

**PROPOSED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION**

LCB FILE NO. R121-19I

**The following document is the initial draft regulation proposed
by the agency submitted on 12/20/2019**

**PROPOSED REGULATION OF THE STATE
ENVIRONMENTAL COMMISSION**

P2020-01

December 20, 2019

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

AUTHORITY: §1, NRS 445A.425

Section 1. NAC 445A.2862 is hereby amended to read as follows:

NAC 445A.2862 1. A person responsible for the operation and maintenance of a plant for sewage treatment must be certified as an operator of a plant for sewage treatment.

2. To apply for certification as an operator of a plant for sewage treatment:

(a) An applicant must submit an application to the Division or its designee that is accompanied by the appropriate fee set forth in NAC 445A.287.

(b) The applicant must be at least 18 years of age, possess a high school diploma or a general educational development certificate or its equivalent and meet the following additional educational requirements:

(1) For Grade I, ~~[60]~~ *50* contact hours of education related to sewage treatment.

(2) For Grade II, ~~[120]~~ *100* contact hours of education related to sewage treatment.

(3) For Grade III, ~~[120]~~ *100* contact hours of education related to sewage treatment and two postsecondary courses of instruction related to sewage treatment.

(4) For Grade IV, ~~[120]~~ *100* contact hours of education related to sewage treatment and four postsecondary courses of instruction related to sewage treatment.

↪ *these contact hours and postsecondary courses represent an accumulated total of all courses taken*

(c) The applicant must have the following experience in operating a plant for sewage treatment:

Certification Grade	Experience
Grade I	1 year of experience in operating at a Classification I facility or higher
Grade II	Grade I Certification and 2 years' experience in operating, with at least 1 year at a Classification II facility or higher
Grade III	Grade II Certification and 3 years' experience in operating, with at least 1 year at a Classification III facility or higher
Grade IV	Grade III Certification and at least 4 years' experience in operating, with at least 1 year at a Classification IV facility

(d) Except as otherwise provided in [NAC 445A.2864](#), the applicant must pass the applicable examination or examinations for certification. The examinations must be taken in ascending order beginning with the Grade I examination for certification as an operator of a plant for sewage treatment.

3. An applicant who has been certified as an operator of a plant for sewage treatment in another state must disclose in writing any past or pending disciplinary actions related to every other such certification.

4. As used in this section, "postsecondary course of instruction" means a successfully completed college level course which is at least 36 hours of instruction.

Sec 2. NAC 445A.2866 is hereby amended to read as follows:

NAC 445A.2866 1. A person may apply to the Division for a restricted certificate as an operator of a plant for sewage treatment if the person does not meet the requirements for a full certificate. A restricted certificate does not authorize the holder of the certificate to operate in direct responsible charge of a plant for sewage treatment at the restricted grade level.

2. To apply for a restricted certificate, a person must:

(a) Meet the following requirements for his or her specific grade:

(1) For Restricted Grade I, a high school diploma or a general educational development certificate or the equivalent;

(2) For Restricted Grade II, hold an active Grade I full certification for a minimum of 1 year and meet the Grade II educational requirements set forth in [NAC 445A.2862](#);

(3) For Restricted Grade III, hold an active Grade II full certification for a minimum of 1 year and meet the Grade III educational requirements set forth in [NAC 445A.2862](#); and

(4) For Restricted Grade IV, hold an active Grade III full certification for a minimum of 1 year and meet the Grade IV educational requirements set forth in [NAC 445A.2862](#); and

(b) Pass the applicable examination or examinations for certification for the restricted grade level.

3. A restricted certificate may be converted to a full certificate if the applicant:

(a) Meets the experience requirement for the equivalent full certificate set forth in [NAC 445A.2862](#); ~~and~~

(b) Holds an active, full certificate for the grade below; *and*

(c) Submits an application to the Division or its designee that is accompanied by the appropriate fee set forth in [NAC 445A.287](#)

4. A restricted certificate is valid for ~~5~~ 2 years after the date of its issuance and ~~may not~~ *can* be renewed *every 2 years*. ~~[After a restricted certificate has expired, an operator may take the examination for certification again and submit a new application for a restricted certificate pursuant to the requirements of this section.]~~

Sec 3. NAC 445A.2868 is hereby amended to read as follows:

NAC 445A.2868 1. A *full or restricted* certificate issued pursuant to NAC 445A.2862, ~~or~~ ~~445A.2864~~, *or 445A.2866* may be renewed once every 2 years if the holder of the certificate submits a completed application for renewal on the form supplied by the Division before the expiration date of the certificate, which must include, without limitation:

(a) Evidence of completion of the requirements of continuing education set forth in NAC 445A.2912; and

(b) The fee for renewal set forth in NAC 445A.287.

2. If the holder of a *full* certificate issued pursuant to NAC 445A.2862 or 445A.2864 does not renew the certificate before the expiration date of the certificate, the Division shall suspend the certificate. Except as otherwise provided in subsection 3, to renew a suspended certificate, the holder of the certificate must, in addition to the requirements of subsection 1, pay the reinstatement fee set forth in NAC 445A.287.

3. If the holder of a *full* certificate issued pursuant to NAC 445A.2862 or 445A.2864 does not renew a suspended certificate within 6 months after the expiration date of the certificate, the holder of the certificate shall be deemed decertified. Except as otherwise provided in subsections ~~[4 and 5]~~, *6 and 7* the holder of a certificate who is decertified may not renew the certificate.

4. If the holder of a restricted certificate issued pursuant to NAC 445A.2866 does not renew the certificate before the expiration date, or their full certification is decertified, then the restricted certificate shall be deemed decertified. Except otherwise provided in subsections 6 and 7, the Division shall not reinstate a restricted certificate once it has been decertified.

5. If an operator has been decertified, the operator can retest at the full or restricted certification level previously held and file a new application for a full or restricted certificate pursuant to NAC 445A.2862 or NAC 445A.2866.

~~6[4]~~. If the holder of an expired certificate issued pursuant to NAC 445A.2862 or 445A.2864 provides to the Division documentation of health problems that made the holder unable to meet the requirements of continuing education for renewal of his or her certificate in the time provided pursuant to NAC 445A.2912, the holder of the expired certificate may request, within 2 years after the expiration date of the certificate, that the certificate be reinstated and renewed by payment of the reinstatement fee set forth in NAC 445A.287 and verification that all requirements of continuing education have been satisfied.

~~7[4]~~. If the holder of a certificate issued pursuant to NAC 445A.2862 or 445A.2864 provides to the Division documentation of military duty that made the holder unable to meet the requirements of continuing education for renewal of his or her certificate in the time provided pursuant to NAC 445A.2912, the holder of the expired certificate may request, within 4 years after the expiration date of the certificate, that the certificate be reinstated and renewed by payment of the reinstatement fee set forth in NAC 445A.287 and verification that all requirements of continuing education have been satisfied.

Sec 4. NAC 445A.287 is hereby amended to read as follows:

NAC 445A.287 1. The following fees must be paid to the Division:

Certification	Fee	Period
Initial <i>full</i> certificate.....	\$140	2 years
Reciprocal certificate.....	150	2 years
Renewal of a <i>full</i> certificate.....	110	2 years
<i>Initial</i> Restricted certificate.....	90	5 2 years
<i>Renewal or</i> Conversion <i>to a full certificate</i> of <i>a</i> restricted certificate [to full certificate]	70	<i>2 years</i>
Reinstatement of a certificate.....	80	

2. The holder of a certificate must pay to the Division a fee of \$20 for each duplicate certificate he or she requests. A fee of \$25 will be charged to any person whose check is returned to the Division because of a lack of funds

Sec. 5. NAC 445A.289 is hereby amended to read as follows:

NAC 445A.289 1. For the purpose of the certification program operated pursuant to the provisions of NAC 445A.2855 to 445A.293, inclusive, and except as otherwise provided in subsection 2, a plant for sewage treatment must be classified in accordance with the following schedule:

Treatment Process	Plant Classification
Stabilization Ponds, <i>Facultative Ponds</i> , or Lagoons	I
Primary Treatment (settling, grit removal, etc.)	
Fixed Film Treatment (e.g., trickling filters, etc.) for BOD Removal	II
Activated Sludge (without nitrogen removal and <20,000 gallons per day)	
Solids Treatment (thickening/dewatering)	

Fixed Film Treatment (e.g., trickling filters) for Nutrient Removal	III
Activated Sludge (with nitrogen removal or >20,000 gallons per day)	
Tertiary Treatment	IV
Activated Sludge (>10 million gallons per day)	
Indirect Potable Reuse	

2. The Division may deviate from this table if it determines that mitigating or intensifying factors exist to raise or lower a plant classification. Factors may include, without limitation, receiving stream water quality, process complexity, waste stream pollutant strength or variations and flow variability.

3. As used in this section:

(a) “BOD” means biochemical oxygen demand.

(b) “Tertiary treatment” means the process of treating wastewater beyond secondary treatment units for nutrient removal or other advanced removal methods, including, without limitation, membrane filtration.

Sec 6. NAC 445A.2912 is hereby amended to read as follows:

NAC 445A.2912 1. Every 2 years, each holder of a certificate as an operator of a plant for sewage treatment must complete the following requirements of continuing education within the effective period of the certificate to qualify for the renewal of the certificate:

(a) The holder of a *full or restricted* Grade I certificate must earn at least 5 contact hours of participation in a course of training.

(b) The holder of a *full or restricted* Grade II certificate must earn at least 10 contact hours of participation in a course of training.

(c) The holder of a *full or restricted* Grade III certificate must earn at least 15 contact hours of participation in a course of training.

(d) The holder of a *full or restricted* Grade IV certificate must earn at least 20 contact hours of participation in a course of training.

2. A course of training required pursuant to subsection 1 must be approved by the Division or its designee pursuant to NAC 445A.2915.

3. An operator who holds a full certificate and a restricted certificate at a higher grade level than the full certificate must comply with the requirements for continuing education for the ~~[full]~~ certificate *at the highest classification, as applicable*, to qualify for renewal *of both certificates*.