



WATER RESOURCE MANAGEMENT

Licensed Operator Rule Revisions

Allison Campbell, NJDEP

AEA Utility Management Conference

Tuesday, March 12, 2024

10:00 – 11:00 am



Rulemaking Overview

NJDEP has initiated the formal rulemaking process to make revisions to the Licensed Operator Rule (N.J.A.C. 7:10A).

Rulemaking Steps:

- Identify the Need & Form a Rule Team
- Stakeholder Outreach Process ← **WE ARE HERE**
- Draft the Rule Proposal
- File the Rule Proposal in the New Jersey Register
- Public Comment Period
- Rule Adoption



Agenda

Rule History

Past Stakeholder Outreach

Focus Group Findings

Future Stakeholder Outreach

Discussion



Rule History

DEP regulates water supply and wastewater system operators through a licensing program pursuant to N.J.S.A. 58:11-64 et seq. (The Water Supply and Wastewater Operators Licensing Act) and its implementing regulations at N.J.A.C. 7:10A (Chapter 10A).

- Chapter 10A was established in 1997.
- In 2002 and 2008 Chapter 10A was readopted with minor substantive amendments.
- In 2015 and 2022 Chapter 10A was readopted without any substantive amendments.
- In 2020 Chapter 10A was modified by EO 103 to include some COVID-19 provisions.



Summary of the 2015 White Paper

from American Water Works Association of New Jersey (AWWA-NJ)

- Submitted to the DEP Division of Water Supply & Geoscience (DWSG) by the AWWA Licensed Operator (LO) Committee
- Supported rule amendments due to a “substantial loss of older professionals to retirement combined with a minimal number of young professionals” entering the field
- Also included recommendations for the Board of Examiners and the LO Advisory Committee

High Priority Recommendations

- Clarify reciprocity requirements with other states
- Create an Operator in Training (OIT) program
- Require Ethics Training
- Require a license holder to be present at Class 4 systems 24/7



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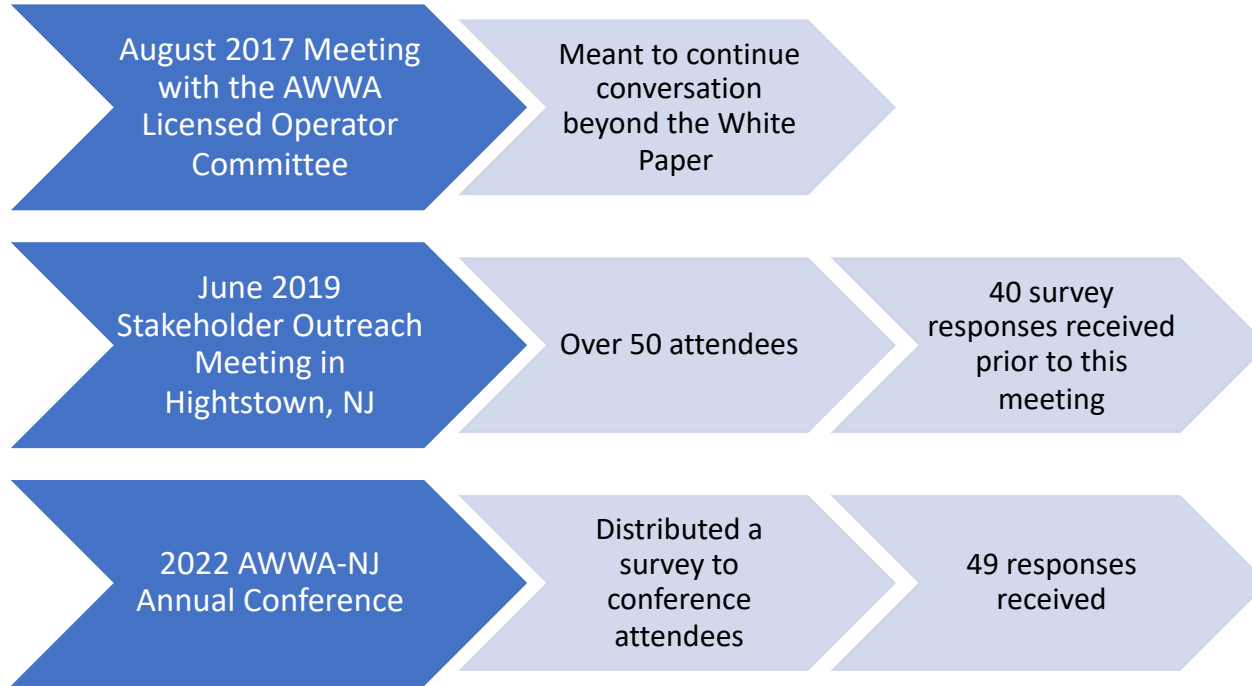
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Past Stakeholder Outreach





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Focus Groups

Initial Stakeholder Sessions

- 3 virtual focus groups held to date
- Topics:
 - Licensing Exams & Renewals
 - Operator Roles & Responsibilities
 - Workforce Development
- 15-30 participants
- Designed to foster discussion on specific aspects of the rule
- Many of the discussion questions were raised in the White Paper, or during other prior stakeholder outreach



Focus Groups

Early Feedback/Takeaways

- Attracting and retaining new, skilled operators is a top priority. Rule revisions should be carefully considered to avoid creating new barriers to entry and/or aim to reduce existing barriers
- Systems are diverse in size and treatment type; it is often difficult to prescribe a “one-size-fits-all” approach in the rule
- Consider revising the definition for “direct responsible charge experience”
- Strong support for development of an “Operator in Training” (OIT) program
- Training Contact Hours (TCH) submission and annual license renewal applications are due at the same time. The Department could separate these deadlines in the rule (similar to the current Well Drillers’ schedule)



Grandparenting

7:10A-1.10(b)1 currently states:

- *“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.”*
- EPA has mandated that the Department remove this provision from the rule to be consistent with the federal Safe Drinking Water Act.



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Future Stakeholder Outreach

Focus Groups

- The Rule Team has additional Focus Groups planned to discuss other parts of the Rule

Conferences

- AEA Spring Conference: March 12, 2024
- AWWA-NJ Annual Conference: March 20-21, 2024
- NJWEA Annual Conference: May 7, 2024

*Office hours available during conferences

Open Stakeholder Meeting(s)

- The Rule Team will host a virtual meeting(s) open to all to gather feedback prior to releasing the draft Rule for public comment

Email

- We encourage stakeholders to submit their feedback and suggestions for the rulemaking to the Rule Team via email (addresses on last slide)



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Examinations & Renewals

“Operating Experience” vs. “Direct Responsible Charge Experience”

- N.J.A.C. 7:10A-1.2 currently defines “operating experience” as *“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.”*
- N.J.A.C. 7:10A-1.2 currently defines “direct responsible charge experience” as *“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.”*

Minimum Admission Requirements to sit for Licensing Exams

License Reciprocity with Other States

Training Contact Hour (TCHs) Topics



Roles & Responsibilities

How can the Rule clearly define and encompass the responsibilities of the Licensed Operator of Record?

- What roles and responsibilities should be outlined in the regulations?
 - Differentiate the responsibilities of Treatment System LOs vs. Distribution/Collection System LOs?
- Has a lack of clarification in these areas impacted your work?



Workforce Development

Operator in Training (OIT) Program

- How would this benefit workforce development/retention?
- How should such a program be designed?

Succession Planning

- How can the rule revisions/Department incentivize new people to enter the field?

System Facility Classification Point System

- Are any existing point values in need of revision?



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