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PUBLIC NOTICE

ENVIRONMENTAL PROTECTION

COMPLIANCE AND ENFORCEMENT

Notice of Action on Petition for Rulemaking

Licensing and Water Supply and Wastewater Treatment System Operators; License

Renewal Requirements

N.J.A.C. 7:10A-1.9

Petitioner: New Jersey Water Environment Association.

Take notice that the Department of Environmental Protection (Department) has determined to refer for further deliberation the petition for rulemaking described below, which was filed by the New Jersey Water Environment Association (petitioner).

The Petition

The petitioner requests that the Department amend the Licensing and Water Supply and Wastewater Treatment System Operators rules at N.J.A.C. 7:10A-1.9, License renewal requirements, to create a class of operator, to be known as “Retired Status,” for a licensee who has held his or her highest license a minimum of 25 years, and who is at least 62 years old.

The petitioner states that the State Division of Consumer Affairs allows licensed professionals, such as engineers, surveyors, planners, and architects, to enter “retired status.” The professionals are thereby released from continuing education requirements but at the same time are restricted from practicing as a license holder. The professionals may, however, return to

full standing upon completing a required number of continuing education courses or hours. The petitioner requests that licensed water and wastewater treatment operators be provided the same option.

The petitioner asserts that the number of operators, particularly in the upper license class, is diminishing. Experienced operators have endured storms, seasonal changes, outages, and power failures, and that experience is invaluable in an emergency. The operators who are in retired status could act as a “bench of operators,” to be called back to work if necessary, for example, during the period of recovery from an emergency such as that created by Superstorm Sandy. To return to active status, the retired status operator would complete a minimum number of training contact hours (depending on the license to be made active) prior to applying for active status, and demonstrate in the application to the Department that he or she has the ability to practice as a licensed operator in such a way as to ensure the safety of life, public health, and property. The operators in retired status would continue to pay the annual licensing fee required by the rules.

The Department’s Response to the Petition

The Department is in the process of analyzing the implications of creating a class of retired status operators, and whether the rule language the petitioner proposes would accomplish the goals that the petitioner enumerates. Accordingly, the Department is referring the matter for further deliberation in order to provide time for this analysis to be completed.

A copy of this notice has been mailed to the petitioner as required by N.J.A.C. 1:30-4.2. In accordance with N.J.A.C. 7:30-4.2, the Department will subsequently mail to the petitioner and file with the Office of Administrative Law a notice of action on the petition.

