

58:10A-6

LEGISLATIVE HISTORY CHECKLIST
Compiled by the NJ State Law Library

(Pollutant discharge elimination
system permits--clarify who must
sign monitoring reports)

NJSA: 58:10A-6

LAWS OF: 1993 CHAPTER: 23

BILL NO: S832

SPONSOR(S) Littell

DATE INTRODUCED: May 18, 1992

COMMITTEE: ASSEMBLY: Energy & Hazardous Waste
SENATE: Environment

AMENDED DURING PASSAGE: Yes Amendments during passage
denoted by asterisks

DATE OF PASSAGE: ASSEMBLY: January 12, 1993
SENATE: June 11, 1992

DATE OF APPROVAL: January 22, 1993

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes
SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBG:pp

[FIRST REPRINT]

SENATE, No. 832

STATE OF NEW JERSEY

INTRODUCED MAY 18, 1992

By Senator LITTELL

1 AN ACT concerning certain reporting requirements under the
2 "Water Pollution Control Act" and amending P.L.1977, c.74.

3

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

6 1. Section 6 of P.L.1977,c.74 (C.58:10A-6) is amended to read
7 as follows:

8 6. a. It shall be unlawful for any person to discharge any
9 pollutant, except in conformity with a valid New Jersey Pollutant
10 Discharge Elimination System permit that has been issued by the
11 commissioner pursuant to this act or a valid National Pollutant
12 Discharge Elimination System permit issued by the administrator
13 pursuant to the Federal Act, as the case may be.

14 b. It shall be unlawful for any person to build, install, modify
15 or operate any facility for the collection, treatment or discharge
16 of any pollutant, except after approval by the department
17 pursuant to regulations adopted by the commissioner.

18 c. The commissioner is hereby authorized to grant, deny,
19 modify, suspend, revoke, and reissue NJPDES permits in
20 accordance with this act, and with regulations to be adopted by
21 him. The commissioner may reissue, with or without
22 modifications, an NPDES permit duly issued by the federal
23 government as the NJPDES permit required by this act.

24 d. The commissioner may, by regulation, exempt the following
25 categories of discharge, in whole or in part, from the requirement
26 of obtaining a permit under this act; provided, however, that an
27 exemption afforded under this section shall not limit the civil or
28 criminal liability of any discharger nor exempt any discharger
29 from approval or permit requirements under any other provision
30 of law:

31 (1) Additions of sewage, industrial wastes or other materials
32 into a publicly owned sewage treatment works which is regulated
33 by pretreatment standards;

34 (2) Discharges of any pollutant from a marine vessel or other
35 discharges incidental to the normal operation of marine vessels;

36 (3) Discharges from septic tanks, or other individual waste
37 disposal systems, sanitary landfills, and other means of land
38 disposal of wastes;

39 (4) Discharges of dredged or fill materials into waters for
40 which the State could not be authorized to administer the section
41 404 program under section 404(g) of the "Federal Water Pollution
42 Control Act Amendments of 1972," as amended by the "Clean

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

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:
1 Senate SEN committee amendments adopted June 1, 1992.

- 1 Water Act of 1977" (33 U.S.C. § 1344) and implementing
2 regulations;
- 3 (5) Nonpoint source discharges;
- 4 (6) Uncontrolled nonpoint source discharges composed entirely
5 of storm water runoff when these discharges are uncontaminated
6 by any industrial or commercial activity unless these particular
7 storm water runoff discharges have been identified by the
8 administrator or the department as a significant contributor of
9 pollution;
- 10 (7) Discharges conforming to a national contingency plan for
11 removal of oil and hazardous substances, published pursuant to
12 section 311(c)(2) of the Federal Act.
- 13 e. The commissioner shall not issue any permit for:
- 14 (1) The discharge of any radiological, chemical or biological
15 warfare agent or high-level radioactive waste into the waters of
16 this State;
- 17 (2) Any discharge which the United States Secretary of the
18 Army, acting through the Chief of Engineers, finds would
19 substantially impair anchorage or navigation;
- 20 (3) Any discharge to which the administrator has objected in
21 writing pursuant to the Federal Act;
- 22 (4) Any discharge which conflicts with an areawide plan
23 adopted pursuant to law.
- 24 f. A permit issued by the department or a delegated local
25 agency, under this act shall require the permittee:
- 26 (1) To achieve effluent limitations based upon guidelines or
27 standards established pursuant to the Federal Act or this act,
28 together with such further discharge restrictions and safeguards
29 against unauthorized discharge as may be necessary to meet
30 water quality standards, areawide plans adopted pursuant to law,
31 or other legally applicable requirements;
- 32 (2) Where appropriate, to meet schedules for compliance with
33 the terms of the permit and interim deadlines for progress or
34 reports of progress towards compliance;
- 35 (3) To insure that all discharges are consistent at all times
36 with the terms and conditions of the permit and that no pollutant
37 will be discharged more frequently than authorized or at a level
38 in excess of that which is authorized by the permit;
- 39 (4) To submit application for a new permit in the event of any
40 contemplated facility expansion or process modification that
41 would result in new or increased discharges or, if these would not
42 violate effluent limitations or other restrictions specified in the
43 permit, to notify the commissioner, or delegated local agency, of
44 such new or increased discharges;
- 45 (5) To install, use and maintain such monitoring equipment and
46 methods, to sample in accordance with such methods, to maintain
47 and retain such records of information from monitoring
48 activities, and to submit to the commissioner, or to the delegated
49 local agency, reports of monitoring results for surface waters, as
50 may be stipulated in the permit, or required by the commissioner
51 or delegated local agency pursuant to paragraph (9) of this
52 subsection, or as the commissioner or the delegated local agency
53 may prescribe for ground water. Significant indirect users, major
54 industrial dischargers, and local agencies, other than those

1 discharging only stormwater or noncontact cooling water, shall,
2 however, report their monitoring results for discharges to surface
3 waters monthly to the commissioner, or the delegated local
4 agency. Discharge monitoring reports for discharges to surface
5 waters shall be signed by the highest ranking official having
6 day-to-day managerial and operational responsibilities for the
7 discharging facility, who may, in his absence, authorize another
8 responsible high ranking official to sign a monthly monitoring
9 report if a report is required to be filed during that period of
10 time. The highest ranking official shall, however, be liable in all
11 instances for the accuracy of all the information provided in the
12 monitoring report; provided, however, that the highest ranking
13 official may file, within seven days of his return, amendments to
14 the monitoring report to which he was not a signatory. The
15 highest ranking official having day-to-day managerial and
16 operational responsibilities for the discharging facility of a local
17 agency shall be the highest ranking licensed operator of the
18 municipal treatment works in those instances where a licensed
19 operator is required by law to operate the facility. In those
20 instances where a local agency has contracted with another
21 entity to operate a municipal treatment works, the highest
22 ranking official who signs the discharge monitoring report shall
23 be an employee of the contract operator and not of the local
24 agency. Notwithstanding that an employee of a contract
25 operator is the official who signs the discharge monitoring report,
26 the local agency, as the permittee, shall remain liable for
27 compliance with all permit conditions. ¹In those instances where
28 the highest ranking official having day-to-day managerial and
29 operational responsibilities for a discharging facility of a local
30 agency does not have the responsibility to authorize capital
31 expenditures and hire personnel, a person having that
32 responsibility, or a person designated by that person, shall submit
33 to the department, along with the discharge monitoring report, a
34 certification that that person has received and reviewed the
35 discharge monitoring report. The person submitting the
36 certification to the department shall not be liable for the
37 accuracy of the information on the discharge monitoring report
38 due to the submittal of the certification. Whenever a local
39 agency has contracted with another entity to operate the
40 municipal treatment works, the person submitting the
41 certification shall be an employee of the permittee and not of the
42 contract operator.¹ The filing of amendments to a monitoring
43 report in accordance with this paragraph shall not be considered a
44 late filing of a report for purposes of subsection d. of section 6 of
45 P.L.1990, c.28 (C.58:10A-10.1), or for purposes of determining a
46 significant noncomplier;

47 (6) At all times, to maintain in good working order and operate
48 as effectively as possible, any facilities or systems of control
49 installed to achieve compliance with the terms and conditions of
50 the permit;

51 (7) To limit concentrations of heavy metal , pesticides, organic
52 chemicals and other contaminants in the sludge in conformance
53 with the land-based sludge management criteria established by
54 the department in the Statewide Sludge Management Plan

1 adopted pursuant to the "Solid Waste Management Act,"
2 P.L.1970, c.39 (C.13:1E-1 et seq.) or established pursuant to the
3 Federal Water Pollution Control Act Amendments of 1972 (33
4 U.S.C. § 1251 et seq.), or any regulations adopted pursuant
5 thereto;

6 (8) To report to the department or delegated local agency, as
7 appropriate, any exceedance of an effluent limitation that causes
8 injury to persons, or damage to the environment, or poses a
9 threat to human health or the environment, within two hours of
10 its occurrence, or of the permittee becoming aware of the
11 occurrence. Within 24 hours thereof, or of an exceedance, or of
12 becoming aware of an exceedance, of an effluent limitation for a
13 toxic pollutant, a permittee shall provide the department or
14 delegated local agency with such additional information on the
15 discharge as may be required by the department or delegated
16 local agency, including an estimate of the danger posed by the
17 discharge to the environment, whether the discharge is
18 continuing, and the measures taken, or being taken, to remediate
19 the problem and any damage to the environment, and to avoid a
20 repetition of the problem;

21 (9) Notwithstanding the reporting requirements stipulated in a
22 permit for discharges to surface waters, a permittee shall be
23 required to file monthly reports with the commissioner or
24 delegated local agency if the permittee:

25 (a) in any month commits a serious violation or fails to submit
26 a completed discharge monitoring report and does not contest, or
27 unsuccessfully contests, the assessment of a civil administrative
28 penalty therefor; or

29 (b) exceeds an effluent limitation for the same pollutant at the
30 same discharge point source by any amount for four out of six
31 consecutive months.

32 The commissioner or delegated local agency may restore the
33 reporting requirements stipulated in the permit if the permittee
34 has not committed any of the violations identified in this
35 paragraph for six consecutive months;

36 (10) To report to the department or delegated local agency, as
37 appropriate, any serious violation within 30 days of the violation,
38 together with a statement indicating that the permittee
39 understands the civil administrative penalties required to be
40 assessed for serious violations, and explaining the nature of the
41 serious violation and the measures taken to remedy the cause or
42 prevent a recurrence of the serious violation.

43 g. The commissioner and a local agency shall have a right of
44 entry to all premises in which a discharge source is or might be
45 located or in which monitoring equipment or records required by
46 a permit are kept, for purposes of inspection, sampling, copying
47 or photographing.

48 h. In addition, any permit issued for a discharge from a
49 municipal treatment works shall require the permittee:

50 (1) To notify the commissioner or local agency in advance of
51 the quality and quantity of all new introductions of pollutants
52 into a facility and of any substantial change in the pollutants
53 introduced into a facility by an existing user of the facility,
54 except for such introductions of nonindustrial pollutants as the

1 commissioner or local agency may exempt from this notification
2 requirement when ample capacity remains in the facility to
3 accommodate new inflows. The notification shall estimate the
4 effects of the changes on the effluents to be discharged into the
5 facility.

6 (2) To establish an effective regulatory program, alone or in
7 conjunction with the operators of sewage collection systems, that
8 will assure compliance and monitor progress toward compliance
9 by industrial users of the facilities with user charge and cost
10 recovery requirements of the Federal Act or State law and
11 toxicity standards adopted pursuant to this act and pretreatment
12 standards.

13 (3) As actual flows to the facility approach design flow or
14 design loading limits, to submit to the commissioner or local
15 agency for approval, a program which the permittee and the
16 persons responsible for building and maintaining the contributory
17 collection system shall pursue in order to prevent overload of the
18 facilities.

19 i. (1) All local agencies shall prescribe terms and conditions,
20 consistent with applicable State and federal law, or requirements
21 adopted pursuant thereto by the department, upon which
22 pollutants may be introduced into treatment works, and shall
23 have the authority to exercise the same right of entry,
24 inspection, sampling, and copying, and to impose the same
25 remedies, fines and penalties, and to recover costs and
26 compensatory damages as authorized pursuant to subsection a. of
27 section 10 of P.L.1977, c.74 (C.58:10A-10) and section 6 of
28 P.L.1990, c.28 (C.58:10A-10.1), with respect to users of such
29 works, as are vested in the commissioner by this act, or by any
30 other provision of State law, except that a local agency, except
31 as provided in P.L.1991, c.8 (C.58:10-10.4 et seq.), may not
32 impose civil administrative penalties, and shall petition the
33 county prosecutor or the Attorney General for a criminal
34 prosecution under that section. Terms and conditions shall include
35 limits for heavy metals, pesticides, organic chemicals and other
36 contaminants in industrial wastewater discharges based upon the
37 attainment of land-based sludge management criteria established
38 by the department in the Statewide Sludge Management Plan
39 adopted pursuant to the "Solid Waste Management Act,"
40 P.L.1970, c.39 (C.13:1E-1 et seq.) or established pursuant to the
41 Federal Water Pollution Control Act Amendments of 1972 (33
42 U.S.C. § 1251 et seq.), or any regulations adopted pursuant
43 thereto.

44 (2) Of the amount of any penalty assessed and collected
45 pursuant to an action brought by a local agency in accordance
46 with section 10 of P.L.1977, c.74 or section 6 of P.L.1990, c.28
47 (C.58:10A-10.1), 10% shall be deposited in the "Wastewater
48 Treatment Operators' Training Account," established in
49 accordance with section 13 of P.L.1990, c.28 (C.58:10A-14.5),
50 and used to finance the cost of training operators of municipal
51 treatment works. The remainder shall be used by the local
52 agency solely for enforcement purposes, and for upgrading
53 municipal treatment works.

54 j. In reviewing permits submitted in compliance with this act

1 and in determining conditions under which such permits may be
2 approved, the commissioner shall encourage the development of
3 comprehensive regional sewerage planning or facilities, which
4 serve the needs of the regional community, conform to the
5 adopted area-wide water quality management plan for that
6 region, and protect the needs of the regional community for
7 water quality, aquifer storage, aquifer recharge, and dry weather
8 based stream flows.

9 k. No permit may be issued, renewed, or modified by the
10 department or a delegated local agency so as to relax any water
11 quality standard or effluent limitation until the applicant, or
12 permit holder, as the case may be, has paid all fees, penalties or
13 fines due and owing pursuant to P.L.1977, c.74, or has entered
14 into an agreement with the department establishing a payment
15 schedule therefor; except that if a penalty or fine is contested,
16 the applicant or permit holder shall satisfy the provisions of this
17 section by posting financial security as required pursuant to
18 paragraph (5) of subsection d. of section 10 of P.L.1977, c.74
19 (C.58:10A-10). The provisions of this subsection with respect to
20 penalties or fines shall not apply to a local agency contesting a
21 penalty or fine.

22 l. Each permitted facility or municipal treatment works, other
23 than one discharging only stormwater or non-contact cooling
24 water, shall be inspected by the department at least once a year;
25 except that each permitted facility discharging into the
26 municipal treatment works of a delegated local agency, other
27 than a facility discharging only stormwater or non-contact
28 cooling water, shall be inspected by the delegated local agency at
29 least once a year. Except as hereinafter provided, an inspection
30 required under this subsection shall be conducted within six
31 months following a permittee's submission of an application for a
32 permit, permit renewal, or, in the case of a new facility or
33 municipal treatment works, issuance of a permit therefor, except
34 that if for any reason, a scheduled inspection cannot be made the
35 inspection shall be rescheduled to be performed within 30 days of
36 the originally scheduled inspection or, in the case of a temporary
37 shutdown, of resumed operation. Exemption of stormwater
38 facilities from the provisions of this subsection shall not apply to
39 any permitted facility or municipal treatment works discharging
40 or receiving stormwater runoff having come into contact with a
41 hazardous discharge site on the federal National Priorities List
42 adopted by the United States Environmental Protection Agency
43 pursuant to the "Comprehensive Environmental Response,
44 Compensation, and Liability Act," Pub.L.96-510 (42 U.S.C.A. §
45 9601 et seq.), or any other hazardous discharge site included by
46 the department on the master list for hazardous discharge site
47 cleanups adopted pursuant to section 2 of P.L.1982, c.202
48 (C.58:10-23.16). Inspections shall include:

49 (1) A representative sampling of the effluent for each
50 permitted facility or municipal treatment works, except that in
51 the case of facilities or works that are not major facilities or
52 significant indirect users, sampling pursuant to this paragraph
53 shall be conducted at least once every three years;

54 (2) An analysis of all collected samples by a State owned and

1 operated laboratory, or a certified laboratory other than one that
2 has been or is being used by the permittee, or that is directly or
3 indirectly owned, operated or managed by the permittee;

4 (3) An evaluation of the maintenance record of the
5 permittee's treatment equipment;

6 (4) An evaluation of the permittee's sampling techniques;

7 (5) A random check of written summaries of test results,
8 prepared by the certified laboratory providing the test results,
9 for the immediately preceding 12-month period, signed by a
10 responsible official of the certified laboratory, certifying the
11 accuracy of the test results; and

12 (6) An inspection of the permittee's sample storage facilities
13 and techniques if the sampling is normally performed by the
14 permittee.

15 The department may inspect a facility required to be inspected
16 by a delegated local agency pursuant to this subsection. Nothing
17 in this subsection shall require the department to conduct more
18 than one inspection per year.

19 [A delegated local agency shall not be required to conduct
20 annual inspections pursuant to this subsection until January 1,
21 1992.]

22 m. The facility or municipal treatment works of a permittee
23 identified as a significant noncomplier shall be subject to an
24 inspection by the department, or the delegated local agency, as
25 the case may be, which inspection shall be in addition to the
26 requirements of subsection l. of this section. The inspection shall
27 be conducted within 60 days of receipt of the discharge
28 monitoring report that initially results in the permittee being
29 identified as a significant noncomplier. The inspection shall
30 include a random check of written summaries of test results,
31 prepared by the certified laboratory providing the test results,
32 for the immediately preceding 12-month period, signed by a
33 responsible official of the certified laboratory, certifying the
34 accuracy of the test results. A copy of each summary shall be
35 maintained by the permittee. The inspection shall be for the
36 purpose of determining compliance. The department or delegated
37 local agency is required to conduct only one inspection per year
38 pursuant to this subsection, and is not required to make an
39 inspection hereunder if an inspection has been made pursuant to
40 subsection l. of this section within six months of the period within
41 which an inspection is required to be conducted under this
42 subsection.

43 n. To assist the commissioner in assessing a municipal
44 treatment works' NJPDES permit in accordance with paragraph
45 (3) of subsection b. of section 7 of P.L.1977, c.74 (C.58:10A-7), a
46 delegated local agency shall perform a complete analysis that
47 includes a complete priority pollutant analysis of the discharge
48 from, and inflow to, the municipal treatment works. The analysis
49 shall be performed by a delegated local agency as often as the
50 priority pollutant scan is required under the permit, but not less
51 than once a year, and shall be based upon data acquired in the
52 priority pollutant scan and from applicable sludge quality analysis
53 reports. The results of the analysis shall be included in a report
54 to be attached to the annual report required to be submitted to

1 the commissioner by the delegated local agency.

2 o. Except as otherwise provided in section 3 of P.L.1963, c.73
3 (C.47:1A-3), any records, reports or other information obtained
4 by the commissioner or a local agency pursuant to this section or
5 section 5 of P.L.1972, c.42 (C.58:11-53), including any
6 correspondence relating thereto, shall be available to the public;
7 however, upon a showing satisfactory to the commissioner by any
8 person that the making public of any record, report or
9 information, or a part thereof, other than effluent data, would
10 divulge methods or processes entitled to protection as trade
11 secrets, the commissioner or local agency shall consider such
12 record, report, or information, or part thereof, to be confidential,
13 and access thereto shall be limited to authorized officers or
14 employees of the department, the local agency, and the federal
15 government.

16 (cf: P.L.1990,c.28, s.3)

17 2. This act shall take effect immediately.

18

19

20

21

22 Clarifies who must sign a NJPDES permit discharge monitoring
23 report.

ASSEMBLY ENERGY AND HAZARDOUS WASTE COMMITTEE

STATEMENT TO

[FIRST REPRINT]

SENATE, No. 832

STATE OF NEW JERSEY

DATED: NOVEMBER 9, 1992

The Assembly Energy and Hazardous Waste Committee favorably reports Senate Bill No. 832 [1R].

This bill clarifies who must sign a discharge monitoring report (DMR) for a municipal treatment works as required pursuant to the "Water Pollution Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.).

This bill specifies that for governmental agencies that operate wastewater treatment plants, the official who signs the DMR must be a licensed operator. Under the department's existing regulations, a licensed operator is a person who spends a significant amount of time on-site at the facility "and who has active involvement in and is responsible for the operation, and maintenance, and effectiveness of the system."

The bill also provides that where the person who signs the DMR for the local agency does not have responsibility to authorize capital expenditures or hire personnel, a person who does have that authority or a designee must send a certification to the department that he or she has received and reviewed the DMR. This certification requirement will assure that the person who is in the best position to correct any problems with the facility will become aware of any discharge violations that may appear on the DMR.

The bill further provides, in order to prevent any misinterpretation, that where the operation of a municipal wastewater treatment system is contracted out to a private firm, the official who must sign the DMR shall be an employee of that firm.

In 1990 the Legislature adopted substantial amendments to its water pollution control laws through the adoption of the "Clean Water Enforcement Act." One of these amendments provided that the "highest ranking official having day-to-day managerial and operational responsibilities for the discharging facility" must sign the discharge monitoring report. The DMR must be submitted to the Department of Environmental Protection and Energy to inform the department whether the facility is discharging pollutants in compliance with its New Jersey Pollutant Discharge Elimination System permit.

A recent DEPE regulatory proposal would require an elected or administrative official of a government entity that owns a facility to sign the DMR even if that person has no experience in facility operations and does not manage the facility. Additionally, in at least one instance, a school board that had contracted with a private firm to operate a wastewater treatment plant has been required by the department to appoint a school board member or administrative official to sign the DMR. The department would not authorize an official of the private contract operator to sign the DMR for that facility, even though a school board member or

administrative official had no independent knowledge or experience of the operations of the facility.

This bill would reverse the aspects of the departmental proposal requiring an elected or administrative official of a government entity with no operational experience to sign the DMR. It would clarify that the legislative intent of the 1990 amendment was to ensure that the highest ranking person who actually operated the plant, rather than a lower level subordinate, sign the DMR and thus verify its accuracy. The highest ranking operator is in the best position to know and ensure that the information on the DMR is accurate.

SENATE ENVIRONMENT COMMITTEE

STATEMENT TO

SENATE, No. 832

with committee amendments

STATE OF NEW JERSEY

DATED: JUNE 1, 1992

The Senate Environment Committee favorably reports Senate Bill No. 832 with committee amendments.

Senate Bill No. 832 clarifies who must sign a discharge monitoring report for a municipal treatment works as required pursuant to the "Water Pollution Control Act," P.L.1977, c.74 (C.58:10A-1 et seq.).

In 1990 the Legislature adopted substantial amendments to its water pollution control laws through the adoption of the "Clean Water Enforcement Act." One of these amendments provided that the "highest ranking official having day-to-day managerial and operational responsibilities for the discharging facility" must sign the discharge monitoring report (DMR). The DMR must be submitted to the Department of Environmental Protection and Energy to inform the department whether the facility is discharging pollutants in compliance with its New Jersey Pollutant Discharge Elimination System permit.

The Legislature intended to ensure that the highest ranking person who actually operated the plant, rather than a lower level subordinate, sign the DMR and thus verify its accuracy. The highest ranking operator is in the best position to know and ensure that the information on the DMR is accurate.

Recent regulatory proposals of the department fail to implement this provision in accordance with the Legislative intent. The department's proposal would require an elected or administrative official of a government entity that owns a facility sign the DMR even if that person has no experience in facility operations and does not manage the facility. Additionally, in at least one instance, a school board that had contracted with an private firm to operate a wastewater treatment plant has been required by the department to appoint a school board member or administrative official to sign the DMR. The department would not authorize an official of the private contract operator to sign the DMR for that facility even though a school board member or administrative official had no independent knowledge or experience of the operations of the facility.

This bill clarifies the provision by specifying that for governmental agencies that operate wastewater treatment plants, the official who signs the DMR must be a licensed operator. Under the department's existing regulations, a licensed operator is a person who spends a significant amount of time on-site at the facility "and who has active involvement in and is responsible for the operation, and maintenance, and effectiveness of the system."

The bill further provides, in order to prevent any misinterpretation, that where the operation of a municipal wastewater treatment system is contracted out to a private firm, the official who must sign the DMR shall be an employee of that firm.

The committee amended the bill to provide that where the person who signs the DMR for the local agency does not have responsibility to authorize capital expenditures or hire personnel, a person who does have that authority or a designee, must send a certification to the department that he or she has received and reviewed the DMR. This certification requirement will assure that the person who is in the best position to correct any problems with the facility will become aware of any discharge violations that may appear on the DMR.