

LCB File No. R037-02

PROPOSED REGULATION OF THE STATE ENVIRONMENTAL COMMISSION

Petition 2002-07

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

Authority: 445A.425 §§2

Section 1. NAC 445A.283 is hereby amended to read as follows:

NAC 445A.283 Permit required to construct, install, expand or modify treatment works. No person without first obtaining a permit from the ~~[department]~~ *Department* may:

1. Construct, install, expand or significantly modify any factory, mill, plant or other industrial or commercial facility which will result in a discharge not authorized by an existing permit to waters of the state.
2. Add extensions to existing municipal or privately owned sewer systems or provide new sewer service to existing or newly constructed buildings which could cause the raw sewage influent to the treatment plant to exceed the limits prescribed by the permit issued in accordance with NAC 445A.228 to 445A.263, inclusive.
3. Construct, install or significantly modify any facilities designed or used for treatment or discharge of pollutants.

Sec. 2. NAC 445A.284 is hereby amended to read as follows:

NAC 445A.284 Design and construction of treatment works.

1. In reviewing the design of treatment works, the ~~[department]~~ *Department* shall use as guidelines the applicable requirements of "Ten State Standards," appropriate American Society of Civil Engineers Manual of Engineering Practice or federal or other accepted engineering guidelines.
2. As a minimum, sewerage system designs must be based on 100 gallons (378.5 liters) per person per day and 3.5 persons per lot or dwelling unit and peak flows, unless the design engineer can demonstrate validity of other design criteria derived from existing records of the sewerage authority for an area of like development on the system or from the general plan of the local government.
3. Complete engineering plans and specifications prepared by a qualified professional engineer, authorized under state law to prepare such plans and specifications, must be submitted, covering such items as sewage collection, treatment and disposal and all other matters properly relating thereto.
4. If a discharge to the waters of the state is proposed, the design of the treatment works must ensure compliance with the appropriate provisions of NAC 445A.228 to 445A.263, inclusive.

Sec. 3. NAC 445A.285 is hereby amended to read as follows:

NAC 445A.285 Location of treatment works.

1. In locating the site for a treatment works, the designer shall attempt to select a site that is not:

(a) Within 984.3 feet (300 meters) of an occupied dwelling or other building.

(b) Within the limits of a 100-year flood plain unless protected from the flood to the satisfaction of the ~~[department]~~ **Department**.

2. No site may be approved by the ~~[department]~~ **Department** without having first been approved by local government.

Sec. 4. NAC 445A.286 is hereby amended to read as follows:

NAC 445A.286 Plants for ~~[sewage]~~ **wastewater** treatment: Applicability of provisions. The provisions of NAC 445A.287 to 445A.292, inclusive, do not apply to:

1. A package plant for ~~[sewage]~~ **wastewater** treatment with a capacity of 5,000 gallons or less per day ~~[; or]~~ **unless deemed necessary by the Division; or**

2. Any other plant for ~~[sewage]~~ **wastewater** treatment, **such as septic systems**, with a capacity of 10,000 gallons or less per day.

Sec. 5. NAC 445A.287 is hereby amended to read as follows:

NAC 445A.287 Plants for ~~[sewage]~~ **wastewater** treatment: Persons required to be certified as operators; application and fees for certification; renewal of certificate.

1. ~~[Each supervisor, assistant supervisor, foreman or shift]~~ **Any** operator responsible for the operation and maintenance of a plant for ~~[sewage]~~ **wastewater** treatment must be ~~[certified as an operator of a plant for sewage treatment.]~~ **a certified wastewater treatment plant operator.**

2. To apply for certification as ~~[an operator of a plant for sewage treatment.]~~ **a wastewater treatment plant operator**, a person must submit an application to the ~~[division]~~ **Division or to the Division's approved designee** that is accompanied by the appropriate fee. ~~[The division shall forward all applications to the board of certification of the Nevada Water Pollution Control Association for review.]~~

3. The following fees must be paid to the ~~[division]~~ **Division**:

Certification	Fee	Period
[Operator in Training] [\$30]	[1 year]	
Initial	\$60	2 years
Reciprocal	\$75	2 years

4. The holder of a certificate must pay to the ~~[division]~~ **Division** a fee of \$20 for each duplicate certificate he requests. A fee of \$25 will be charged to any person whose check is returned to the ~~[division]~~ **Division** because of a lack of funds.

5. A holder of any certificate issued pursuant to the provisions of NAC 445A.286 to 445A.292, inclusive, may renew the certificate by submitting a fee of \$30 to the ~~[division]~~ **Division**. The renewal fee must be paid by ~~[not]~~ **no** later than the expiration date of the certificate. Except as otherwise provided by subsection 6, the holder of a certificate may renew his certificate after the expiration date of the certificate if he pays, in addition to the renewal fee, a late fee of:

(a) If the renewal is not more than 1 year late, \$20.

~~[(b) If the renewal is more than 1 year late, \$30]~~

6. The holder of a certificate who is decertified by the ~~[board of certification of the Nevada Water Pollution Control Association]~~ *Division or its designee* may not renew his certificate. ~~[The renewal of a certificate is effective for 2 years.]~~

7. *The renewal of a certificate is effective for 2 years.*

8. *If the certificate is not renewed within one year of the expiration date, the operator is decertified.*

Sec. 6. NAC 445A.288 is hereby amended to read as follows:

NAC 445A.288 Plants for ~~[sewage]~~ *wastewater* treatment: ~~[Contract]~~ *Agreement* to operate program for certification of operators.

1. ~~[If possible, the division shall enter into a contract with the board of certification of the Nevada Water Pollution Control Association]~~ *If the Division chooses not to operate the certification program, the Division shall enter into an agreement with an appropriate designee* to operate a program for the certification of ~~[operators of plants for sewage treatment.]~~ *wastewater treatment plant operators.*

2. Any ~~[contract]~~ *agreement* entered into pursuant to subsection 1 must provide that the ~~[board of certification]~~ *designee* will:

- (a) Distribute application forms;
- (b) Evaluate applications;
- (c) Conduct examinations;
- (d) Evaluate the training, education and experience of the applicants;
- (e) Inform an applicant that the ~~[division]~~ *Division* has denied his application for certification or recommend that the ~~[division]~~ *Division* certify the applicant; and
- (f) Perform any other duty specified in the ~~[contract]~~ *agreement.*

Sec. 7. NAC 445A.289 is hereby amended to read as follows:

NAC 445A.289 Plants for ~~[sewage]~~ *wastewater* treatment: Schedule for classification.

1. For the purpose of the certification program operated pursuant to the provisions of NAC 445A.284 and 445A.288, a plant for ~~[sewage]~~ *wastewater* treatment must be classified in accordance with the following schedule:

	PLANT CAPACITY MGD						
[Greater Than Treatment Process]	[0.1]	[1.0]	[5]	[10]	[20]	[30]	[30]
<i>Greater Than Plant Flow Range</i>	<i>0-0.1</i>	<i>0.11-1.0</i>	<i>1.1-5</i>	<i>5.1-10</i>	<i>10.1-20</i>	<i>Anything Greater Than 20</i>	

	PLANT CLASSIFICATION						
<u><i>Treatment Process</i></u>							
Stabilization Pond	I	I	I	I	II	III	[III]
Primary	I	I	II	III	III	IV	[IV]
Biofiltration	II	II	III	III	IV	IV	[IV]
Activated Sludge	III	III	III	IV	IV	[IV] IV	[IV]
Tertiary <i>and Reuse</i>	III	III	IV	IV	[IV] IV	[IV] IV	[IV]

2. As used in this section, "MGD" means millions of gallons per day.

Sec. 8. NAC 445A.290 is hereby amended to read as follows:

NAC 445A.290 Plants for ~~[sewage]~~ *wastewater* treatment: Minimum grades of certification for

operators. The minimum grades of certification for ~~operators of plants for sewage treatment are as follows:~~ *wastewater treatment plant operators in responsible charge:*

PLANT CLASSIFICATION					
{Operator Responsibility}	I	II	III	IV	{V}
GRADES OF CERTIFICATION					
Supervisor*	I	II	III	IV	{V}
Assistant Supervisor**	I	I	II	III	{IV}
{Foreman}	{II}	{II}	{III}	{III}	{III}
{Operator}	{II}	{II}	{II}	{II}	{II}

**Supervisor means a person in direct responsible charge of the plant's treatment operation.
 **Assistant Supervisor means a person in direct responsible charge of the operations in the absence of the supervisor.*

All other persons working as an operator at a wastewater treatment facility must at a minimum be certified as a Grade I wastewater treatment plant operator, or gain such certification within one year.

Sec. 8. NAC 445A.291 is hereby amended to read as follows:

NAC 445A.291 Plants for ~~{sewage}~~ *wastewater* treatment: Certification of persons in responsible charge *is defined as someone:* ~~{-}~~

~~{1. A supervisor, assistant supervisor, foreman and shift operator in responsible charge of a plant for sewage treatment must be certified at the appropriate grade if the plant is manned for more than 40 hours per week.}~~

1. Responsible for all activities associated with plant operations and compliance with state regulations.

~~{2. A person in responsible charge of the daily operation and maintenance of a plant for sewage treatment must be certified at the appropriate grade if the plant is manned for 40 hours or less per week.}~~

Sec. 9. NAC 445A.292 is hereby amended to read as follows:

NAC 445A.292 Plants for ~~{sewage}~~ *wastewater* treatment: Provisional certification of operator.

1. The ~~{division}~~ *Division* shall ~~{issue}~~ *renew* a provisional certificate ~~{as an operator of a plant for sewage treatment,}~~ *for a wastewater treatment plant operator*, without examination, ~~{to any person who is not certified but who holds the position of supervisor, assistant supervisor, foreman or shift operator in responsible charge of a plant for sewage treatment if the person:}~~ *only to persons who have held this type of license prior to July 1, 1991.*

~~{(a) Held the position of July 1, 1991;}~~

(a) Provisional certification requires the appropriate application and renewal fee.

~~{(b) Pays the appropriate fee; and}~~

~~{(c) Submits the proper application for certification.}~~

2. A provisional certificate is valid until:

(a) The applicant's employment by that plant ceases for any reason; or

(b) The applicant assumes a position of employment at the plant that is different from the position held on July 1, 1991.