

**PROPOSED REGULATION OF THE**

**OFFICE OF ENERGY**

**LCB FILE NO. R156-17I**

**The following document is the initial draft regulation proposed**

**by the agency submitted on 12/21/2017**

**REVISED PROPOSED REGULATION OF  
THE STATE ENVIRONMENTAL  
COMMISSION File No. P2017-09**

December 1, 2017

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

AUTHORITY: 445A.860, 445A.880

**Section 1** NAC **445A.6285** is hereby amended to read as follows:

NAC **445A.6285** 5. Upon request from a public water system, the Division may approve a certified operator at one classification lower than the *required* person in responsible charge of a public water system to accommodate for vacation and temporary relief of the person in responsible charge during a 12-month period. Not more than 90 days after approval is granted pursuant to this subsection, the Division shall review the status of the public water system to determine whether an extension may be granted. Any decision regarding an extension must be provided to the public water system at least 120 days before the end of the period specified in the approval granted by the Division.

(Added to NAC by Environmental Comm'n by R129-05, eff. 10-31-2005)

**Section 2** NAC **445A.629** is hereby amended to read as follows:

NAC **445A.629** 2. A public water system which:

- (a) Uses only groundwater *or surface water, groundwater under the direct influence of surface water*, or water provided by another public water system; and
- (b) Does not provide treatment of the water or groundwater or provides only disinfection by chlorination,

**Section 3** NAC **445A.632** is hereby amended to read as follows:

NAC **445A.632** 1. The Division shall proctor, review and grade, or enter into a contract with a person, organization or agency to proctor, review and grade, the examinations for certification. A score of not less than ~~[70 percent]~~ *the passing score stipulated by the testing agency* is required to pass the examination.

**Section 4** NAC **445A.633** is hereby amended to read as follows:

NAC 445A.633 1. The 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 or her specific classification, have ~~[a high school diploma or a general equivalency diploma]~~ *education referenced in NAC 445A.6293* and have the following experience in operating *the distribution system and/or the treatment system of* a public water system of that classification:

Classification	Years Experience
Distribution-1.....	6 months
Distribution-2.....	1 year
Distribution-3.....	2 years- <i>1 year as a D2-Full</i>
Distribution-4.....	4 years- <i>1 year as a D3-Full</i>
Treatment-1.....	6 months
Treatment-2.....	1 year
Treatment-3.....	2 years- <i>1 year as a T2-Full</i>
Treatment-4.....	4 years- <i>1 year as a T3-Full</i>

2. Except as otherwise provided in this subsection, the 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 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]~~ *two* classification higher than the highest classified facility for which the applicant is currently certified; and

(b) The Division determines that experience in operating gained at the lower classified facility is equivalent to, *based on system complexity*, or is a satisfactory substitute for experience in operating at the higher classified facility.

**Section 5** NAC 445A.639 is hereby amended to read as follows:

NAC 445A.639 2. Every 2 years, the holder of a Treatment-3, Treatment-4, Distribution-3 or Distribution-4 certificate must earn at least ~~[10]~~ *14* contact hours of participation in a course of training approved by the Division pursuant to NAC 445A.641 or 445A.643.

3. Every 2 years, the holder of a Treatment-1, Treatment-2, Distribution-1 or Distribution-2 certificate must earn at least ~~5~~ 7 contact hours of participation in a course of training approved by the Division pursuant to [NAC 445A.641](#) or [445A.643](#).

**Section 6 NAC 445A.640**

**NAC 445A.640 Continuing education: Operator who holds full certificate and certificate as operator-in-training at higher classification than full certificate.** (NRS 445A.860, 445A.880) An operator who holds a full certificate and a certificate as an operator-in-training at a higher classification than the full certificate must comply with the requirements of continuing education for ~~each~~ *the highest* certificates to qualify for the renewal of both certificates. *Each respective certification type (Distribution and Treatment) will have separate continuing education requirements.*

**Section 7 NAC 445A.651** is hereby amended to read as follows:

**NAC 445A.651 Fees of Division.** (NRS 445A.860, 445A.880)

1. The Division shall charge and collect the following fees:

	<i>FY18</i>	<i>FY19</i>	<i>FY20</i>	<i>FY21</i>
For the issuance of a full certificate	\$84	<i>\$100</i>	<i>\$110</i>	<i>\$120</i>
For a certificate issued pursuant to paragraph (c) of subsection 2 of NAC 445A.6345	57	<i>\$125</i>	<i>\$140</i>	<i>\$150</i>
For the issuance of a certificate as an operator-in-training	57	<i>\$90</i>	<i>\$100</i>	<i>\$110</i>
For conversion of a certificate as an operator-in-training to a full certificate	30	<i>\$30</i>	<i>\$35</i>	<i>\$40</i>
<del>For the issuance of a provisional certificate</del>	<del>[30]</del>			
For the renewal of a full, <i>provisional, or operator-in-training</i> certificate	30	<i>\$40</i>	<i>\$45</i>	<i>\$50</i>
<del>For the renewal of a provisional certificate</del>	<del>[30]</del>			
<del>For the renewal of a certificate as an operator-in-training</del>	<del>[30]</del>			
For the reinstatement and renewal of a full certificate	100	<i>\$140</i>	<i>\$145</i>	<i>\$150</i>

2. *On July 1, 2018, and on July 1 of each year thereafter, up to and including July 1, 2020, the Director shall increase each fee for the services set forth in subsection 1. To determine the amount of each fee that is due on or after July 1, 2018, refer to subsection 1:*

- (a) For the fees due before July 1, 2018, refer to subsection 1, FY18*
- (b) For the fees due on July 1, 2018, and July 1, 2019, refer to subsection 1, FY19*
- (c) For the fees due on July 1, 2019, and July 1, 2020, refer to subsection 1, FY20*
- (d) For the fees due on or after July 1, 2020, refer to subsection 1, FY21*