

## **Permanent Regulation - Informational Statement**

A Permanent Regulation Related to Safe Drinking Water  
Legislative Review of Adopted Permanent Regulations as Required  
by Administrative Procedures Act, NRS 233B.066

### **State Environmental Commission (SEC) Permanent No: R156-17**

#### **Permanent Regulation R156-17:**

Nevada Revised Statutes (NRS) 445A.860 establishes the authority of the State Environmental Commission to adopt regulations related to water systems and NRS 445A.880 establishes authority to adopt regulations related to the certification of operators.

#### **SPECIFIC CHANGES:**

The NDEP amended regulations governing the Drinking Water operator certification process pertaining to NAC 445A.6285.5, NAC 445A.629, NAC 445A.632, NAC 445A.633, 445A.639, 445A.640 and 445A.651. The amendments include increased exam fees, renewal fees and conversion and reciprocity fees. In addition, the amendments address the contact hours required for certification renewal, the time required to advance to the next operator grade level, the ability for an operator to advance two grades above the classification of the system at which they are working (based on experience) and provide general housekeeping and clarification associated with the existing regulations.

#### **1. Need for Regulation:**

The amendments primarily address NAC 445A.633 and 445A.639. The NDEP considered these amendments at the request of the Drinking Water and the Waste Water Operator Forum Committee. It is imperative that Nevada Operators are well trained in operation standards and treatment technologies and are well-versed in regulatory requirements to ensure the protection of public health. The new amendments ensure that operators have the appropriate level(s) of experience and are current with the most recent requirements in Drinking Water regulations and technologies. Providing Operators with the opportunity to apply for certification that is two grades above the classification of the system they are working, only when they meet specific criteria, allows operators to pursue professional growth and development while concurrently ensuring well-operated Drinking Water systems.

The NDEP Operator Certification Program is funded by fees and federal grants. The current fees, which have not been increased since 2002, subsidize 39% of the program

(2 FTE positions) and do not accurately reflect the regulatory workload. Additionally, costs to purchase the nationally accredited exams and proctoring of the exams have increased over the years while the fees have remained unchanged. The increased operator certification fees will help to better align revenue with the regulatory workload and increased costs of the exam process. This increased revenue source will also enable the NDEP to offset uncertainty of federal grants, help bridge the gap between expenses, and ensure that the program is sustainable. Finally, the amendments provide general housekeeping and clarification of the existing regulations.

**2. A description of how public comment was solicited, a summary of public response and an explanation of how other interested persons may obtain a copy of the summary.**

On January 8, 2018, a workshop was held in Carson City at the Bryan Building, 901 S. Stewart St. On January 10, 2018 a workshop was held in Elko at the Elko City Hall located at 1751 College Ave. On January 11, 2018 a workshop was held in Las Vegas at the Grant Sawyer Building, 555 E. Washington Ave.

A total of twenty-two (22) members of the public attended the workshops.

Questions from the public presented at the workshop were addressed by NDEP staff; summary minutes of the workshop are posted on the SEC website at: [http://sec.nv.gov/main/hearing\\_0218.htm](http://sec.nv.gov/main/hearing_0218.htm).

Following the workshop, the SEC held a formal regulatory hearing on February 21, 2018 at the Legislative Building, Room 2134, located at 401 South Carson Street and video-conferenced in Las Vegas at the Grant Sawyer Building, Room 4406, located at 555 East Washington Ave. A public notice for the regulatory meeting was posted at the meeting location, at the State Library in Carson City, at NDEP in Las Vegas, at the Division of Minerals in Carson City, at the Department of Agriculture, on the LCB website, on the Division of Administration website and on the SEC website.

Copies of the agenda, the public notice, and the proposed permanent regulation R156-17 were also made available at all public libraries throughout the state as well as to individuals on the SEC mailing list and the Bureau of Safe Drinking Water's electronic mailing list.

The public notice for the proposed regulation was published in the Las Vegas Review Journal and Reno Gazette Journal newspapers once a week for three consecutive weeks prior to the SEC regulatory meeting. Other information about this regulation was made available on the SEC website at: [http://sec.nv.gov/main/hearing\\_0218.htm](http://sec.nv.gov/main/hearing_0218.htm) .

**3. The number of persons who attended the SEC Regulatory Hearing:**

- (a) Attended February 21, 2018 hearing: 8 (approximately)
- (b) Testified on this Petition at the hearing: 0
- (c) Submitted to the agency written comments: 0

**4. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation of how other interested persons may obtain a copy of the summary.**

Comments were solicited from affected businesses through e-mail, public workshops and at the February 21, 2018 SEC hearing as noted in number 2 above.

**5. If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

The proposed regulation was adopted with minor changes that were not substantive as determined by LCB.

**6. The estimated economic effect of the adopted regulation on the business which it is to regulate and on the public.**

Regulated Business/Industry. The proposed fee increase applies to individual operators. If a water system elects to pay the certification fee for its operator(s), it would be voluntary and the impact would be minimal.

Public. The regulation will have no economic impact on the public.

**7. The estimated cost to the agency for enforcement of the adopted regulation.**

Enforcing Agency. There would be no additional cost to the agency for implementing the proposed fee schedule.

**8. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, the name of the regulating federal agency.**

The proposed regulations do not overlap nor duplicate any regulations of other State or Governmental agencies.

**9. If the regulation includes provisions which are more stringent than a federal regulation, which regulates the same activity, a summary of such provisions.**

The regulation is no more stringent than what is established by federal law.

**10. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

It is anticipated that the proposed fees would generate approximately \$107,000 per year in total revenue (after the 3 year step increase is complete) which is sufficient to pay for 1 of the 2 FTE needed to run the program. This revenue would be used to offset the Division's costs for regulating the Drinking Water Operator Certification Program.