

**LCB File No. R129-05**

**PROPOSED REGULATION OF THE STATE  
ENVIRONMENTAL COMMISSION**

(This proposed regulation was previously adopted as T031-05 by the State Board of Health; the authority for these regulations was transferred to the State Environmental Commission pursuant to SB395, chapter 171, Stats. 2005, page 550)

**Petition 2005-07 -- August 15, 2005**

**Certification Of Operators Of Public Water Systems**

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

AUTHORITY: NRS. §§ 445A

Amends NAC 445A.617 through 445A.652, relating to certification of operators of public water systems.

**Section 1.** *“Operator Experience” defined. “Operator experience” means the daily performance of activities consisting of the control or oversight of any process or operation at a water treatment facility or in a distribution system that may affect the quality or quantity of water.*

**Section 2.** *“Post Secondary Course of Instruction” defined. “Post Secondary Course of Instruction” means a successfully completed college level course, at least 36 hours in length that is related to drinking water profession.*

**Section 3.** *“Post Secondary Course Provider” defined. “Post Secondary Course Provider” means an organization providing instruction that is either an accredited academic institution or an organization accredited by the International Association of Continuing Education Training (IACET) or an authorized provider of IACET.*

**Section 4.** *“Shift Operator” defined. “Shift Operator” means a person in direct charge of the operation of a water treatment facility or distribution system for a specified period of the day who ultimately reports to the person in responsible charge.*

**Section 5.** *“Supervisor or Foreperson” defined. “Supervisor or Foreperson” means a person who has overall responsibility for the day-to-day, hands-on, operation of a water treatment facility or the person who has overall responsibility for the day-to-day operation of a distribution system and who ultimately reports to the person in responsible charge.*

**Section 6. 1. Staff of a water treatment facility must be certified as shown in the following table:**

***Water Treatment Staff Certification Requirements***

<i>Treatment Facility Classification</i>	<i>Minimum Certification of Person(s) in Responsible Charge</i>	<i>Minimum Certification of Foreperson(s) or Supervisor(s)</i>	<i>Minimum Certification of Shift Operator(s)</i>
<i>Treatment - 1</i>	<i>Treatment - 1</i>	<i>Treatment - 1</i>	<i>Treatment - 1</i>
<i>Treatment - 2</i>	<i>Treatment - 2</i>	<i>Treatment - 2</i>	<i>Treatment - 1</i>
<i>Treatment - 3</i>	<i>Treatment - 3</i>	<i>Treatment - 3</i>	<i>Treatment - 2</i>
<i>Treatment - 4</i>	<i>Treatment - 4</i>	<i>Treatment - 3</i>	<i>Treatment - 2</i>

**2. Staff of a water distribution system must be certified as shown in the following table:**

***Water Distribution System Staff Certification Requirements***

<i>Distribution System Classification</i>	<i>Minimum Certification of Person(s) in Responsible Charge</i>	<i>Minimum Certification of Foreperson(s) or Supervisor(s)</i>	<i>Minimum Certification of Shift Operator(s)</i>
<i>Distribution - 1</i>	<i>Distribution - 1</i>	<i>Distribution - 1</i>	<i>Distribution - 1</i>
<i>Distribution - 2</i>	<i>Distribution - 2</i>	<i>Distribution - 2</i>	<i>Distribution - 1</i>
<i>Distribution - 3</i>	<i>Distribution - 3</i>	<i>Distribution - 3</i>	<i>Distribution - 2</i>
<i>Distribution - 4</i>	<i>Distribution - 4</i>	<i>Distribution - 3</i>	<i>Distribution - 2</i>

**3. Water systems shall ensure that all distribution process control and/or system integrity decisions about water quality or quantity that may affect public health or the environment are made by a certified distribution operator. Examples of such decisions include, but are not limited to the following:**

- a. Install, tap, re-line, disinfect, test and connect water mains and appurtenances.*
- b. Shutdown, repair, disinfect and test broken water mains.*
- c. Oversee the flushing, cleaning and pigging of existing water mains.*
- d. Pull, reset, rehabilitate, disinfect and test water wells.*
- e. Stand-by emergency response duties for after hour's distribution system operational emergencies.*
- f. Drain, clean, disinfect and maintain distribution reservoirs.*
- g. Operate pumps and related flow and pressure control and storage facilities manually or by using a system control and data acquisition (SCADA) system.*
- h. Maintain and/or adjust system flow and pressure requirements, control flows to meet consumer demands including fire flow demands and minimum pressure requirements.*

**4. Water systems shall utilize either certified distribution operators or treatment operators to make decisions concerning the determination and control proper chemical dosage rates for wellhead disinfection and distribution residual maintenance.**

5. Water systems shall utilize either certified distribution operators or treatment operators to make decisions concerning any investigation water of quality problems in the distribution system.

**Section 7. 1. A public water system which is:**

(a) Classified as a community water system or a nontransient, noncommunity water system; or  
(b) Designated by the [health] Division or the appropriate district board of health as being supplied by surface water or ground water under the direct influence of surface water; shall have a person in responsible charge at the site of the facility or on call at all times. Except as otherwise provided in Section 8, 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 pursuant to NAC 445A.629.

2. If a public water system serves more than 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, an additional person or persons in responsible charge at the same time, including, without limitation, a person in responsible charge for the treatment of water or a person in responsible charge for the distribution of water. If the [health] Division requires an additional person or persons in responsible charge pursuant to this subsection, the [health] Division shall:

(a) Deliver a written notification of the requirement to the public water system on or before December 31 of the year in which the requirement is made;

(b) Review the requirement not less than once every 3 years to determine whether any changes need to be made regarding the additional person or persons;

(c) Require a public water system that is subject to the requirement of an additional person or persons pursuant to this subsection to employ the additional person or persons within 1 year after the date the public water system receives the written notification of the requirement by the [health] Division to employ the additional person or persons; and

(d) Require the additional person or persons in responsible charge to be certified in the same level of classification or a higher level of classification as the classification of the public water system pursuant to NAC 445A.629.

3. If the person in responsible charge is on call, he must be able to:

(a) Be contacted immediately; and

(b) Respond at the site within 4 hours.

4. A supplier of water shall notify the [health] Division or the appropriate district board of health 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.

**Section 8. Conditional Staffing Requirements**

1. The [health] Division shall consider the following criteria in making decisions for granting approval of conditional staffing:

(a) The results of an inspection of the site of the public water system;

(b) A review of experience in operating and training of the person holding the certificate as an operator-in-training; and

(c) A review of any other reasonably available and relevant information.

2. Upon the request of the owner of a public water system serving less than 10,000 persons and the approval of the [health] Division, a person holding a certificate as an operator-in-training

may be the person in responsible charge of the public water system for not more than 6 months. The [health] Division shall not grant approval unless it makes a finding that:

- (a) The person holding the certificate as an operator-in-training has the basic knowledge necessary to operate the public water system;
- (b) The health and safety of the public will be protected; and
- (c) The owner has demonstrated that the public water system is unable to employ a person who holds a full certificate.

Within 30 days after the approval is granted, the [health] Division shall review the status of the public water system to determine whether an appropriate extension should be granted. Any decision regarding the extension must be received by the public water system no less than 60 days before the end of the period specified in the approval granted by the [health] Division.

3. Upon the occurrence of circumstances of an emergency nature, the [health] Division may approve any other qualified person as the person in responsible charge of a public water system for not more than 6 months.

4. Upon request from a public water system, the [health] Division may approve a certified operator at one classification lower than the person in responsible charge of a public water system to accommodate for vacation and temporary relief of the designated person in responsible charge during a twelve-month period. Within 90 days after the approval is granted, the [health] Division must review the status of the public water system to determine whether an appropriate extension should be granted. Any decision regarding the extension must be received by the public water system no less than 120 days before the end of the period specified in the approval granted by the [health] Division.

## **Section 9. Certificates.**

1. All certificates shall indicate the discipline for which they were issued as follows:

- a. Water Treatment Operator, Full
- b. Water Treatment Operator, Operator-in-training
- c. Water Treatment Operator, Provisional
- d. Water Distribution Operator, Full
- e. Water Distribution Operator, Operator-in-training
- f. Water Distribution Operator, Provisional

2. To qualify for a Water Treatment Operator Full certificate or a Water Distribution Full certificate, a person must

- a. Have passed the appropriate level written examination and met all certification requirements for the discipline and grade level;
- b. Be certified as an operator-in-training and have fulfilled the requirement for experience in operating set forth in NAC 445A.633; or
- c. Be an operator who holds a current certification by the California/Nevada section of the American Water Works Association or by reciprocity be certified in another state at full classification if the [health] Division determines, upon review of the application for certification and supporting material required by Section 16, that the applicant has:
  - 1) has passed an examination that is equivalent to the examination administered by the [health] Division pursuant to NAC 445A.634 , and
  - 2) has the experience in operating required by NAC 445A.633.

3. To qualify for a Water Treatment Operator-in-Training certificate or a Water Distribution Operator in training Certificate, a person must:

- a. *Have passed the written examination for certification; and*
- b. *Does not have the experience in operating required for a full certificate.*
- 4. *To qualify for a Provisional certificate, a person must*
  - a. *Be 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;*
  - b. *Provide a written 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 January 1, 2000;*
  - c. *Have been 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. *Have 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. Such training must include, without limitation, training in well design, safety, water quality, monitoring, reporting, the Safe Drinking Water Act, 42 U.S.C. §§ 300 f et seq., drinking water standards, health effects of chemical and bacterial contamination, and the Total Coliform Rule; and*
  - e. *Have submitted the initial application on or before December 31, 2000.*
- 5. *Except as otherwise provided in subsection 6, 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 for which the operator received the provisional certificate; and*
  - b. *at the public water system where the operator is employed on January 1, 2000.*
- 6. *A provisional certificate is not valid if the classification of the treatment plant or distribution system changes to a level which is higher than the level for which the certificate was issued.*
- 7. *All certificates expire on December 31st of the first calendar year after the calendar year in which it is issued.*
- 8. *All certificates may be renewed if:*
  - a. *the fee for renewal has been submitted pursuant to NAC 445A.651;*
  - b. *an application for renewal was made on forms supplied by the [health] Division; and*
  - c. *the applicant has submitted evidence of compliance with the requirements of continuing education as set forth in NAC 445A.639.*

**Section 10. Eligibility for Operator Certification**

*1. At the time of application, each applicant must have attained his/her eighteenth birthday and meet the minimum education requirements for the respective grade of certification as shown in the following table:*

<i>Grade</i>	<i>Grade I</i>	<i>Grade II</i>	<i>Grade III</i>	<i>Grade IV</i>
<i>Education</i>	<i>High School Diploma, GED or equivalent</i>	<i>High School Diploma, GED or equivalent</i>	<i>2 Post Secondary Courses of Instruction</i>	<i>4 Post Secondary Courses of Instruction</i>

2. The ~~[Health]~~ Division and each applicant are required to follow the timetable of events as described in the following table:

<i>Application for Examination</i>	<i>Notice Exam Placement</i>	<i>Exam Results</i>	<i>Certificate</i>	<i>Renewal Notice</i>	<i>Renewed Wallet Card</i>
<i>45 days prior to scheduled exam date</i>	<i>14 days prior to exam scheduled date</i>	<i>30 days after exam date</i>	<i>45 days after exam date</i>	<i>90 days prior to expiration date</i>	<i>Within 30 days of expiration date</i>

**Section 11.** *If an applicant has a disability that restricts his or her ability to take a test under standard conditions, he or she may request special testing arrangements at the time of application. Special testing requests must be submitted in writing by a recognized health care or mental health care provider and must state the nature of the disability, the type of special testing requirements needed and contact information for both the provider and the applicant.*

**Section 12.** NAC 445A.629 Classification of public water systems. (NRS 445A.860, 445A.880)

1. The ~~[Health]~~ Division shall classify all public water systems in this state pursuant to subsections 2 and 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 provides only disinfection by chlorination, must be classified ~~[based only on the population it serves]~~ *on a point system* as follows:

<del>[DISTRIBUTION CLASSIFICATION</del>	<del>AVERAGE DAILY POPULATION SERVED</del>	
<del>-</del>		
<del>Class Distribution 1.....</del>	<del>25—500</del>	<del>-</del>
<del>Class Distribution 2.....</del>	<del>501—3,300</del>	<del>-</del>
<del>Class Distribution 3.....</del>	<del>3,301—10,000</del>	<del>-</del>
<del>Class Distribution 4.....</del>	<del>10,001 or more</del>	<del>]</del>

***ITEMS FOR DISTRIBUTION CLASSIFICATION POINTS***

<i>Average daily population served</i>	
<i>25-500</i>	<i>5</i>
<i>501-3,300</i>	<i>10</i>
<i>3,301-10,000</i>	<i>15</i>
<i>10,001-100,000</i>	<i>20</i>
<i>100,001 or more</i>	<i>35</i>
<i>Pressure Zones (one point per zone with maximum of 5)</i>	<i>5</i>
<i>Storage Reservoirs (one point per reservoir with maximum of 5)</i>	<i>5</i>
<i>Hydropneumatic tank systems</i>	<i>1</i>
<i>Pumping stations, including wells, boosters (one point per station with maximum of 3)</i>	<i>3</i>

<i>Disinfection to maintain system residual</i>	<i>5</i>
<i>SCADA or similar instrumentation to provide data and/or process control</i>	<i>3</i>
<i>Existence of recycled/reclaimed water distribution system within the drinking water service area</i>	<i>5</i>

***DISTRIBUTION CLASSIFICATION TOTAL POINTS***

<i>Class Distribution – 1</i>	<i>5-19</i>
<i>Class Distribution - 2</i>	<i>20-30</i>
<i>Class Distribution – 3</i>	<i>31-40</i>
<i>Class Distribution – 4</i>	<i>41 or more</i>

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 by chlorination, must be classified on a point system as follows:

~~ITEMS FOR TREATMENT CLASSIFICATION POINTS~~

-	-
<del>Average daily population served</del>	<del>-</del>
<del>25–500.....</del>	<del>5</del>
<del>501–3,300.....</del>	<del>10</del>
<del>3,301–10,000.....</del>	<del>15</del>
<del>10,001–100,000.....</del>	<del>20</del>
<del>100,001 or more.....</del>	<del>25</del>
<del>Source for public water system</del>	<del>-</del>
<del>Ground water.....</del>	<del>3</del>
<del>Ground water under the direct influence of surface water.....</del>	<del>4</del>
<del>Surface water.....</del>	<del>5</del>
<del>Air stripping.....</del>	<del>4</del>
<del>Ozone.....</del>	<del>7</del>
<del>Ultraviolet light.....</del>	<del>8</del>
<del>pH adjustment or corrosion control.....</del>	<del>4</del>
<del>Iron and manganese removal/sequestering.....</del>	<del>2</del>
<del>Softening (ion exchange).....</del>	<del>5</del>
<del>Granular activated carbon for organic contamination.....</del>	<del>7</del>
<del>Coagulation.....</del>	<del>5</del>
<del>Taste and odor control.....</del>	<del>4</del>
<del>Chlorination.....</del>	<del>5</del>
<del>Fluoridation.....</del>	<del>5</del>
<del>Chlorine ammonia treatment.....</del>	<del>8</del>
<del>Chlorine dioxide.....</del>	<del>8</del>
<del>Bacteriological or chemical laboratory.....</del>	<del>2</del>
<del>Blending, aesthetic.....</del>	<del>5</del>
<del>Blending, health effects.....</del>	<del>8</del>
<del>Arsenic removal.....</del>	<del>8</del>

Nitrate removal.....	8
Filtration	-
Conventional.....	10
Direct.....	10
Rapid.....	7
Diatomaceous earth.....	7
Slow sand.....	5
Bag, ceramic, microfiltration, nanofiltration, reverse osmosis, membrane.....	5

**TREATMENT CLASSIFICATION TOTAL POINTS**

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

**ITEMS FOR TREATMENT CLASSIFICATION POINTS**

<i>Average daily population served:</i>	
<i>25-500</i>	<i>5</i>
<i>501-3,300</i>	<i>10</i>
<i>3,301-10,000</i>	<i>15</i>
<i>10,000-100,000</i>	<i>20</i>
<i>100,001 or more</i>	<i>25</i>
<i>Source for public water system</i>	
<i>Ground water</i>	<i>3</i>
<i>Ground water under the direct influence of surface water</i>	<i>4</i>
<i>Surface water</i>	<i>5</i>
<i>Treatment Processes</i>	
<i>Chlorine gas or hypochlorite (add 1 point if generated on-site)</i>	<i>5</i>
<i>Chlorine-ammonia treatment</i>	<i>8</i>
<i>Ozone</i>	<i>8</i>
<i>Chlorine dioxide</i>	<i>8</i>
<i>Ultraviolet light</i>	<i>8</i>
<i>Chemical addition for adjustments of pH</i>	<i>4</i>
<i>Softening-ion exchange, lime or lime soda ash process</i>	<i>10</i>
<i>Air stripping</i>	<i>4</i>
<i>Fluoridation</i>	<i>5</i>
<i>Coagulation for pretreatment only</i>	<i>5</i>
<i>Chemical addition (one point for each chemical added)</i>	<i>1</i>
<i>Conventional filtration-coagulation, flocculation, sedimentation, filtration</i>	<i>10</i>
<i>Direct filtration-coagulation, flocculation, filtration</i>	<i>10</i>
<i>Rapid sand filtration</i>	<i>7</i>
<i>Diatomaceous earth filtration</i>	<i>7</i>
<i>Slow sand filtration</i>	<i>5</i>

<i>Bag, ceramic, microfiltration, nanofiltration, reverse osmosis, membrane Filtration, electrodialysis</i>	<i>5</i>
<i>Granular Activated Carbon for organic contamination</i>	<i>7</i>
<i>Blending for health effects</i>	<i>8</i>
<i>Primary inorganic chemical treatment</i>	<i>8</i>
<i>Point of use treatment</i>	<i>5</i>
<i>Nitrate / Nitrite removal</i>	<i>8</i>
<i>Taste and odor control</i>	<i>4</i>
<i>Blending for aesthetics</i>	<i>5</i>
<i>Iron and manganese removal</i>	<i>5</i>
<i>Iron and manganese sequestering</i>	<i>2</i>
<i>Adsorption process for aesthetics</i>	<i>3</i>
<i>Recycle filter backwash water to process</i>	<i>2</i>
<i>Recycle supernatant from sludge removal and sedimentation process</i>	<i>2</i>
<i>Recycle water from any mechanical dewatering process</i>	<i>3</i>
<i>SCADA or similar instrumentation to provide data and/or process control</i>	<i>3</i>
<i>Bacteriological or chemical laboratory (other than process control)</i>	<i>2</i>

**TREATMENT CLASSIFICATION TOTAL POINTS**

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

4. The **[Health]** Division shall review the classification of every public water system not less than once every ~~[5]~~ **3** years to determine whether the public water system continues to meet the criteria for that classification pursuant to this section. Upon a determination that the public water system no longer meets the criteria for the classification, the **[Health]** Division shall:

- (a) Reclassify the public water system in accordance with the criteria for classification pursuant to this section;
- (b) Deliver a written notification of the reclassification to the public water system on or before December 31 of the year in which the determination is made; and
- (c) Require the public water system to comply with the requirements of the new classification within ~~[2-years]~~ **18 months** after the date the public water system receives the written notification of the determination by the **[Health]** Division.

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

**Section 13.** NAC 445A.630 Examination for certification: Application; submission and applicability of fee; reexamination; scheduling; ascending order of administration. (NRS 445A.860, 445A.880)

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 (*Carson City Office*) not less than ~~[30]~~ **45** 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]~~ *all* 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 eligible for reexamination at the next scheduled examination if the applicant satisfies the requirements set forth in subsection 1.
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, a]~~ 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.]~~
6. *An applicant may postpone his examination seven days prior to the examination date with written notice submitted to the [Health] Division (Carson City Office). Examination postponement may occur for only one test cycle. Emergency situations will be determined on a case-by-case basis by the [Health] Division (Carson City Office).*
7. *An applicant who fails to appear for his examination or fails to provide written notice to the [Health] Division seven days prior to his examination date forfeits his application and application fee.*

**Section 14.** ~~[NAC 445A.631 Examination for certification: Types; areas of examination; return to examinee; maintenance of analysis. (NRS 445A.860, 445A.880)~~

1. The ~~[Health]~~ Division, or its designee, shall offer separate examinations for certification in the four classifications in water treatment and separate examinations for certification in the four classifications in water distribution. The ~~[Health]~~ Division shall validate the areas of knowledge tested in an examination pursuant to this subsection before offering such examination to the applicant. ~~[The areas in which the examination must test the knowledge of the applicant include, but are not limited to:~~

- ~~(a) General water supply;~~
- ~~(b) Control processes in the treatment or distribution of water;~~
- ~~(c) Operation, maintenance and emergency procedures in the treatment and distribution of water;~~
- ~~(d) Proper recordkeeping relating to the operation of a public water system;~~
- ~~(e) Laws and regulations relevant to the operation of a public water system; and~~
- ~~(f) Water quality standards.]~~

2. Examinations must not be returned to examinees.
3. The ~~[Health]~~ Division shall maintain an analysis of each examination administered in the offices of the ~~[Health]~~ Division for not less than 1 year after the date on which the examination was administered.

**Section 15.** NAC 445A.633 Full certificate: Issuance; qualifications. (NRS 445A.860, 445A.880)

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~~

<del>Class Distribution 1.....</del>	<del>6 months</del>
<del>Class Distribution 2.....</del>	<del>1 year</del>
<del>Class Distribution 3.....</del>	<del>2 years</del>
<del>Class Distribution 4.....</del>	<del>3 years</del>
<del>Class Treatment 1.....</del>	<del>6 months</del>
<del>Class Treatment 2.....</del>	<del>1 year</del>
<del>Class Treatment 3.....</del>	<del>2 years</del>
<del>Class Treatment 4.....</del>	<del>3 years]</del>

<i>TREATMENT CLASSIFICATION</i>	<i>DISTRIBUTION CLASSIFICATION</i>	<i>REQUIRED EXPERIENCE</i>
<i>Treatment - 1</i>	<i>Distribution - 1</i>	<i>6 Months</i>
<i>Treatment - 2</i>	<i>Distribution - 2</i>	<i>1 Year</i>
<i>Treatment - 3</i>	<i>Distribution - 3</i>	<i>2 Years</i>
<i>Treatment - 4</i>	<i>Distribution - 4</i>	<i>4 Years</i>

2. Except as otherwise provided in this subsection, the ~~[Health]~~ Division may credit experience in operating gained in the field of wastewater treatment or in a related field toward the experience in operating required pursuant to subsection 1. Not more than one-half of the experience in operating required pursuant to subsection 1 may come from credit issued pursuant to this subsection.

3. The ~~[Health]~~ Division may credit all or a portion of the experience in operating gained at a lower classified facility toward the experience in operating 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 determines that experience in operating gained at the lower classified facility is equivalent to or is a satisfactory substitute for experience in operating at the higher classified facility.

~~4. Except as otherwise provided in this subsection, 2 days of education in engineering at the college level, or the equivalent thereof in a related field at a vocational school or as determined by the Health Division, may be substituted for each day of experience in operating required pursuant to subsection 1. Not more than one-half of the required experience in operating may be satisfied by such substitution.] Experience requirements may be fulfilled by no more than 50% with the successful completion of college level courses in engineering or in physical, chemical or biological sciences.~~

5. Experience in operating 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 in operating that is substituted for a high school diploma or general equivalency diploma may not be counted toward the experience in operating required in subsection 1.

**Section 16.** ~~[NAC 445A.634 Certification of operator certified in another state or by California/Nevada section of American Water Works Association. (NRS 445A.860, 445A.880)~~

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 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 in operating required by NAC 445A.633.]~~ *Certificates may be issued by the [State Board of Health or its designee] Division, without examination, on a case-by-case basis to persons in comparable classification who have passed an adequate written examination and who hold a valid certificate in another state, territory, or possession of the United States or another country, provided the requirements for certification of operators under which the person's certificate was issued do not conflict with provisions of NRS 445A.860, NRS 445A.880, NAC 445A.631, NAC 445A.633, and NAC 445A.634, and are of a standard not lower than that specified by these regulations.*

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 if the Health Division determines, upon review of his application for certification and supporting material, that 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 in operating required by NAC 445A.633.]~~ *Consideration of reciprocity will be given to applicants upon formal request. All of the following information must be submitted to the [Board or its designee] Division by the reciprocity applicant, in order for a request to be considered:*

*a. A letter outlining the specific type and level of certification being requested for reciprocity consideration.*

*b. A resume' describing the applicant's work history, education and experience supporting the certification held/requested.*

*c. A copy of the existing Certificate for which reciprocity is being requested, including the date of issuance and expiration, type of certification (water and/or distribution) and the level held (A, I, or similar). Certifications that have expired will not be considered.*

*d. A copy of the applicable regulations, or references to such regulations, which describes the experience and/or education requirements for the certification by the Certificate's issuing agency. This should include the number of levels of certification currently authorized and reciprocity guidelines if current licenses have been granted on a reciprocal basis.*

*e. A copy of the applicable regulations, or references to such regulations, which describe the facility classification system that correlates with the Certificate's type and level.*

*f. A brief description of the test taken for the certification. Describe if the test was multiple-choice, essay, true-false or a combination of these types; the approximate number of questions; and the general topics covered, i.e. safety, maintenance, math, administrative, operations.*

*g. Contact information for the issuing agency's operator certification program.*

3. *Incomplete submittals will not be processed. As described in the regulations, an existing certificate must be valid, therefore reciprocity will not be considered for expired certificates. The [Board or its designee] Division will review submittal packages for completeness and*

*applicability. Within 60 days of receipt of the request, the ~~[Board or its designee]~~ Division will respond to the applicant with a written decision. If reciprocity is granted, the applicant will pay the appropriate fees listed in NAC 445A.651.*

**Section 17.** NAC 445A.639 Continuing education: General requirements. (NRS 445A.860, 445A.880)

1. The holder of a full certificate, provisional certificate or certificate as an operator-in-training must comply with the requirements of continuing education set forth in ~~[this section]~~ *the following table* to qualify for renewal of the certificate.

<i>TREATMENT CLASSIFICATION</i>	<i>CONTACT HOURS REQUIRED FOR EACH 2 YEAR PERIOD</i>	<i>DISTRIBUTION CLASSIFICATION</i>	<i>CONTACT HOURS REQUIRED FOR EACH 2 YEAR PERIOD</i>
<i>Treatment - 1</i>	<i>5</i>	<i>Distribution - 1</i>	<i>5</i>
<i>Treatment - 2</i>	<i>5</i>	<i>Distribution - 2</i>	<i>5</i>
<i>Treatment - 3</i>	<i>10</i>	<i>Distribution - 3</i>	<i>10</i>
<i>Treatment - 4</i>	<i>10</i>	<i>Distribution - 4</i>	<i>10</i>

2. The holder of a ~~[certificate for certification in the classification of class distribution 1, class distribution 2, class treatment 1 or class treatment 2,~~ must earn one half credit of continuing education during the 2 years immediately preceding the date of application for renewal.] *full certificate, provisional certificate or certificate as an operator-in-training must comply with the requirements of continuing education set forth in this section to qualify for renewal of the certificate.*

3. ~~[The holder of a certificate for certification in the classification of class distribution 3, class distribution 4, class treatment 3 or class treatment 4, must earn one credit of continuing education during the 2 years immediately preceding the date of application for renewal.]~~

~~[4.]~~As used in this section:

(a) "One credit of continuing education" means 10 contact hours of participation in a course of training approved by the ~~[health]~~ Division pursuant to NAC 445A.641 or 445A.643.

(b) "One-half credit of continuing education" means 5 contact hours of participation in a course of training approved by the ~~[health]~~ Division pursuant to NAC 445A.641 or 445A.643.

**Section 18.** ~~[NAC 445A.6265 Type of certificate required. (NRS 445A.860, 445A.880)~~

~~1. An operator who works only on the operations of a distribution system or distribution facility of a public water system is required to hold a valid certificate only in class distribution at the appropriate level of classification pursuant to NAC 445A.629 as determined by the public water system.~~

~~2. An operator who works only on operations of treatment or the operations of a treatment facility of a public water system is required to hold a valid certificate only in class treatment at the appropriate level of classification pursuant to NAC 445A.629 as determined by the public water system.~~

~~3. An operator who works on the operations of a distribution system or distribution facility and the operations of treatment or the operations of a treatment facility of a public water system is required to hold valid certificates in class distribution and class treatment at the appropriate level of classification pursuant to NAC 445A.629 as determined by the public water system.]~~

**Section 19.** ~~[NAC 445A.627 Requirements for persons in responsible charge; certification and supervision of supervisors and certain operators. (NRS 445A.860, 445A.880)~~

~~1. A public water system which:~~

~~(a) 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, 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 pursuant to NAC 445A.629.~~

~~2. If the person in responsible charge is on call, he must be able to:~~

~~(a) Be contacted immediately; and~~

~~(b) Respond at the site within 4 hours.~~

~~3. 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.~~

~~4. If a public water system serves more than 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, an additional person or persons in responsible charge at the same time, including, without limitation, a person in responsible charge for the treatment of water or a person in responsible charge for the distribution of water. If the Health Division requires an additional person or persons in responsible charge pursuant to this subsection, the Health Division must:~~

~~(a) Deliver a written notification of the requirement to the public water system on or before December 31 of the year in which the requirement is made;~~

~~(b) Review the requirement not less than once every 5 years to determine whether any changes need to be made regarding the additional person or persons;~~

~~(c) Require a public water system that is subject to the requirement of an additional person or persons pursuant to this subsection to employ the additional person or persons within 2 years after the date the public water system receives the written notification of the requirement by the Health Division to employ the additional person or persons; and~~

~~(d) Require the additional person or persons in responsible charge to be certified in the same level of classification or a higher level of classification as the classification of the public water system pursuant to NAC 445A.629.~~

~~5. A supervisor employed by a supplier of water must be:~~

~~(a) Certified at no less than one class lower than the classification of the public water system pursuant to NAC 445A.629; and~~

~~(b) Supervised by a person in responsible charge.~~

~~6. An operator employed by a supplier of water to make decisions regarding process control, quality of water, quantity of water or system integrity must be:~~

~~(a) Certified at the appropriate level of classification as determined by the public water system; and~~

~~(b) Supervised by a person in responsible charge.~~

~~7. 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.~~

~~(c) "Supervisor" does not include a person in responsible charge.]~~

## **Section 20.**

~~[NAC 445A.628 Persons in responsible charge: Approval of person holding certificate as operator in training; approval of other qualified person in emergency or for relief. (NRS 445A.860, 445A.880)~~

~~1. Upon the request of the owner of a public water system and the approval of the Health Division, a person holding a certificate as an operator in training may be the person in responsible charge of the public water system for not more than 6 months. The Health Division shall not grant approval unless it makes a finding that:~~

~~(a) The person holding the certificate as an operator in training has the basic knowledge necessary to operate the public water system;~~

~~(b) The health and safety of the public will be protected; and~~

~~(c) The owner has demonstrated that the public water system is unable to employ a person who holds a full certificate.~~

~~2. The Health Division shall consider the following in making its decision of whether to grant approval pursuant to subsection 1:~~

~~(a) The results of an inspection of the site of the public water system;~~

~~(b) A review of the plans and specifications of the public water system;~~

~~(c) A review of the personnel records that pertain to the operation of a public water system, experience in operating and training of the person holding the certificate as an operator in training; and~~

~~(d) A review of any other reasonably available and relevant information.~~

~~3. Upon the occurrence of circumstances of an emergency nature, the Health Division may approve any other qualified person as the person in responsible charge of a public water system for not more than 6 months.~~

~~4. The Health Division shall consider the following in making its decision of whether to grant approval pursuant to subsection 3:~~

~~(a) The results of an inspection of the site of the public water system;~~

~~(b) A review of the plans and specifications of the public water system;~~

~~(c) A review of the personnel records that pertain to the operation of a public water system, experience in operating and training of the person being considered; and~~

~~(d) A review of any other reasonably available and relevant information.~~

~~5. Upon request from a public water system, the Health Division may approve a qualified person as the person in responsible charge of a public water system for not more than 15 months to provide vacation and temporary relief of the designated person in responsible charge.~~

~~6. The Health Division shall consider the following in making its decision of whether to grant approval pursuant to subsection 5:~~

~~(a) The results of an inspection of the site of the public water system;~~

~~(b) A review of the plans and specifications of the public water system;~~

~~(c) A review of the personnel records that pertain to the operation of a public water system, experience in operating and training of the person being considered; and~~

~~(d) A review of any other reasonably available and relevant information.~~

~~7. Within 4 months after an approval is granted pursuant to subsection 1 or 3 or within 12 months after an approval is granted pursuant to subsection 5, the Health Division shall review the status of the public water system to determine whether the approval should be extended past the limit of approval provided pursuant to subsection 1, 3 or 5. Any determination made by the Health Division pursuant to this review must be received by the public water system no less than 15 days before the end of the period specified in the approval granted by the Health Division.]~~

## **Section 21.**

~~[NAC 445A.635 Certificate as operator in training: Issuance; subsequent issuance and expiration of full certificate. (NRS 445A.860, 445A.880)~~

~~1. The Health Division shall issue a certificate as an operator in training to a person who:~~

~~(a) Has passed the examination for certification; and~~

~~(b) Does not have the experience in operating required for a full certificate pursuant to NAC 445A.633.~~

~~2. Upon payment of the fee set forth in NAC 445A.651, the Health Division shall issue a full certificate to an operator who, after being issued a certificate as an operator in training, has fulfilled the requirement for experience in operating set forth in NAC 445A.633. The full certificate expires on December 31 of the first calendar year after the calendar year in which it is issued.]~~

## **Section 22.** ~~[NAC 445A.636 Provisional certification. (NRS 445A.860, 445A.880)~~

~~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;~~

~~(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 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 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. 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 for which the operator received the provisional certificate; and~~

~~(b) At the public water system where the operator is employed on January 1, 2000.~~

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

### **Section 23.**

~~[NAC 445A.637 Contents and expiration of certificate.~~

~~1. A certificate issued pursuant to NAC 445A.617 to 445A.652, inclusive, must indicate the classification for which it is issued and specify if it is a full certificate, provisional certificate or certificate as an operator in training.~~

~~2. Except as otherwise provided in subsection 3 of NAC 445A.636, a full certificate, a provisional certificate and a certificate as an operator in training expires on December 31 of the first calendar year after the calendar year in which it is issued, renewed or reinstated.]~~

### **Section 24.**

~~[NAC 445A.638 Renewal of certificate: Prerequisites; compliance with requirements for continuing education.~~

~~1. A full certificate, a provisional certificate and a certificate as an operator in training may be renewed by payment of the fee for renewal and submission to the Health Division of evidence of compliance with the requirements of continuing education set forth in NAC 445A.639. An application for renewal of a certificate must be made on forms supplied by the Health Division.~~

~~2. The applicant shall indicate on the application for renewal of a certificate evidence of compliance with the requirements of continuing education set forth in NAC 445A.639. The Health Division shall review the evidence of compliance with the requirements of continuing education to ensure:~~

~~(a) The course of training was approved by the Health Division pursuant to NAC 445A.641 or 445A.643; and~~

~~(b) The applicant successfully completed the course of training.~~

~~3. The Health Division shall maintain records of continuing education.~~

~~4. Failure to remain active in the operation of a public water system during the period a certificate is valid is cause for denial of an application for renewal of the certificate unless the applicant has met the continuing education requirements of NAC 445A.639.]~~