

**PROPOSED REGULATION OF THE
STATE ENVIRONMENTAL COMMISSION**

LCB File No. R037-02

April 18, 2002

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

AUTHORITY: §§1-7, NRS 445A.425.

Section 1. NAC 445A.286 is hereby amended to read as follows:

445A.286 The provisions of NAC 445A.286 to 445A.292, inclusive, do not apply to:

1. A package plant for sewage treatment with a capacity of 5,000 gallons or less per day; or
2. Any other plant for sewage treatment , *including, without limitation, a septic system,*

with a capacity of 10,000 gallons or less per day.

Sec. 2. NAC 445A.287 is hereby amended to read as follows:

445A.287 1. ~~Each supervisor, assistant supervisor, foreman or shift operator~~ *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 person must submit an application to the division *or its 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:

Certification	Fee	Period
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[Operator in Training\$301 year]
Initial	60	2 years
Reciprocal.....	75	2 years

4. The holder of a certificate must pay to the 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 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 ~~[.The renewal fee must be paid by]~~ not later than the expiration date of the certificate. Except as otherwise provided ~~[by]~~ *in* 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.]~~ *\$20. If the holder of a certificate does not renew the certificate within 1 year after the expiration date of the certificate, the holder of the certificate shall be deemed decertified.*

6. The holder of a certificate who is decertified ~~[by the board of certification of the Nevada Water Pollution Control Association]~~ may not renew his certificate.

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

Sec. 3. NAC 445A.288 is hereby amended to read as follows:

445A.288 1. If ~~[possible,]~~ *the division chooses not to operate the program for the certification of operators of plants for sewage treatment*, the division shall enter into ~~[a contract with the board of certification of the Nevada Water Pollution Control Association]~~ *an agreement*

with an appropriate designee pursuant to which the designee agrees to operate ~~the certification of operators of plants for sewage treatment.~~ a program for the program.

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 has denied his application for certification or recommend that the division certify the applicant; and
- (f) Perform any other duty specified in the ~~contract.~~ *agreement.*

Sec. 4. NAC 445A.289 is hereby amended to read as follows:

445A.289 1. For the purpose of the certification program operated pursuant to the provisions of NAC 445A.284 and 445A.288, a plant for sewage 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]	

PLANT CLASSIFICATION *based on the type of treatment process and plant capacity:*

	<i>0-0.1 MGD</i>	<i>0.11-1.0 MGD</i>	<i>1.1-5.0 MGD</i>	<i>5.1-10.0 MGD</i>	<i>10.1- 20.0 MGD</i>	<i>Greater than 20.0 MGD</i>	
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. 5. NAC 445A.290 is hereby amended to read as follows:

445A.290 **1.** The minimum grades of certification for operators of plants for sewage treatment are as follows:

~~PLANT CLASSIFICATION~~

~~Operator Responsibility~~ ~~I~~ ~~II~~ ~~III~~ ~~IV~~ ~~V~~

GRADES OF CERTIFICATION *based on the classification of the plant:*

	<i>Plant Classification I</i>	<i>Plant Classification II</i>	<i>Plant Classification III</i>	<i>Plant Classification IV</i>	
Supervisor	I	II	III	IV	IV

Assistant	I	I	II	III	IV
Supervisor					
Foreman	I	I	II	III	III
Operator	I	I	I	II	III

2. Any person, other than a supervisor or assistant supervisor, who is working as an operator of a plant for sewage treatment must be certified as at least a Grade I operator of a plant for sewage treatment, or obtain such certification within 1 year after the date on which he begins his employment at the plant for sewage treatment as such an operator.

3. As used in this section:

(a) “Assistant supervisor” means the person in direct responsible charge of the operations of a plant for sewage treatment in the absence of the supervisor.

(b) “Person in direct responsible charge” means a person who is responsible for all activities associated with the operations of a plant for sewage treatment and compliance with all applicable provisions of NRS and NAC relating to the operations of such a plant.

(c) “Supervisor” means the person in direct responsible charge of the operations of a plant for sewage treatment.

Sec. 6. NAC 445A.292 is hereby amended to read as follows:

445A.292 1. The division shall ~~issue~~ *renew* a provisional certificate as an operator of a plant for sewage treatment, without examination, *only* 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:~~ *a person who:*

(a) Held ~~the position~~ *a provisional certificate* on July 1, 1991;

- (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 he held on July 1, 1991.

Sec. 7. NAC 445A.291 is hereby repealed.

TEXT OF REPEALED SECTION

445A.291 Plants for sewage treatment: Certification of persons in responsible charge.

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.

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.