

**REVISED PROPOSED REGULATION OF THE
STATE BOARD OF HEALTH**

LCB File No. R185-99

November 30, 1999

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

AUTHORITY: §§1, 2 and 4-11, NRS 445A.860 and 445A.880; §3, NRS 445A.860.

Section 1. NAC 445A.624 is hereby amended to read as follows:

445A.624 “Responsible charge” means:

1. Actively engaged in on-site supervision and performance of operation activities including the treatment and distribution of water; and
2. Independently making *process control/system integrity* decisions ~~during the normal operation of a public water system which can affect the quality, safety and adequacy of water delivered to customers.~~ *about water quality or quantity that affect public health.*

FLUSH A person in responsible charge is generally classified as an operator or supervisor, including a shift operator or supervisor, of a public water system.

Sec. 2. NAC 445A.626 is hereby amended to read as follows:

445A.626 A person ~~shall not act as an operator of~~ *who desires to obtain a certificate to operate* a public water system described in *subsection 1 of* NRS 445A.875 ~~unless he has a valid certificate to operate the~~ *must obtain a certificate to operate such a* public water system ~~issued~~ pursuant to NAC 445A.617 to 445A.652, inclusive.

Sec. 3. NAC 445A.627 is hereby amended to read as follows:

445A.627 1. A public water system which:

(a) ~~[\Serves 100 or more persons at places which are intended for occupancy throughout the year; and]~~ *Is classified as a community water system or a nontransient-noncommunity water system; or*

(b) Is designated by the health division as being supplied by:

(1) Surface water; or

(2) Ground water under the direct influence of surface water,

FLUSH shall have a person in responsible charge at the site of the facility or on call at all times. Except as otherwise provided in NAC 445A.628, the person in responsible charge of the public water system must be the holder of a full certificate in the same classification or a higher classification than the classification of the public water system. If the person in responsible charge is on call, he must be able to be contacted immediately and be able to respond at the site within a ~~[short]~~ *reasonable* period.

2. A supplier of water shall notify the health division within 72 hours or 2 working days, whichever is earlier, of any time that the public water system is not in compliance with the provisions of this section.

3. If a public water system serves more than ~~[8,000]~~ *10,000* persons, the health division may require the public water system to have, in addition to the person in responsible charge of the public water system, additional persons in responsible charge at the same time, including a person in responsible charge for the treatment of water and a person in responsible charge for the distribution of water. If the health division requires additional persons in responsible charge, the additional persons in responsible charge ~~[may]~~ :

(a) *May* be certified at a classification lower than the classification of the public water facility ~~[]~~ ;

(b) Must be certified if they make process control/system integrity decisions about water quality or quantity that affect public health; and

(c) Must be certified at least one classification lower than the operator in responsible charge if they are shift operators who work on a shift alone or are forepersons or supervisors of a public water system.

4. As used in this section:

(a) “Community water system” has the meaning ascribed to it in NRS 445A.808.

(b) “Nontransient-noncommunity water system” means a nontransient water system as defined in NRS 445A.829.

Sec. 4. NAC 445A.629 is hereby amended to read as follows:

445A.629 1. The health division shall classify all public water systems in this state pursuant to subsection 2 or 3.

2. A public water system which:

(a) Uses only ground water or water provided by another public water system; and

(b) Does not provide treatment of the water or ground water or the only treatment it provides

is ~~[disinfection,]~~ *chlorination,*

FLUSH

must be classified based only on the population it serves as follows:

CLASSIFICATION	AVERAGE DAILY POPULATION SERVED
Class Distribution-1	25 - 500
Class Distribution-2	501 - 3,300
Class Distribution-3	3,301 - 10,000

Class Distribution-410,001 or more

3. A public water system which:

- (a) Uses surface water or ground water under the direct influence of surface water; or
- (b) Uses ground water and provides treatment of the ground water, other than

~~disinfection,~~ chlorination,

FLUSH must be classified on a point system as follows:

ITEMS FOR CLASSIFICATION	POINTS
Average daily population served	
25 - 500	5
501 - 3,300	10
3,301 - 10,000	15
10,001 - 100,000	20
100,001 or more	25
Source for public water system	
Ground water.....	3
Ground water under the direct influence of surface water.....	4
Surface water.....	5
Air stripping.....	4
Ozone	7
pH adjustment or corrosion control	4

Iron and manganese removal <i>/sequestering</i>	2
Softening (ion exchange)	5
Granular activated carbon for organic contamination	7
Coagulation	5
Taste and odor control	4
Chlorination [or equal]	5
Fluoridation.....	5
<i>Chlorine-ammonia treatment</i>	8
<i>Chlorine dioxide</i>	8
Bacteriological or chemical laboratory.....	2
Blending , <i>aesthetic</i>	5
<i>Blending, health effects</i>	8
<i>Arsenic removal</i>	5
<i>Nitrate removal</i>	8
Filtration	
Conventional	10
Rapid	7
Diatomaceous earth.....	7
Slow sand	5
<i>Bag, ceramic, microfiltration</i>	5

CLASSIFICATION

TOTAL POINTS

Class Treatment-1	5 - 19
Class Treatment-2	20 - 35
Class Treatment-3	36 - 45
Class Treatment-4	46 or more

4. As used in this section, “filtration” means a process for removing particulate matter from water by passing the water through porous media.

Sec. 5. NAC 445A.630 is hereby amended to read as follows:

445A.630 1. An application to take an examination for certification as an operator must be made on a form provided by the health division and must be submitted to the health division not less than 30 days before the date of the examination. The application must be complete and must be accompanied by the fee for the certification for which the examination is being administered as set forth in NAC 445A.651.

2. The fee accompanying the application for examination entitles an applicant who passes the examination and meets any other qualifications for certification to be certified until December 31 of the first calendar year after the calendar year in which the certification is issued.

3. An applicant who fails an examination is not eligible for reexamination until 6 months after the date on which the examination was taken.

4. Examinations for certification must be given at least twice annually at locations and times designated by the health division.

5. Except as otherwise provided in this subsection, an applicant must take the examinations for certification in ascending order beginning with the examination for a certificate as a class distribution-1 or class treatment-1 operator, as applicable. An applicant

who holds or has held within the year immediately preceding the date of the examination a certificate to operate a public water system in another state that is equivalent to such a certificate in this state may take an examination for certification in a class higher than class distribution-1 or class-treatment-1 if the health division determines that the applicant qualifies to take an examination for a higher certification.

Sec. 6. NAC 445A.632 is hereby amended to read as follows:

445A.632 1. The health division shall review and grade or enter into a contract with ~~[the American Water Works Association]~~ *a person, organization or agency* to review and grade the examinations for certification. A score of not less than 70 percent is required to pass the examination.

2. The health division shall review or enter into a contract with ~~[the American Water Works Association]~~ *a person, organization or agency* to review the qualifications of each applicant for a full certificate to determine whether the minimum requirements for experience set forth in NAC 445A.633 have been satisfied.

Sec. 7. NAC 445A.633 is hereby amended to read as follows:

445A.633 1. The health division shall issue a full certificate to an applicant who qualifies for a full certificate. Except as otherwise provided in this section, to qualify for a full certificate, an applicant must, in addition to passing the examination for certification for his specific classification, *have a high school diploma or a general equivalency diploma and* have the following experience in operating a public water system of that classification:

Classification

Years Experience

Class Distribution-1	6 months
Class Distribution-2	1 year
Class Distribution-3	2 years
Class Distribution-4	3 years
Class Treatment-1	6 months
Class Treatment-2	1 year
Class Treatment-3	2 years
Class Treatment-4	3 years

2. *Except as otherwise provided in this subsection, the health division may credit experience gained in the field of wastewater treatment or in a related field toward the experience required in subsection 1. Not more than one-half of the experience required pursuant to subsection 1 may come from credit pursuant to this subsection.*

3. The health division may credit all or a portion of the experience gained at a lower classified facility toward the experience required at a higher classified facility if:

(a) The higher classified facility is not more than one classification higher than the highest classified facility for which the applicant is currently certified; and

(b) The health division ~~[, or the American Water Works Association on behalf of the health division,]~~ determines that experience gained at the lower classified facility is equivalent to or is a satisfactory substitute for experience at the higher classified facility.

~~[3.]~~ 4. Except as otherwise provided in this subsection, 2 days of education in engineering at the college level, or the equivalent thereof as determined by the health division, may be

substituted for each day of experience in operating required in subsection 1. Not more than one-half of the required experience in operating may be satisfied by such substitution.

~~[4.]~~ *5. Experience or relevant training may be substituted for a high school diploma or general equivalency diploma upon approval of the health division. Education, training or experience that is substituted for a high school diploma or general equivalency diploma may not be counted toward the experience required in subsection 1.*

6. As used in this section, “experience in operating” means having been actively engaged in the operation and maintenance activities of a water treatment or water distribution system.

Sec. 8. NAC 445A.634 is hereby amended to read as follows:

445A.634 1. The health division shall issue a full certificate in the same classification to an operator who has obtained certification in another state if the health division determines, upon review of his application for certification and supporting material, that ~~he~~ *the applicant* has:

(a) Passed an examination that is equivalent to the examination administered by the health division pursuant to NAC 445A.631; and

(b) The experience required by NAC 445A.633.

2. The health division shall issue a full certificate in the same classification to an operator who holds a current certification by the California/Nevada section of the American Water Works Association.

Sec. 9. NAC 445A.636 is hereby amended to read as follows:

445A.636 1. Upon payment of the fee set forth in NAC 445A.651, the health division shall issue to an applicant a provisional certificate if:

(a) The applicant is *an owner and operator of a public water system or is* employed by a public water system that is not designated by the health division as being supplied by surface water or ground water under the direct influence of surface water; ~~and~~

(b) A statement is submitted to the health division from the governing board or owner of the public water system that the applicant was in a position of responsible charge of the public water system on ~~July 1, 1992.~~ *January 1, 2000;*

(c) The applicant was in a position of responsible charge of the public water system before January 1, 2000, and was not required to obtain a full certificate before that date;

(d) The applicant has completed at least 2 days of training that is designed to provide the applicant with basic information on the operation of a public water system; and

(e) The application is submitted not later than December 31, 2000.

2. Except as otherwise provided in subsection 3, a provisional certificate issued pursuant to subsection 1:

(a) Expires on ~~March 1, 1995.~~ *December 31 of the first calendar year after the calendar year in which the certification is issued.*

(b) May be renewed for 2 years *if the applicant completes the process for renewal* as set forth in NAC 445A.638.

3. ~~A~~ *Except as otherwise provided in subsection 4, a* provisional certificate is only valid:

(a) During the period that the operator remains employed in that position of responsible charge of the public water system; and

(b) At the public water system where the operator is employed on ~~July 1, 1992.~~

~~4. If an addition to an existing public water system is installed after July 1, 1992, resulting in the public water system being given a higher classification, a person who is in responsible~~

~~charge of the public water system on the date of the installation of the addition and who holds a provisional certificate may be granted a provisional certificate at the higher classification, if:~~

~~—(a) He participated in the installation; and~~

~~—(b) Evidence is presented to the health division that he has been trained and is qualified to operate the higher classified public water system.] January 1, 2000.~~

4. A provisional certificate is not valid if the classification of the plant or distribution system changes to a level which is higher than the level for which the certificate is issued.

5. The health division shall sponsor and pay for the training required pursuant to paragraph (d) of subsection 1. Such training must include, without limitation, training in well design, safety, water quality, monitoring, reporting, the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq., drinking water standards, health effects of chemical and bacterial contamination, and the Total Coliform Rule.

Sec. 10. NAC 445A.641 is hereby amended to read as follows:

445A.641 The health division shall not grant any credit of continuing education to the holder of a certificate for participation in training unless:

1. The course of training is approved by the health division . ~~[before his participation therein.]~~

2. The course of training is relevant to the subject matter of the particular certificate held by him.

3. The subject matter of the training is relevant to the operation or maintenance of a water treatment plant or a water distribution system. The subject matter may include, but is not limited to, state and federal regulations concerning drinking water, the mechanics for the operation and maintenance of a water plant or water system and the machinery of a water plant or water

system, including the electrical systems of a water plant or water system, the hydraulics of a water plant or water system, the chemical treatment of water, the biological testing of water, the disinfection of water and any relevant applications of mathematics and chemistry to the operation or maintenance of a public water system. *As used in this subsection, “disinfection” means a process that inactivates pathogenic organisms in water by using chemical oxidants or equivalent agents.*

Sec. 11. NAC 445A.619 and 445A.645 are hereby repealed.

TEXT OF REPEALED SECTIONS

445A.619 “Disinfection” defined. “Disinfection” means a process that inactivates pathogenic organisms in water by using chemical oxidants or equivalent agents.

445A.645 Recertification of operator following termination of employment. Except as otherwise provided in subsection 4 of NAC 445A.638, an operator who:

1. Has a current full certificate or operator-in-training certificate; and
2. Moves out of the state or otherwise terminates employment as an operator within this state,

FLUSH may renew his certificate for 2 years after the date of expiration of the current certificate if he pays the fee for renewal of the certificate set forth in NAC 445A.651 before July 1 of the first calendar year following the date of expiration. After the 2 years, a new certificate may be issued to the operator if he furnishes proof to the health division that he is currently employed as an

operator of a public water system in any state and he pays the applicable fee for the issuance of the certificate set forth in NAC 445A.651.