

**PROPOSED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION**

LCB File No. R153-26

August 17, 2026

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§ 1-12, NRS 445A.425.

A REGULATION relating to water pollution; requiring approval of engineering plans and specifications before a person may construct, install, expand or significantly modify any treatment works; establishing certain requirements for the certification of an operator of a small wastewater system; revising requirements relating to the examinations required for the certification of an operator of a plant for sewage treatment; revising certain fees for the certification and examination of an operator of a plant for sewage treatment; revising provisions governing the minimum certification required for an operator of a plant for sewage treatment; establishing certain requirements for continuing education for the holder of a full or restricted certificate as an operator of a small wastewater system; providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law prohibits a person from beginning construction of any treatment works without a permit issued by the State Department of Conservation and Natural Resources. (NRS 445A.585) Existing regulations prohibit a person from constructing, installing, expanding or significantly modifying a treatment works without first obtaining a permit from the Department. (NAC 445A.283) **Sections 1 and 2** of this regulation require a person to obtain approval from the Department of the complete engineering plans and specifications before the person may construct, install, expand or significantly modify any treatment works.

Existing law authorizes the State Environmental Commission to require that the supervisors and technicians responsible for the operation and maintenance of certain plants for sewage treatment be certified by the Department. (NRS 445A.425) Existing regulations establish requirements for the education, experience and examinations that are required for a full or restricted certificate based on the grade level of certification for which a person applies. (NAC 445A.2862, 445A.2866) **Sections 3 and 4** of this regulation establish a new level of certification before Grade I for an operator of a small wastewater system. **Section 3** requires an applicant for a full certificate as an operator of a small wastewater system to: (1) complete 5 contact hours of education related to sewage treatment; (2) have 50 hours of experience in operating at a small wastewater system facility or higher; and (3) pass an examination. **Section 4** requires an applicant for a restricted certificate as an operator of a small wastewater system to: (1) have a

high school diploma or a general educational development certificate or the equivalent; and (2) pass an examination. **Section 7** of this regulation eliminates the requirement that the Division of Environmental Protection of the Department offer examinations for certification as an operator of a plant for sewage treatment at least 3 times per year.

Section 7 also revises references to the number of grade levels of certification from four grade levels to five grade levels. **Section 5** of this regulation revises references to grades or levels to grade levels for consistency.

Section 3 also provides that an applicant: (1) for a Grade I certification is not required to take the examination for the small wastewater system certificate before taking the Grade I examination; and (2) is not required to complete the educational and experiential requirements before taking an examination for certification at the next grade level.

Existing law authorizes the Commission to establish fees to pay the costs of certification as an operator of a plant for sewage treatment. (NRS 445A.425) **Section 6** of this regulation: (1) provides that an applicant who requests to take the examination for certification before the applicant has completed the educational and experiential requirements may pay the fee for the examination separately; (2) establishes fees for taking the examination only by computer or in writing; (3) establishes a fee for the issuance of an initial full certificate for a person who has already paid the examination fee; and (4) provides that the applicant is responsible for paying any fees imposed by the testing provider for taking the examination by computer.

Existing regulations classify plants for sewage treatment as I, II, III or IV based on the type of treatment process used at the plant. (NAC 445A.289) **Section 8** of this regulation establishes the plant classification of a small wastewater system and sets forth the treatment processes used at a small wastewater system.

Existing regulations set forth the minimum grades of certifications for operators of plants for sewage treatment based on the classification of the plant. (NAC 445A.290) **Section 9** of this regulation: (1) establishes the minimum grade levels of certification of a supervisor or assistant supervisor for a small wastewater system; (2) requires any person, other than a supervisor or assistant supervisor, who is working as an operator of a small wastewater system to be certified as at least a restricted small wastewater system operator or obtain such certification in not less than 1 year after beginning employment; (3) revises the minimum grade level of certification for an assistant supervisor of plant classification I from grade I to small wastewater system; and (4) requires any person, other than a supervisor or assistant supervisor, who is working at a plant classification I or higher, to be certified as at least a Restricted Grade I operator, instead of a Full Grade I operator, or obtain such certification in not less than 1 year after beginning employment.

Existing regulations require a holder of a full or restricted certificate as an operator of a plant for sewage treatment to complete certain hours of continuing education within the effective period of the certificate to qualify to renew the certificate. (NAC 445A.2912) **Section 10** of this regulation requires the holder of a full or restricted certificate for a small wastewater system to earn at least 5 contact hours of participation in a course of training to qualify for the renewal of the certificate.

Sections 11 and 12 of this regulation revise certain pronouns to a gender-neutral alternative.

Section 1. NAC 445A.283 is hereby amended to read as follows:

445A.283 No person without first obtaining a permit from the Department *and receiving the approval of the Department of the complete engineering plans and specifications pursuant to NAC 445A.284* may:

1. Construct, install, expand or significantly modify any factory, mill, plant or other industrial or commercial facility which will result in a discharge not authorized by an existing permit to waters of the State.
2. Add extensions to existing municipal or privately owned sewer systems or provide new sewer service to existing or newly constructed buildings which could cause the raw sewage influent to the treatment plant to exceed the limits prescribed by the permit issued in accordance with NAC 445A.228 to 445A.263, inclusive.
3. Construct, install or significantly modify any facilities designed or used for treatment or discharge of pollutants.

Sec. 2. NAC 445A.284 is hereby amended to read as follows:

445A.284 1. In reviewing the design of treatment works, the Department shall use as guidelines the applicable requirements of *Ten State Standards*, appropriate *American Society of Civil Engineers Manual of Engineering Practice* or federal or other accepted engineering guidelines.

2. As a minimum, sewerage system designs must be based on 100 gallons (378.5 liters) per person per day and 3.5 persons per lot or dwelling unit and peak flows, unless the design engineer can demonstrate validity of other design criteria derived from existing records of the sewerage authority for an area of like development on the system or from the general plan of the local government.

3. Complete engineering plans and specifications prepared by a qualified professional engineer, authorized under state law to prepare such plans and specifications, ~~must be submitted,~~ covering such items as sewage collection, treatment and disposal and all other matters properly relating thereto ~~it~~ *must be submitted to the Department for approval.*

4. If a discharge to the waters of the State is proposed, the design of the treatment works must ensure compliance with the appropriate provisions of NAC 445A.228 to 445A.263, inclusive.

Sec. 3. NAC 445A.2862 is hereby amended to read as follows:

445A.2862 1. A person responsible for the operation and maintenance of a plant for sewage treatment must be certified as an operator of a plant for sewage treatment.

2. To apply for a full certificate as an operator of a plant for sewage treatment:

(a) An applicant must submit an application to the Division or its designee that is accompanied by the appropriate fee set forth in NAC 445A.287.

(b) The applicant must be at least 18 years of age, possess a high school diploma or a general educational development certificate or its equivalent and meet the following additional educational requirements:

(1) *For the small wastewater system certificate, completion of 5 contact hours of education related to sewage treatment.*

(2) For Grade I, completion of 50 contact hours of education related to sewage treatment ~~it~~, *5 contact hours of which may have been completed for certification as an operator of a small wastewater system pursuant to subparagraph (1).*

~~[(2)]~~ (3) For Grade II, completion of 100 contact hours of education related to sewage treatment, 50 contact hours of which may have been completed for Grade I certification pursuant to subparagraph ~~[(1)]~~ (2).

~~[(3)]~~ (4) For Grade III, completion of 100 contact hours of education related to sewage treatment, all of which may have been completed for Grade I and Grade II certification pursuant to subparagraphs ~~[(1)]~~ (2) and ~~[(2)]~~ (3), respectively, and two postsecondary courses of instruction related to sewage treatment.

~~[(4)]~~ (5) For Grade IV, completion of 100 contact hours of education related to sewage treatment, all of which may have been completed for Grade I and Grade II certification pursuant to subparagraphs ~~[(1)]~~ (2) and ~~[(2)]~~ (3), respectively, and four postsecondary courses of instruction related to sewage treatment, two courses of which may have been completed for Grade III certification pursuant to subparagraph ~~[(3)]~~ (4).

(c) The applicant must have the following experience in operating a plant for sewage treatment:

Certification Grade <i>Level</i>	Experience
<i>Small Wastewater System</i>	<i>50 hours of experience in operating at a small wastewater system facility or higher</i>
Grade I	1 year of experience in operating at a <i>small wastewater system or a</i> Classification I facility or higher
Grade II	Grade I Certification and 2 years' experience in operating, with at least 1 year at a Classification II facility or higher

Grade III	Grade II Certification and 3 years' experience in operating, with at least 1 year at a Classification III facility or higher
Grade IV	Grade III Certification and at least 4 years' experience in operating, with at least 1 year at a Classification IV facility

(d) Except as otherwise provided in NAC 445A.2864, the applicant must pass the applicable examination or examinations for certification. *An applicant is not required to take the examination for certification as an operator of a small wastewater system before taking the Grade I examination for certification.* Except as otherwise provided in NAC 445A.2868, *beginning with the Grade I examination for certification as an operator of a plant for sewage treatment,* the examinations must be taken in ascending order. ~~*beginning with the Grade I examination for certification as an operator of a plant for sewage treatment.*~~

3. *An applicant is not required to complete the contact hours of education required pursuant to paragraph (b) of subsection 2 or the operating experience required pursuant to paragraph (c) of subsection 2 before taking the examination for certification one grade level higher than the certification currently held by the applicant.*

4. An applicant who has been certified as an operator of a plant for sewage treatment in another state must disclose in writing any past or pending disciplinary actions related to every other such certification.

~~4.~~ 5. As used in this section, “postsecondary course of instruction” means a successfully completed college level course which is at least 36 hours of instruction.

Sec. 4. NAC 445A.2866 is hereby amended to read as follows:

445A.2866 1. A person may apply to the Division for a restricted certificate as an operator of a plant for sewage treatment if the person does not meet the requirements for a full certificate.

A restricted certificate does not authorize the holder of the certificate to operate in direct responsible charge of a plant for sewage treatment at the restricted grade level.

2. To apply for a restricted certificate, a person must:

(a) Meet the following requirements for his or her specific grade ~~II~~ *level*:

(1) *For restricted small wastewater system, a high school diploma or a general educational development certificate or the equivalent;*

(2) For Restricted Grade I, a high school diploma or a general educational development certificate or the equivalent;

~~(2)~~ (3) For Restricted Grade II, hold an active Grade I full certification for a minimum of 1 year and meet the Grade II educational requirements set forth in NAC 445A.2862;

~~(3)~~ (4) For Restricted Grade III, hold an active Grade II full certification for a minimum of 1 year and meet the Grade III educational requirements set forth in NAC 445A.2862; and

~~(4)~~ (5) For Restricted Grade IV, hold an active Grade III full certification for a minimum of 1 year and meet the Grade IV educational requirements set forth in NAC 445A.2862;

(b) Pass the applicable examination or examinations *required* for certification for the restricted grade level; and

(c) Submit an application to the Division or its designee that is accompanied by the appropriate fee set forth in NAC 445A.287.

3. A restricted certificate may be converted to a full certificate if the applicant:

(a) Meets the experience requirement for the equivalent full certificate set forth in NAC 445A.2862;

(b) Holds an active, full certificate for the grade *level* below ~~III~~, *if applicable*; and

(c) Submits an application to the Division or its designee that is accompanied by the appropriate fee set forth in NAC 445A.287.

Sec. 5. NAC 445A.2868 is hereby amended to read as follows:

445A.2868 1. Any full or restricted certificate issued pursuant to NAC 445A.2862, 445A.2864 or 445A.2866 is valid for 2 years and may be renewed if the holder of the certificate submits a completed application for renewal on the form supplied by the Division before the expiration date of the certificate, which must include, without limitation:

(a) Evidence of completion of the requirements of continuing education set forth in NAC 445A.2912; and

(b) The fee for renewal set forth in NAC 445A.287.

2. If the holder of a full certificate issued pursuant to NAC 445A.2862 or 445A.2864 does not renew the certificate before the expiration date of the certificate, the Division shall suspend the certificate. Except as otherwise provided in this subsection, to renew such a suspended certificate, the holder of the certificate must, in addition to the requirements of subsection 1, pay the reinstatement fee set forth in NAC 445A.287. If the holder of such a suspended certificate does not renew the suspended certificate within 6 months after the expiration date of the certificate, the holder of the certificate shall be deemed decertified. The holder of a certificate who has been deemed decertified pursuant to this subsection may reapply for the full certificate pursuant to NAC 445A.2862. Such a person must pay the appropriate fee set forth in NAC

445A.287 for an initial full certificate and retake and pass the applicable examination for the *grade* level of certification previously held.

3. The holder of a restricted certificate issued pursuant to NAC 445A.2866 shall be deemed decertified if:

(a) The restricted certificate is not renewed before the expiration date of the restricted certificate; or

(b) The holder's full certification for the grade *level* below the restricted certificate is deemed decertified pursuant to subsection 2.

➡ The holder of a restricted certificate who is deemed decertified pursuant to this subsection may reapply, as applicable, for a restricted certificate pursuant to NAC 445A.2866 and a full certificate for the grade *level* below the restricted certificate pursuant to NAC 445A.2862. Such a person must pay the appropriate fee set forth in NAC 445A.287 for an initial restricted certificate and retake and pass the applicable examination for the *grade* level of certification previously held.

4. Notwithstanding the provisions of subsections 2 and 3, if the holder of an expired certificate issued pursuant to NAC 445A.2862, 445A.2864 or 445A.2866 provides to the Division:

(a) Documentation of health problems that made the holder unable to meet the requirements of continuing education for renewal of his or her certificate in the time provided pursuant to NAC 445A.2912, the holder of the expired certificate may request, within 2 years after the expiration date of the certificate, that the certificate be reinstated and renewed by payment of the reinstatement fee set forth in NAC 445A.287 and verification that all requirements of continuing education have been satisfied; or

(b) Documentation of military duty that made the holder unable to meet the requirements of continuing education for renewal of his or her certificate in the time provided pursuant to NAC 445A.2912, the holder of the expired certificate may request, within 4 years after the expiration date of the certificate, that the certificate be reinstated and renewed by payment of the reinstatement fee set forth in NAC 445A.287 and verification that all requirements of continuing education have been satisfied.

Sec. 6. NAC 445A.287 is hereby amended to read as follows:

445A.287 1. The following fees must be paid to the Division:

Certification	Fee	Period
Initial full certificate issued pursuant to NAC 445A.2862		
<i>including the examination fee</i>	\$140	2 years
<i>Initial full certificate issued pursuant to NAC 445A.2862</i>		
<i>without the examination fee</i>	<i>50</i>	<i>2 years</i>
Initial full certificate issued pursuant to NAC 445A.2864.....	150	2 years
Renewal of a full certificate	110	2 years
Initial restricted certificate	90	2 years
Renewal of restricted certificate.....	70	2 years
Conversion of restricted certificate to full certificate.....	170 50	
Reinstatement of a certificate	80	

2. *An applicant who requests to take the examination for certification before the applicant may apply for certification pursuant to subsection 3 of NAC 445A.2862 may pay the fees for examination and certification separately. The fee for taking the examination only is:*

(a) Examination by computer, \$90; and

(b) Written examination, \$200.

3. The holder of a certificate must pay to the Division a fee of \$20 for each duplicate certificate ~~he or she~~ *the holder* requests. A fee of \$25 will be charged to any person whose check is returned to the Division because of a lack of funds.

4. *The applicant is responsible for paying any fees imposed by a testing provider for taking an examination by computer.*

Sec. 7. NAC 445A.2873 is hereby amended to read as follows:

445A.2873 1. The Division shall offer separate examinations for certification as an operator of a plant for sewage treatment in each of the ~~four grades~~ *five grade levels* of certification for qualified applicants.

2. ~~The examinations for certification must be offered by the Division at least 3 times per year.~~

~~3.~~ The Division, or its designee, shall review the qualifications of each applicant ~~for certification~~ who applies to take an examination for certification.

Sec. 8. NAC 445A.289 is hereby amended to read as follows:

445A.289 1. For the purpose of the certification program operated pursuant to the provisions of NAC 445A.2855 to 445A.294, inclusive, and except as otherwise provided in subsection 2, a plant for sewage treatment must be classified in accordance with the following schedule:

Treatment Process	Plant Classification
<i>Stabilization Ponds, Facultative Ponds or Lagoons for the Treatment of Domestic Sewage (< 250,000 gallons per day)</i>	<i>Small Wastewater System</i>
<i>Septic Systems (≥ 15,000 gallons per day total capacity)</i>	
Stabilization Ponds, Facultative Ponds or Lagoons (≥ 250,000 gallons per day)	I
Primary Treatment (settling, grit removal, etc.)	
Fixed Film Treatment (e.g., trickling filters, etc.) for BOD Removal	II
Activated Sludge (without nitrogen removal and <20,000 gallons per day)	
Solids Treatment (thickening/dewatering)	
Fixed Film Treatment (e.g., trickling filters) for Nutrient Removal	III
Activated Sludge (with nitrogen removal or >20,000 gallons per day)	
Tertiary Treatment	IV
Activated Sludge (>10 million gallons per day)	
Indirect Potable Reuse	

2. The Division may deviate from this table if it determines that mitigating or intensifying factors exist to raise or lower a plant classification. Factors may include, without limitation, receiving stream water quality, process complexity, waste stream pollutant strength or variations and flow variability.

3. As used in this section:

(a) “BOD” means biochemical oxygen demand.

(b) “Tertiary treatment” means the process of treating wastewater beyond secondary treatment units for nutrient removal or other advanced removal methods, including, without limitation, membrane filtration.

Sec. 9. NAC 445A.290 is hereby amended to read as follows:

445A.290 1. The minimum ~~{grades}~~ *grade levels* of certification for operators of plants for sewage treatment are as follows:

~~{GRADES}~~ **GRADE LEVELS** OF CERTIFICATION based on the classification of the plant:

	<i>Plant</i>	Plant	Plant	Plant	Plant
	<i>Classification</i>	Classification	Classification	Classification	Classification
	<i>Small</i>	I	II	III	IV
	<i>Wastewater</i>				
	<i>System</i>				
	<i>(SWWS)</i>				
Supervisor	<i>SWWS</i>	I	II	III	IV

Assistant

Supervisor *SWWS* ~~II~~ *SWWS* I II III

2. Any person, other than a supervisor or assistant supervisor, who is working as ~~an~~ :

(a) An operator of a small wastewater system must be certified as at least a restricted small wastewater system operator or obtain such certification in not less than 1 year after the date on which the person begins employment at the small wastewater system as such an operator.

(b) An operator of a plant for sewage treatment *of plant classification I or higher* must be certified as at least a *Restricted* Grade I operator of a plant for sewage treatment, or obtain such certification within 1 year after the date on which ~~he or she~~ *the person* begins employment at the plant for sewage treatment as such an operator.

3. As used in this section:

(a) “Assistant supervisor” means the person in direct responsible charge of the operations of a plant for sewage treatment in the absence of the supervisor.

(b) “Person in direct responsible charge” means a person who is responsible for all activities associated with the operations of a plant for sewage treatment and compliance with all applicable provisions of NRS and NAC relating to the operations of such a plant.

(c) “Supervisor” means the person in direct responsible charge of the operations of a plant for sewage treatment.

Sec. 10. NAC 445A.2912 is hereby amended to read as follows:

445A.2912 1. Except as otherwise provided in subsection 3, every 2 years, each holder of a full certificate as an operator of a plant for sewage treatment must complete the following

requirements of continuing education within the effective period of the certificate to qualify for the renewal of the certificate:

(a) *The holder of a full small wastewater system certificate must earn at least 5 contact hours of participation in a course of training.*

(b) The holder of a Full Grade I certificate must earn at least 5 contact hours of participation in a course of training.

~~(b)~~ (c) The holder of a Full Grade II certificate must earn at least 10 contact hours of participation in a course of training.

~~(c)~~ (d) The holder of a Full Grade III certificate must earn at least 15 contact hours of participation in a course of training.

~~(d)~~ (e) The holder of a Full Grade IV certificate must earn at least 20 contact hours of participation in a course of training.

2. An operator who holds a *restricted small wastewater system certificate or a* Restricted Grade I certificate must earn at least 5 contact hours of participation in a course of training within the effective period of the certificate to qualify for the renewal of the certificate.

3. An operator who holds a full certificate and a restricted certificate at a higher grade level than the full certificate must comply with the requirements for continuing education for the full certificate and complete an additional 5 contact hours of participation in a course of training to qualify to renew both certificates.

4. A course of training required pursuant to this section must be approved by the Division or its designee pursuant to NAC 445A.2915.

Sec. 11. NAC 445A.292 is hereby amended to read as follows:

445A.292 1. The Division shall renew a provisional certificate as an operator of a plant for sewage treatment, without examination, only to a person who:

- (a) Held a provisional certificate on July 1, 1991;
- (b) Pays the appropriate fee; and
- (c) Submits the proper application for certification.

2. A provisional certificate is valid until:

- (a) The applicant's employment by that plant ceases for any reason; or
- (b) The applicant assumes a position of employment at the plant that is different from the position ~~he or she~~ *the applicant* held on July 1, 1991.

Sec. 12. NAC 445A.293 is hereby amended to read as follows:

445A.293 1. If the Division determines that an applicant for a full, restricted or provisional certificate as an operator of a plant for sewage treatment has engaged in any conduct set forth in subsection 3, the Division may deny an application for a certificate as an operator of a plant for sewage treatment.

2. If the Division determines that a holder of a full, restricted or provisional certificate as an operator of a plant for sewage treatment has engaged in any conduct set forth in subsection 3 or NAC 445A.983, the Division may:

- (a) Suspend or revoke the certificate;
- (b) Place the holder of the certificate on probation for a specified period of time; or
- (c) Take any other disciplinary action against the holder of the certificate deemed appropriate by the Division.

3. The Division may take action pursuant to subsection 1 or 2 if the applicant or holder of the certificate:

- (a) In applying for or obtaining a certificate, has submitted to the Division any application, document, record, report or affidavit, or any information in support thereof, which is false or fraudulent;
- (b) Is grossly negligent, incompetent or has committed misconduct in the performance of ~~this or her~~ *the person's* duties as an operator of a plant for sewage treatment;
- (c) Has demonstrated disregard for the health and safety of the public and the environment;
- (d) Has acted outside the rights and privileges of the grade *level* for which ~~he or she~~ *the person* holds a certificate;
- (e) Has been convicted of a violation of any federal law or law of any state relating to water quality, including, without limitation, the Clean Water Act, 33 U.S.C. §§ 1251 et seq.;
- (f) Has been convicted of, or entered a plea of guilty or nolo contendere to, any felony or other crime involving moral turpitude, dishonesty or corruption;
- (g) Has willfully made to a governmental agency with regulatory authority any false statement, or failed to correct a false statement previously made, which is material to the administration or enforcement of any provision of this chapter or chapter 445A of NRS;
- (h) Continues to work as an operator of a plant for sewage treatment after ~~this or her~~ *the person's* certificate has expired or been suspended or revoked; or
- (i) Has violated, attempted to violate, assisted or abetted in the violation of or conspired to violate any provision of this chapter or chapter 445A of NRS.

4. Any disciplinary action taken by the Division against the holder of a certificate for conduct set forth in subsection 3 or NAC 445A.983, must be taken pursuant to the provisions of NAC 445A.974 to 445A.999, inclusive.

5. Any disciplinary action taken pursuant to this section and NAC 445A.974 to 445A.999, inclusive, is separate from and may be in addition to any other civil or criminal action provided by statute or regulation.