

**PROPOSED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION**

LCB File No. R156-17

January 9, 2018

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

AUTHORITY: §§1-7, NRS 445A.860, as amended by section 3 of Assembly Bill No. 50, chapter 70, Statutes of Nevada 2017, and NRS 445A.880.

A REGULATION relating to public water systems; clarifying provisions relating to the approval of conditional staffing for a public water system; revising provisions relating to the classification of a public water system; revising the minimum passing score required for an examination for certification; revising the minimum requirements for education and experience that an applicant for certification must possess; revising continuing education requirements that the holder of a certificate must complete; increasing the fees charged by the Division of Environmental Protection of the State Department of Conservation and Natural Resources for the issuance and renewal of certificates; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the State Environmental Commission to adopt regulations governing operators of community water systems and noncommunity water systems, including requirements for certifying each class of operators, establishing fees for operator certificates and establishing continuing education requirements. (NRS 445A.880) **Section 1** of this regulation clarifies that the Division of Environmental Protection of the State Department of Conservation and Natural Resources may approve a certified operator at one classification lower than otherwise required for the person in responsible charge of a public water system to accommodate for vacation and temporary relief of the person in responsible charge. **Section 2** of this regulation provides that any public water system must be classified for distribution and treatment using a points system. **Section 3** of this regulation revises the minimum score that an applicant for certification must obtain to pass the examination for certification, from 70 percent to the passing score set by the testing company. **Section 4** of this regulation revises the requirements for education and experience that an applicant for certification must possess to obtain a certificate in certain classifications. **Section 5** of this regulation increases the number of hours of continuing education a holder of certain certificates must complete every 2 years to qualify to renew that certificate. **Section 6** of this regulation revises the requirements of continuing education that an operator who holds multiple certificates must complete in order to renew both certificates. **Section 7** of this regulation increases the fees charged by the Division for issuing and renewing certificates each fiscal year.

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

445A.6285 1. The Division shall consider the following in making a decision to approve conditional staffing for a public water system:

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

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

(c) 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 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 Division shall not grant approval unless it makes a finding that:

(a) The person has the minimum amount of knowledge required to operate the public water system;

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

(c) The owner of the public water system can demonstrate that the public water system is unable to employ a person who holds a full certificate.

3. Not more than 30 days after approval is granted pursuant to subsection 2, 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 60 days before the expiration of the period specified in the approval granted pursuant to subsection 2.

4. If an emergency occurs concerning a public water system, the Division may approve any qualified person as the person in responsible charge of the public water system for a period of not more than 6 months.

5. Upon request from a public water system, the Division may approve a certified operator at one classification lower than the ~~person in responsible charge of a~~ *classification of the* public water system *pursuant to NAC 445A.629* 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.

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

445A.629 1. The Division shall classify all public water systems in this State pursuant to subsections 2 and 3.

2. A public water system which ~~is~~

~~—(a) Uses only~~ *uses* groundwater *only, surface water only, groundwater under the direct influence of surface water* or water provided by another public water system ~~is~~ *and*

~~—(b) Does not provide treatment of the water or groundwater or provides only disinfection by chlorination,~~

~~is~~ must be classified *for distribution* on a point system as follows:

ITEMS FOR DISTRIBUTION CLASSIFICATION

POINTS

ITEMS FOR DISTRIBUTION 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.....	35
Pressure zones (1 point per zone, maximum of 5 points)	1
Storage reservoirs (1 point per reservoir, maximum of 5 points)	1
Hydropneumatic tank systems	1
Pumping stations, including wells and boosters (1 point per station, maximum of 3 points).....	1
Disinfection to maintain system residual	5
System control and data acquisition or other similar instrumentation to provide data or process control.....	3
Existence of recycled or reclaimed water distribution system within drinking water service area	5

DISTRIBUTION CLASSIFICATION	TOTAL POINTS
Distribution-1	5 - 19
Distribution-2	20 - 30
Distribution-3	31 - 41

DISTRIBUTION CLASSIFICATION

TOTAL POINTS

Distribution-4 42 or more

3. A public water system which:

(a) Uses surface water or groundwater under the direct influence of surface water; or

(b) Uses groundwater and provides treatment of the groundwater, other than disinfection by chlorination,

↳ must be classified *for treatment* on a point system as follows:

ITEMS FOR TREATMENT 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

Groundwater 3

Groundwater under the direct influence of surface water 4

Surface water 5

Air stripping 4

ITEMS FOR TREATMENT CLASSIFICATION	POINTS
Ozone	8
Ultraviolet light	8
Combination of ozone and ultraviolet light.....	10
Chemical addition for adjustments of pH	4
Iron and manganese removal.....	5
Iron and manganese sequestering.....	2
Softening - ion exchange, lime or lime soda ash process.....	10
Granular activated carbon for organic contamination.....	7
Coagulation for pretreatment only	5
Taste and odor control.....	4
Fluoridation	5
Chlorine-ammonia treatment.....	8
Chlorine dioxide	8
Bacteriological or chemical laboratory (other than process control)	2
Blending, aesthetic	5
Blending, health effects.....	8
Chlorine gas or hypochlorite	5
Chlorine gas or hypochlorite generated on-site.....	6
Chemical addition (1 point for each chemical added).....	1
Primary inorganic chemical treatment	8
Point-of-use	5

ITEMS FOR TREATMENT CLASSIFICATION	POINTS
Nitrate or nitrite removal.....	8
Adsorption process for aesthetics.....	3
Recycle filter backwash water to process.....	3
Recycle supernatant from sludge removal and sedimentation process	2
Recycle water from any mechanical dewatering process.....	2
System control and data acquisition or other similar instrumentation to provide data or process control.....	3
Filtration	
Conventional filtration-coagulation, flocculation, sedimentation	10
Direct filtration-coagulation, flocculation, sedimentation.....	10
Rapid sand	7
Diatomaceous earth	7
Slow sand.....	5
Bag, ceramic, microfiltration, nanofiltration, reverse osmosis, membrane, electro dialysis	5

TREATMENT CLASSIFICATION	TOTAL POINTS
Treatment-1	5 - 19
Treatment-2	20 - 35
Treatment-3	36 - 45

4. The Division shall review the classification of every public water system not less than once every 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 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 18 months after the date the public water system receives the written notification of the determination by the Division.

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

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

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 established by the testing company that created the examination* is required to pass the examination.

2. The Division shall review, or enter into a contract with a person, organization or agency to review, the qualifications of each applicant for a full certificate to determine whether the

minimum requirements for experience in operating set forth in NAC 445A.633 have been satisfied.

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

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~~ *meet the education requirements set forth in NAC 445A.6293 for the applicable grade of certification* and have the following experience in operating *the water treatment system or distribution 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>with 1 year of Distribution-2 full certification</i>
Distribution-4	4 years , <i>with 1 year of Distribution-3 full certification</i>
Treatment-1	6 months
Treatment-2	1 year

Treatment-3	2 years , <i>with 1 year of</i> <i>Treatment-2 full certification</i>
Treatment-4	4 years , <i>with 1 year of</i> <i>Treatment-3 full certification</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. *No such experience in operating may be credited toward any year of full certification in distribution or treatment that is 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 classification~~ *two classifications* 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 , *based on system complexity*, equivalent to *operating at the higher classified facility* or is a satisfactory substitute for experience in operating at the higher classified facility.

↪ No such experience in operating may be credited toward any year of full certification in distribution or treatment that is required pursuant to subsection 1.

4. Not more than one-half of the required experience in operating may be satisfied by the successful completion of college level courses in engineering or in physical, chemical or

biological sciences. *Completion of such college level courses may not be credited toward any year of full certification in distribution or treatment that is required pursuant to subsection 1.*

5. Experience in operating or relevant training may be substituted for a high school diploma or general equivalency diploma *that is required pursuant to NAC 445A.6293* upon approval of the 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.

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

445A.639 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 to qualify for renewal of the certificate.

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.

Sec. 6. NAC 445A.640 is hereby amended to read as follows:

445A.640 1. *An operator who holds certificates for both distribution and treatment must comply with the respective requirements for continuing education for each type of certificate.*

2. An operator who holds a full certificate and a certificate as an operator-in-training at a higher classification than ~~the~~ **a** full certificate *in distribution or treatment* must comply with

the requirements of continuing education for ~~each~~ *the* certificate *at the highest* classification *in distribution or treatment, as applicable*, to qualify for the renewal of both certificates.

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

445A.651 *1.* The Division shall charge and collect the following fees ~~{}~~ *for each fiscal year*:

	<i>FY</i>	<i>FY</i>	<i>FY</i>	<i>FY</i>
	<i>2017-</i>	<i>2018-</i>	<i>2019-</i>	<i>2020-</i>
	<i>2018</i>	<i>2019</i>	<i>2020</i>	<i>2021</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>
For the issuance of a provisional certificate	—30			
For the renewal of a full , <i>provisional or operator-in-training</i> certificate	30	<i>40</i>	<i>45</i>	<i>50</i>
For the renewal of a provisional certificate	—30			
For the renewal of a certificate as an operator-in-training	—30			

For the reinstatement and renewal of a full certificate

100 140 145 150

↪ The fees set forth in this subsection for Fiscal Year 2020-2021 are effective for that fiscal year and each fiscal year thereafter.

2. As used in this section, “fiscal year” means the 12-month period beginning on July 1 of one year and ending on June 30 of the following year.