 c. The department shall renew licenses annually and shall estab-  
16 lish in its regulations the date on which licenses shall be renewed.  
17 Initial licenses shall be valid from issue date to the next effective  
18 date for license renewal. All other licenses shall be valid from the  
19 renewal date of the license to the next annual renewal date. The  
20 department may change the renewal date for all licenses. The  
21 department may charge a delinquent fee to any licensee who fails  
22 to renew his license prior to the renewal date. A licensee who fails  
23 to renew his license within 1 year following the renewal date of  
24 his license, may not receive a new license until he successfully  
25 completes another qualifying examination.

1 \*\***[7.]**\*\* \*\*6.\*\* The department may issue licenses, without exam-  
2 ination, for the operation of systems to such persons who, in the

3 judgment of the department, meet all the requirements of this act  
4 and the rules and regulations adopted pursuant to this act and who  
5 hold valid current licenses to operate a system with at least the  
6 equivalent classification in a State, country or territory other than  
7 the State of New Jersey, which State, country or territory also  
8 recognizes the validity of New Jersey licenses, and which has re-  
9 quirements for the issuance of licenses to operate systems at least  
10 as stringent as the requirements of the State of New Jersey.

1     \*\*[8.]\*\* \*\*7.\*\* a. The department may revoke or suspend the  
2 license of a licensee if the department determines that the applica-  
3 tion for the license included false information or that the licensee is  
4 managing or operating the system in an incompetent manner, or is  
5 managing or operating the system in violation of this act or any  
6 operating requirements of the department, or has falsified records.

7     b. The order of revocation or suspension shall become a final  
8 order unless the licensee submits a written request for a hearing  
9 within 20 calendar days after receipt of the order. If a hearing is  
10 granted, the commissioner shall make the final decision for the  
11 department.

12     c. Any person whose license has been revoked for the first time  
13 shall be ineligible for admission to any examination authorized  
14 by this act for a period of not less than 1 year from the effective  
15 date of the revocation.

16     d. Any person whose license has been revoked for committing or  
17 omitting acts which the department determines with the concurrence  
18 of the board of examiners has caused substantial harm to the public,  
19 or whose license has been revoked more than once shall be ineligible  
20 for admission to any examination authorized by this act.

1     \*\*[9.]\*\* \*\*8.\*\* a. If any person violates any of the provisions of  
2 this act, or any operating requirements, the department may in-  
3 stitute a civil action in a court of competent jurisdiction for injunc-  
4 tive relief to enforce said provisions and to prohibit and prevent  
5 that violation and the court may proceed in the action in a summary  
5A manner.

6     b. Any person who violates or causes the violation of any of the  
7 provisions of this act or any operating requirements shall be liable  
8 to a civil administrative penalty of not more than \$5,000.00 for  
9 each offense to be imposed by the department pursuant to standards  
10 adopted in regulations, or a civil penalty of not more than \$5,000.00  
11 for each offense. If the violation is of a continuing nature, each day  
12 during which it continues shall constitute an additional separate  
13 and distinct offense.

14     c. The department may recover in any civil action the State's

15 reasonable costs of preparing and litigating the civil action pur-  
 16 suant to this act.

17 d. Any and all penalties prescribed by any provisions of this  
 18 act may be recovered in a civil action by a summary proceeding  
 19 under "the penalty enforcement law" (N. J. S. 2A:58-1 et seq.).  
 20 The Superior Court and county district court shall have jurisdiction  
 21 to enforce the Penalty Enforcement Law.

22 e. The department is authorized and empowered to compromise  
 23 and settle any penalty imposed under this section in such amount  
 24 in the discretion of the department as may appear appropriate  
 25 and equitable under all of the circumstances.

26 f. All penalties received pursuant to the provisions of this act  
 27 shall be paid into the "Environmental Services Fund" created  
 28 by P. L. 1975, c. 232 (C. 13:1D-29 et seq.), and expended for the  
 29 functions authorized herein.

1 **\*\*[10.]\*\* \*\*9.\*\*** a. Nothing herein contained shall be held to  
 2 abate or render invalid any administrative order or proceeding, or  
 3 suit at law or in equity, which may have been served, begun or in-  
 4 stituted by the department, prior to the date hereof, in accordance  
 5 with the powers and duties heretofore conferred upon it, but the  
 6 same shall continue in full force and effect, and be further advanced  
 7 and prosecuted in the name of the department; nor shall anything  
 8 in this act be construed to anywise affect the protection afforded  
 9 any person by section 4 of this act.

10 b. Any regulations concerning the licensing of operators promul-  
 11 gated by the department pursuant to P. L. 1938, c. 206 (C. 58:11-18.1  
 12 et seq.) shall remain in effect up to 1 year subsequent to the effec-  
 13 tive date of this act unless repealed by the department at an earlier  
 14 date.

1 **\*\*[11.]\*\* \*\*10.\*\*** The object and design of this act being the  
 2 protection and preservation of the environment, and the protection  
 3 and preservation of public health, safety, and welfare, this act shall  
 4 be liberally construed and the powers granted and the duties im-  
 5 posed shall be construed to be independent and severable. If any  
 6 one or more sections, clauses, sentences, or parts of this act shall  
 7 for any reason be questioned in any court, and shall be adjudged  
 8 unconstitutional or invalid, the judgment shall not affect, impair,  
 9 or invalidate the remaining provisions thereof, but shall be con-  
 10 fined in its operation to the specific provisions so held unconstitu-  
 11 tional or invalid.

1 **\*\*[12.]\*\* \*\*11.\*\*** The following sections and parts of acts are  
 1A repealed.

2 R. S. 58:11-14 through R. S. 58:11-18 inclusive;

- 3 P. L. 1938, c. 206 (C. 58:11-18.1 through 58:11-18.5 inclusive);  
4 P. L. 1941, c. 234, § 1-3 (C. 58:11-18.7 through 58:11-18.9 inclu-  
5 sive);  
6 P. L. 1946, c. 295, § 1-13 (C. 58:11-18.10 through 58:11-18.22 in-  
7 clusive);  
8 P. L. 1956, c. 60, § 1-4 (C. 58:20-1 through 58:20-4 inclusive);  
9 P. L. 1956, c. 60, § 6, 7 (C. 58:20-6 and 58:20-7);  
10 P. L. 1957, c. 23, § 1 (C. 58:20-8);  
11 P. L. 1958, c. 33, § 1-5 (C. 58:21-1 through 58:21-5 inclusive);  
12 P. L. 1958, c. 33, § 7-9 (C. 58:21-7 through 58:21-9 inclusive);  
13 P. L. 1969, c. 138 (C. 58:21A-1 through 58:21A-9 inclusive);  
1 **\*\*[13.]\*\*** **\*\*12.\*\*** This act shall take effect immediately.
-



- 6 P. L. 1946, c. 295, § 1-13 (C. 58:11-18.10 through 58:11-18.22 in-  
7 clusive);
- 8 P. L. 1956, c. 60, § 1-4 (C. 58:20-1 through 58:20-4 inclusive);
- 9 P. L. 1956, c. 60, § 6, 7 (C. 58:20-6 and 58:20-7);
- 10 P. L. 1957, c. 23, § 1 (C. 58:20-8);
- 11 P. L. 1958, c. 33, § 1-5 (C. 58:21-1 through 58:21-5 inclusive);
- 12 P. L. 1958, c. 33, § 7-9 (C. 58:21-7 through 58:21-9 inclusive);
- 13 P. L. 1969, c. 138 (C. 58:21A-1 through 58:21A-9 inclusive);
- 1 13. This act shall take effect immediately.

---

STATEMENT

This bill would authorize the Department of Environmental Protection to license operators of water supply and wastewater treatment plants and systems. The bill would also repeal certain antiquated, redundant and superfluous statutes pertaining to water supply and wastewater facilities.

A1244(1982)

ASSEMBLY ENERGY AND NATURAL RESOURCES  
COMMITTEE

STATEMENT TO

**ASSEMBLY, No. 1244**

with Assembly committee amendments

**STATE OF NEW JERSEY**

DATED: MAY 24, 1982

As amended by the committee, this bill would authorize the Department of Environmental Protection to establish a uniform program for the licensing of operators of water supply and wastewater treatment plants and systems. Licensed operators would be required for any of the following systems: (1) Industrial wastewater treatment systems; (2) Public wastewater collection systems; (3) Public wastewater treatment systems; (4) Public water supply systems; and (5) Public water treatment systems. All of the foregoing are regulated by the department pursuant to the "Water Pollution Control Act," P. L. 1977, c. 74 (C. 58:10A-1 et seq.).

In essence, this legislation would replace the present fragmentary licensing requirements for water supply and wastewater treatment plant operators which now exist in patchwork, contradictory and redundant form throughout Title 58 of the Revised Statutes. Accordingly, this bill would correct this statutory confusion by replacing this outmoded and piecemeal approach with a uniform and coherent licensing program similar to the requirements used elsewhere in the State government.

In addition, the bill would repeal certain antiquated, redundant and superfluous statutes pertaining to the regulation of water supply and wastewater treatment facilities.

A committee amendment was adopted to clarify the level of licenses to be reissued upon a reclassification of licenses.

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

January 31, 1983

ASSEMBLY BILL NO. 1244 (OCR)

To the General Assembly:

Pursuant to Article V, Section 1, Paragraph 14 of the Constitution, I herewith return Assembly Bill No. 1244 (OCR) with my objections and recommendations for amendment.

The purpose of this bill is to authorize the Department of Environmental Protection to license operators of water supply and wastewater treatment plants and systems. Pursuant to the bill, a license will be granted to a system operator upon passage of an examination conducted by the Department and administered by a board of examiners composed of licensed operators and employees of the Department.

However, the bill also provides that a licensed operator who has three consecutive years of service may not be removed or subjected to a reduction in salary except for cause and after a public hearing. This provision is unnecessary and is inimical to the purpose of the bill which is to ensure that operators are highly qualified and perform their duties to the highest standards achievable. Such a tenure provision tends to reduce innovation and promote inefficiencies. Moreover, the degree of insulation that these operators require from political manipulation, the justification sometimes given for such a tenure provision, is provided by the licensing procedure itself which will effectively prohibit the politically motivated employment of unqualified persons as operators of water supply and wastewater treatment systems.

Therefore, I herewith return Assembly Bill No. 1244 (OCR) and recommend that it be amended as follows:

Page 2-3, Section 3, Lines 1 through 24: Delete

Page 3, Section 4, Line 1: Delete "4.", insert "3."

Page 3, Section 5, Line 1: Delete "5.", insert "4."

Page 4, Section 6, Line 1: Delete "6.", insert "5."

Page 4, Section 7, Line 1: Delete "7.", insert "6."

Page 5, Section 8, Line 1: Delete "8.", insert "7."

Page 5, Section 9, Line 1: Delete "9.", insert "8."

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

2

Page 6, Section 10, Line 1: Delete "10.", insert "9."

Page 6, Section 11, Line 1: Delete "11.", insert "10."

Page 6, Section 12, Line 1: Delete "12.", insert "11."

Page 7, Section 13, Line 1: Delete "13.", insert "12."

Respectfully,

/s/ Thomas H. Kean

GOVERNOR

[seal]

Attest:

/s/ W. Cary Edwards

Chief Counsel