

To: All Licensed Operators of Water Systems and NJPDES Sanitary/Domestic Wastewater Dischargers  
From: Division of Water and Land Use Enforcement  
Re: Licensed Operator Requirements during COVID-19 Pandemic  
Date: October 5, 2020

The New Jersey Department of Environmental Protection (DEP) understands that the unprecedented circumstances of the COVID-19 pandemic, including the need to restrict unnecessary travel and adopt social distancing practices as described in Executive Order 107 and subsequent orders, has created limitations for many regulated entities, including water and wastewater systems. As part of DEP's response to these ongoing circumstances, DEP has evaluated Licensed Operator requirements and established guidelines that will allow various water and wastewater systems throughout New Jersey to focus their attention on the highest priorities, while continuing to conduct the necessary monitoring and best management practices that helps ensure public health and safety.

As a reminder, DEP adopted a temporary modification effective May 6, 2020 to allow for waiver of certain provisions of the Licensed Operator rules, N.J.A.C. 7:10A (Emergency Rule). N.J.A.C. Specifically, the Emergency Rule modifies 7:10A-1.16 to read;

*“Notwithstanding the provisions of N.J.A.C. 7:10A or any other rule to the contrary, during the effective period of Executive Order No. 103 (2020), the DEP may, on a case-by-case, individual basis, temporarily waive eligibility or examination requirements, fees or continuing education obligations, modify work hour requirements, or reinstate a lapsed or expired license.”*

At this time, DEP is providing preliminary guidance to ensure potable and wastewater systems maintain continued compliance with regulatory requirements while reducing strain on resources, including Licensed Operators. DEP will continue to provide additional guidance as the situation evolves. We recommend that you frequently check the following websites for further updates.

**DEP's Division of Water Supply and Geosciences**

<https://www.nj.gov/dep/watersupply/>

**DEP's Division of Water Quality**

<https://www.nj.gov/dep/dwq/>

## **Requests by Licensed Operators for Accommodations under the Emergency Rule**

1. Any request for a waiver or modification of eligibility or application requirements, fees or continuing education obligations, work hour requirements or to reinstate a lapsed or expired license shall be submitted directly to the appropriate Regional Enforcement Bureau at:

<b>Northern Bureau of Water Compliance &amp; Enforcement</b> 7 Ridgedale Avenue Cedar Knolls, NJ 07927  Email: <a href="mailto:water_north@dep.nj.gov">water_north@dep.nj.gov</a>	(Bergen, Essex, Hudson, Hunterdon, Morris, Passaic, Somerset, Sussex, & Warren Counties)
<b>Central Bureau of Water Compliance &amp; Enforcement</b> Mail Code 401-04B 401 East State Street P.O. Box 420 Trenton, NJ 08625-0420  Email: <a href="mailto:water_central@dep.nj.gov">water_central@dep.nj.gov</a>	(Mercer, Middlesex, Monmouth, Ocean, & Union Counties)
<b>Southern Bureau of Water Compliance &amp; Enforcement</b> 2 Riverside Drive Suite 201 Camden, NJ 08103  Email: <a href="mailto:water_south@dep.nj.gov">water_south@dep.nj.gov</a>	(Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, & Salem Counties)

2. The DEP shall promptly review all requests on a case-by-case and shall make every effort to provide a response within ten calendar days.
3. Facilities that require a full-time Licensed Operator with an appropriately licensed back-up operator may reduce their hours to no less than 50% of the full-time requirement. Other Licensed Operators at the facility who possess a license equivalent to the back-up Licensed Operator can fill the remaining hours that would have been worked by the full-time Licensed Operator.
4. The owner of a system employing a new Licensed Operator shall notify, in writing, the Bureau of Licensing and Registrations (BLR) of the name of the new Licensed Operator within two weeks after the Licensed Operator begins his or her employment. The DEP is delaying the requirement to submit the DEP-065 form if the new Licensed Operator holds the appropriate license for that type of system until 30 days after the new Licensed Operator starts.
5. Any reinstated license shall be at the same level that existed previously. DEP will not require a license holder to pay any license fees for the re-instated licenses or require continuing education.
6. The application form for submitting reciprocity requests to the BLR is available at <https://www.state.nj.us/dep/exams/docs/adm035.pdf>.

## **Continuing Compliance Obligations**

Notwithstanding the limitations described above, potable and wastewater systems and their Licensed Operators must operate in accordance with the following guidelines:

1. Licensed Operators must ensure that systems continue to comply with applicable operational requirements. If a system is unable to maintain compliance with applicable rules and permit conditions due to circumstances directly related to COVID-19, the Licensed Operator shall:
  - a. Act immediately to minimize the effects and duration of any noncompliance and reestablish compliance;
  - b. Document the specific nature and dates of the noncompliance;
  - c. Document how COVID-19 was the cause of the noncompliance, and the decisions and actions taken in response, including best efforts to comply and steps taken to come into compliance at the earliest opportunity; and
  - d. In the event that non-compliance cannot be avoided due to the Public Health Emergency created by COVID-19, Licensed Operators shall provide notification to the DEP within two (2) business days of discovery through the DEP Hotline at 1-877-WARN DEP (1-877-927-6337), unless shorter time frames are required by statute, regulation or permit. Where compliance can be reestablished within seven (7) days, following disclosure to the DEP Hotline, Licensed Operators must contact both [covid19help@dep.nj.gov](mailto:covid19help@dep.nj.gov) and their program specific regional enforcement office, in writing, within fourteen (14) days of notification and provide the following: i. Date of non-compliance discovery and duration of non-compliance; ii. A description of the decisions and corrective actions taken to regain compliance; iii. A description of how the cause of non-compliance was created by or is directly related to the COVID-19 pandemic.
2. The operation of a system shall at no time create any discharge to the waters of the state or any standing or ponded condition for water or waste, except as specifically authorized by a valid NJPDES permit.
  - a. If a waste treatment or disposal facility suffers from failure of wastewater or waste treatment systems that may result in exceedances of enforceable limitations on discharges to water, or land disposal, or other unauthorized releases, the facility shall notify DEP immediately. The notification should include information on the pollutants discharged, discarded, or released; the comparison between the expected discharges, disposal, or release and any applicable limitation (s); and the expected duration and timing of the exceedance (s) or releases. DEP will determine the appropriate response and evaluate whether the risk posed by the exceedance, disposal, or release is acute or may create an imminent threat to human health or the environment.

3. Licensed Operators shall continue to operate and maintain treatment works and facilities which are installed or used to achieve compliance with the terms and conditions of their DEP permit(s).
4. Licensed Operators shall implement emergency procedures to ensure effective system operation, including treatment systems, under emergency conditions.
5. O&M Manuals shall be updated as necessary by the Licensed Operator and must be readily available for any current or new staff.
6. Each Licensed Operator shall be responsible to the maximum extent possible for conducting inspections of the system(s) and appurtenances in accordance with the schedule specified in their O&M procedures, and as otherwise indicated by operating requirements, and/or directed by the Department.
7. The Licensed Operator shall record all changes related to the proper O&M of the system as a result of COVID-19 in a logbook or other recording device as required by N.J.A.C. 7:10A-1.12(a)3.ii. and include:
  - a. Time, date and subject of all system inspections;
  - b. 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;
  - c. 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
  - d. The date and time of each entry.
8. Ensure that any existing SCADA or automated systems are operational and monitored. An "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.
9. Abandoning drinking water or wastewater facilities is impermissible. They cannot be left in a condition where there is no oversight by a Licensed Operator, or other competent personnel under the direction of the Licensed Operator. As per EPA's guidance, operators of such systems are expected to continue normal operations and maintenance as well as required sampling to ensure the safety of water and drinking water supplies.

## **Guidance for Nursing Homes & Other Facilities Highly Vulnerable to COVID-19**

1. Licensed Operators who are experiencing difficulty gaining access to long-term care or similar health care facilities to conduct inspections should continue attempts to gain access in accordance with protocols established at those facilities. Should access not be permitted, Licensed Operators should inspect any areas they are able to access and consider alternative methods of inspection such as requesting assistance from a facility employee for a visual inspection or requesting photographs of the equipment to be inspected. DEP recommends the use of video conferencing, simple schematic of the treatment processes for nursing or maintenance staff to check or standard questions (Q: is there salt in the tank for ion exchange, what is the level) as potential alternative methods.
2. The Licensed Operator needs to remain in communication with these systems and stress to the facility the importance of remaining in contact with them as the responsible Licensed Operator. If the Licensed Operator has exhausted all options, and is not getting cooperation from a particular facility, they should document and then contact the Regional Water Enforcement Bureau to facilitate a solution.

In an effort to continue to work together during this unprecedented time, DEP also strongly encourages you to contact your Regional Water Enforcement Bureau.

Northern -	<a href="mailto:water_north@dep.nj.gov">water_north@dep.nj.gov</a>	973-656-4099
Central -	<a href="mailto:water_central@dep.nj.gov">water_central@dep.nj.gov</a>	609-292-3010
Southern -	<a href="mailto:water_south@dep.nj.gov">water_south@dep.nj.gov</a>	856-614-3655