

**Chapter 445A of NAC**

**LCB File No. T032-05**

**ADOPTED TEMPORARY REGULATION OF THE  
STATE BOARD OF HEALTH**

**Filed with the Secretary of State on March 28, 2005**

**Amends NAC 445A.617 through 445A.652, relating to certification of  
operators of public water systems.**

Please see pages 3 through 20 for the text of this regulation.

**NOTICE OF ADOPTION OF TEMPORARY REGULATION**  
**LCB File No. T032-05**

The State Board of Health adopted temporary regulations assigned LCB File No. T032-05 which pertain to chapter 445A of the Nevada Administrative Code on February 18, 2005.

**Notice date:** 1/19/2005  
**Hearing date:** 2/18/2005

**Date of adoption by agency:** 3/10/2005  
**Filing date:** 3/28/2005

**INFORMATIONAL STATEMENT**

Please see pages 21 through 30 for the text of the informational statement.

## Certification of Operators

**Section 1. "Operator Experience" defined.** "Operator experience" means the daily performance of activities consisting of the control or oversight of any process or operation at a water treatment facility or in a distribution system that may affect the quality or quantity of water.

**Section 2. "Post Secondary Course of Instruction" defined.** "Post Secondary Course of Instruction" means a successfully completed college level course, at least 36 hours in length that is related to drinking water profession.

**Section 3. "Post Secondary Course Provider" defined.** "Post Secondary Course Provider" means an organization providing instruction that is either an accredited academic institution or an organization accredited by the International Association of Continuing Education Training (IACET) or an authorized provider of IACET.

**Section 4. "Shift Operator" defined.** "Shift Operator" means a person in direct charge of the operation of a water treatment facility or distribution system for a specified period of the day who ultimately reports to the person in responsible charge.

**Section 5. "Supervisor or Foreperson" defined.** "Supervisor or Foreperson" means a person who has overall responsibility for the day-to-day, hands-on, operation of a water treatment facility or the person who has overall responsibility for the day-to-day operation of a distribution system and who ultimately reports to the person in responsible charge.

**Section 6. 1. Staff of a water treatment facility must be certified as shown in the following table:**

**Water Treatment Staff Certification Requirements**

<b>Treatment Facility Classification</b>	<b>Minimum Certification of Person(s) in Responsible Charge</b>	<b>Minimum Certification of Foreperson(s) or Supervisor(s)</b>	<b>Minimum Certification of Shift Operator(s)</b>
<b>Treatment - 1</b>	<b>Treatment - 1</b>	<b>Treatment - 1</b>	<b>Treatment - 1</b>
<b>Treatment - 2</b>	<b>Treatment - 2</b>	<b>Treatment - 2</b>	<b>Treatment - 1</b>
<b>Treatment - 3</b>	<b>Treatment - 3</b>	<b>Treatment - 3</b>	<b>Treatment - 2</b>
<b>Treatment - 4</b>	<b>Treatment - 4</b>	<b>Treatment - 3</b>	<b>Treatment - 2</b>

**2. Staff of a water distribution system must be certified as shown in the following table:**

**Water Distribution System Staff Certification Requirements**

<b>Distribution System Classification</b>	<b>Minimum Certification of Person(s) in Responsible Charge</b>	<b>Minimum Certification of Foreperson(s) or Supervisor(s)</b>	<b>Minimum Certification of Shift Operator(s)</b>
<b>Distribution - 1</b>	<b>Distribution - 1</b>	<b>Distribution - 1</b>	<b>Distribution - 1</b>
<b>Distribution - 2</b>	<b>Distribution - 2</b>	<b>Distribution - 2</b>	<b>Distribution - 1</b>

<i>Distribution - 3</i>	<i>Distribution - 3</i>	<i>Distribution - 3</i>	<i>Distribution - 2</i>
<i>Distribution - 4</i>	<i>Distribution - 4</i>	<i>Distribution - 3</i>	<i>Distribution - 2</i>

3. Water systems shall ensure that all distribution process control and/or system integrity decisions about water quality or quantity that may affect public health or the environment are made by a certified distribution operator. Examples of such decisions include, but are not limited to the following:

a. Install, tap, re-line, disinfect, test and connect water mains and appurtenances.

b. Shutdown, repair, disinfect and test broken water mains.

c. Oversee the flushing, cleaning and pigging of existing water mains.

d. Pull, reset, rehabilitate, disinfect and test water wells.

e. Stand-by emergency response duties for after hour's distribution system operational emergencies.

f. Drain, clean, disinfect and maintain distribution reservoirs.

g. Operate pumps and related flow and pressure control and storage facilities manually or by using a system control and data acquisition (SCADA) system.

h. Maintain and/or adjust system flow and pressure requirements, control flows to meet consumer demands including fire flow demands and minimum pressure requirements.

4. Water systems shall utilize either certified distribution operators or treatment operators to make decisions concerning the determination and control proper chemical dosage rates for wellhead disinfection and distribution residual maintenance.

5. Water systems shall utilize either certified distribution operators or treatment operators to make decisions concerning any investigation water of quality problems in the distribution system.

**Section 7. 1. A public water system which is:**

(a) Classified as a community water system or a nontransient, noncommunity water system; or

(b) Designated by the health division as being supplied by surface water or ground water under the direct influence of surface water;

shall have a person in responsible charge at the site of the facility or on call at all times. Except as otherwise provided in Section 8, the person in responsible charge of the public water system must be the holder of a full certificate in the same classification or a higher classification than the classification of the public water system pursuant to NAC 445A.629.

2. If a public water system serves more than 10,000 persons, the health division may require the public water system to have, in addition to the person in responsible charge of the public water system, an additional person or persons in responsible charge at the same time, including, without limitation, a person in responsible charge for the treatment of water or a person in responsible charge for the distribution of water. If the health division requires an additional person or persons in responsible charge pursuant to this subsection, the health division shall:

(a) Deliver a written notification of the requirement to the public water system on or before December 31 of the year in which the requirement is made;

*(b) Review the requirement not less than once every 3 years to determine whether any changes need to be made regarding the additional person or persons;*

*(c) Require a public water system that is subject to the requirement of an additional person or persons pursuant to this subsection to employ the additional person or persons within 1 year after the date the public water system receives the written notification of the requirement by the health division to employ the additional person or persons; and*

*(d) Require the additional person or persons in responsible charge to be certified in the same level of classification or a higher level of classification as the classification of the public water system pursuant to NAC 445A.629.*

*3. If the person in responsible charge is on call, he must be able to:*

*(a) Be contacted immediately; and*

*(b) Respond at the site within 4 hours.*

*4. A supplier of water shall notify the health division within 72 hours or 2 working days, whichever is earlier, of any time that the public water system is not in compliance with the provisions of this section.*

#### **Section 8. Conditional Staffing Requirements**

*1. The health division shall consider the following criteria in making decisions for granting approval of conditional staffing:*

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

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

*(c) A review of 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 health 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 health division shall not grant approval unless it makes a finding that:*

*(a) The person holding the certificate as an operator-in-training has the basic knowledge necessary to operate the public water system;*

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

*(c) The owner has demonstrated that the public water system is unable to employ a person who holds a full certificate.*

*Within 30 days after the approval is granted, the health division shall review the status of the public water system to determine whether an appropriate extension should be granted. Any decision regarding the extension must be received by the public water system no less than 60 days before the end of the period specified in the approval granted by the health division.*

*3. Upon the occurrence of circumstances of an emergency nature, the health division may approve any other qualified person as the person in responsible charge of a public water system for not more than 6 months.*

*4. Upon request from a public water system, the health division may approve a certified operator at one classification lower than the person in responsible charge of a public water system to accommodate for vacation and temporary relief of the designated person in responsible charge during a twelve-month period. Within 90 days after the approval is granted, the health division must review the status of the public water system to determine whether an appropriate extension should be granted. Any decision*

*regarding the extension must be received by the public water system no less than 120 days before the end of the period specified in the approval granted by the health division.*

**Section 9. Certificates.**

1. *All certificates shall indicate the discipline for which they were issued as follows:*

- a. *Water Treatment Operator, Full*
- b. *Water Treatment Operator, Operator-in-training*
- c. *Water Treatment Operator, Provisional*
- d. *Water Distribution Operator, Full*
- e. *Water Distribution Operator, Operator-in-training*
- f. *Water Distribution Operator, Provisional*

2. *To qualify for a Water Treatment Operator Full certificate or a Water Distribution Full certificate, a person must*

- a. *Have passed the appropriate level written examination and met all certification requirements for the discipline and grade level;*
- b. *Be certified as an operator-in-training and have fulfilled the requirement for experience in operating set forth in NAC 445A.633; or*
- c. *Be an operator who holds a current certification by the California/Nevada section of the American Water Works Association or by reciprocity be certified in another state at full classification if the health division determines, upon review of the application for certification and supporting material required by Section 16, that the applicant has*
  - 1) *passed an examination that is equivalent to the examination administered by the health division pursuant to NAC 445A.634 , and*
  - 2) *the experience in operating required by NAC 445A.633.*

3. *To qualify for a Water Treatment Operator-in-Training certificate or a Water Distribution Operator in training Certificate, a person must:*

- a. *Has passed the written examination for certification; and*
- b. *Does not have the experience in operating required for a full certificate.*

4. *To qualify for a Provisional certificate, a person must*

- a. *Be an owner and operator of a public water system or is employed by a public water system that is not designated by the health division as being supplied by surface water or ground water under the direct influence of surface water;*
- b. *Provide a statement is submitted to the health division from the governing board or owner of the public water system that the applicant was in a position of responsible charge of the public water system on January 1, 2000;*
- c. *Have been in a position of responsible charge of the public water system before January 1, 2000, and was not required to obtain a full certificate before that date;*
- d. *Have completed at least 2 days of training that is designed to provide the applicant with basic information on the operation of a public*

water system—such training must include, without limitation, training in well design, safety, water quality, monitoring, reporting, the Safe Drinking Water Act, 42 U.S.C. §§ 300 *f et seq.*, drinking water standards, health effects of chemical and bacterial contamination, and the Total Coliform Rule; and

e. Have submitted the initial application on or before December 31, 2000.

5. Except as otherwise provided in subsection 6, a provisional certificate is only valid:

a. during the period that the operator remains employed in that position of responsible charge of the public water system for which the operator received the provisional certificate; and

b. at the public water system where the operator is employed on January 1, 2000.

6. A provisional certificate is not valid if the classification of the treatment plant or distribution system changes to a level which is higher than the level for which the certificate was issued.

7. All certificates expire on December 31<sup>st</sup> of the first calendar year after the calendar year in which it is issued.

8. All certificates may be renewed if:

a. the fee for renewal has been submitted pursuant to NAC 445A.651;

b. an application for renewal was made on forms supplied by the health division; and

c. the applicant has submitted evidence of compliance with the requirements of continuing education as set forth in NAC 445A.639.

#### **Section 10. Eligibility for Operator Certification**

1. At the time of application, each applicant must have attained his/her eighteenth birthday and meet the minimum education requirements for the respective grade of certification as shown in the following table:

<b>Grade</b>	<b>Grade I</b>	<b>Grade II</b>	<b>Grade III</b>	<b>Grade IV</b>
<b>Education</b>	<b>High School Diploma, GED or equivalent</b>	<b>High School Diploma, GED or equivalent</b>	<b>2 Post Secondary Courses of Instruction</b>	<b>4 Post Secondary Courses of Instruction</b>

2. The Health Division and each applicant are required to follow the timetable of events as described in the following table:

<b>Application for Examination</b>	<b>Notice Exam Placement</b>	<b>Exam Results</b>	<b>Certificate</b>	<b>Renewal Notice</b>	<b>Renewed Wallet Card</b>
<b>45 days prior to scheduled exam date</b>	<b>14 days prior to exam scheduled date</b>	<b>30 days after exam date</b>	<b>45 days after exam date</b>	<b>90 days prior to expiration date</b>	<b>Within 30 days of expiration date</b>

**Section 11.** *If an applicant has a disability that restricts his or her ability to take a test under standard conditions, he or she may request special testing arrangements at the time of application. Special testing requests must be submitted in writing by a recognized health care or mental health care provider and must state the nature of the disability, the type of special testing requirements needed and contact information for both the provider and the applicant.*

**Section 12.** NAC 445A.629 Classification of public water systems. (NRS 445A.860, 445A.880)

1. The Health Division shall classify all public water systems in this state pursuant to subsections 2 and 3.

2. A public water system which:

- (a) Uses only ground water or water provided by another public water system; and
- (b) Does not provide treatment of the water or ground water or provides only disinfection by chlorination, must be classified ~~[based only on the population it serves]~~ on a point system as follows:

<del>DISTRIBUTION</del> <del>CLASSIFICATION</del>	<del>AVERAGE DAILY POPULATION</del> <del>SERVED</del>	
Class _____	Distribution- 25-500	-
1.....		
Class _____	Distribution- 501-3,300	-
2.....		
Class _____	Distribution- 3,301-10,000	-
3.....		
Class _____	Distribution- 10,001 or more	+
4.....		

#### **ITEMS FOR DISTRIBUTION CLASSIFICATION POINTS**

<i>Average daily population served</i>	
<b>25-500</b>	<b>5</b>
<b>501-3,300</b>	<b>10</b>
<b>3,301-10,000</b>	<b>15</b>
<b>10,001-100,000</b>	<b>20</b>
<b>100,001 or more</b>	<b>35</b>
<b>Pressure Zones (one point per zone with maximum of 5)</b>	<b>5</b>
<b>Storage Reservoirs (one point per reservoir with maximum of 5)</b>	<b>5</b>
<b>Hydropneumatic tank systems</b>	<b>1</b>
<b>Pumping stations, including wells, boosters (one point per station with maximum of 3)</b>	<b>3</b>
<b>Disinfection to maintain system residual</b>	<b>5</b>
<b>SCADA or similar instrumentation to provide data and/or process control</b>	<b>3</b>
<b>Existence of recycled/reclaimed water distribution system within the</b>	<b>5</b>



<i>drinking water service area</i>	
------------------------------------	--

**DISTRIBUTION CLASSIFICATION TOTAL POINTS**

<b>Class Distribution – 1</b>	<b>5-19</b>
<b>Class Distribution – 2</b>	<b>20-30</b>
<b>Class Distribution – 3</b>	<b>31-40</b>
<b>Class Distribution – 4</b>	<b>41 or more</b>

3. A public water system which:

- (a) Uses surface water or ground water under the direct influence of surface water; or  
 (b) Uses ground water and provides treatment of the ground water, other than disinfection by chlorination, must be classified on a point system as follows:

**ITEMS FOR TREATMENT CLASSIFICATION POINTS**

<del>Average daily population served</del>	<del>-</del>
<del>25 – 500.....</del>	<del>5</del>
<del>501 – 3,300.....</del>	<del>10</del>
<del>3,301 – 10,000.....</del>	<del>15</del>
<del>10,001 – 100,000.....</del>	<del>20</del>
<del>100,001 or more.....</del>	<del>25</del>
<del>Source for public water system</del>	<del>-</del>
<del>Ground water.....</del>	<del>3</del>
<del>Ground water under the direct influence of surface water.....</del>	<del>4</del>
<del>Surface water.....</del>	<del>5</del>
<del>Air stripping.....</del>	<del>4</del>
<del>Ozone.....</del>	<del>7</del>
<del>Ultraviolet light.....</del>	<del>8</del>
<del>pH adjustment or corrosion control.....</del>	<del>4</del>
<del>Iron and manganese removal/sequestering.....</del>	<del>2</del>
<del>Softening (ion exchange).....</del>	<del>5</del>
<del>Granular activated carbon for organic contamination.....</del>	<del>7</del>
<del>Coagulation.....</del>	<del>5</del>
<del>Taste and odor control.....</del>	<del>4</del>
<del>Chlorination.....</del>	<del>5</del>
<del>Fluoridation.....</del>	<del>5</del>
<del>Chlorine-ammonia treatment.....</del>	<del>8</del>
<del>Chlorine dioxide.....</del>	<del>8</del>
<del>Bacteriological or chemical laboratory.....</del>	<del>2</del>

Blending, aesthetic.....	5
Blending, health effects.....	8
Arsenic removal.....	8
Nitrate removal.....	8
Filtration	-
Conventional.....	10
Direct.....	10
Rapid.....	7
Diatomaceous earth.....	7
Slow sand.....	5
Bag, ceramic, microfiltration, nanofiltration, reverse osmosis, membrane.....	5

**TREATMENT CLASSIFICATION TOTAL POINTS**

Class 1.....	Treatment 5-19
Class 2.....	Treatment 20-35
Class 3.....	Treatment 36-45
Class 4.....	Treatment 46 or more

**ITEMS FOR TREATMENT CLASSIFICATION POINTS**

<b>Average daily population served:</b>	
25-500	5
501-3,300	10
3,301-10,000	15
10,000-100,000	20
100,001 or more	25
<b>Source for public water system</b>	
Ground water	3
Ground water under the direct influence of surface water	4
Surface water	5
<b>Treatment Processes</b>	
Chlorine gas or hypochlorite (add 1 point if generated on-site)	5
Chlorine-ammonia treatment	8
Ozone	8
Chlorine dioxide	8
Ultraviolet light	8
Chemical addition for adjustments of pH	4
Softening-ion exchange, lime or lime soda ash process	10
Air stripping	4
Fluoridation	5

<b>Coagulation for pretreatment only</b>	<b>5</b>
<b>Chemical addition (one point for each chemical added)</b>	<b>1</b>
<b>Conventional filtration-coagulation, flocculation, sedimentation, filtration</b>	<b>10</b>
<b>Direct filtration-coagulation, flocculation, filtration</b>	<b>10</b>
<b>Rapid sand filtration</b>	<b>7</b>
<b>Diatomaceous earth filtration</b>	<b>7</b>
<b>Slow sand filtration</b>	<b>5</b>
<b>Bag, ceramic, microfiltration, nanofiltration, reverse osmosis, membrane filtration, electrodialysis</b>	<b>5</b>
<b>Granular Activated Carbon for organic contamination</b>	<b>7</b>
<b>Blending for health effects</b>	<b>8</b>
<b>Primary inorganic chemical treatment</b>	<b>8</b>
<b>Point of use treatment</b>	<b>5</b>
<b>Nitrate / Nitrite removal</b>	<b>8</b>
<b>Taste and odor control</b>	<b>4</b>
<b>Blending for aesthetics</b>	<b>5</b>
<b>Iron and manganese removal</b>	<b>5</b>
<b>Iron and manganese sequestering</b>	<b>2</b>
<b>Adsorption process for aesthetics</b>	<b>3</b>
<b>Recycle filter backwash water to process</b>	<b>2</b>
<b>Recycle supernatant from sludge removal and sedimentation process</b>	<b>2</b>
<b>Recycle water from any mechanical dewatering process</b>	<b>3</b>
<b>SCADA or similar instrumentation to provide data and/or process control</b>	<b>3</b>
<b>Bacteriological or chemical laboratory (other than process control)</b>	<b>2</b>

#### **TREATMENT CLASSIFICATION TOTAL POINTS**

<b>Class Treatment –1</b>	<b>5-19</b>
<b>Class Treatment –2</b>	<b>20-35</b>
<b>Class Treatment –3</b>	<b>36-45</b>
<b>Class Treatment –4</b>	<b>46 or more</b>

4. The Health Division shall review the classification of every public water system not less than once every [5] 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 Health 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 [2-years] 18 months after the date the public water system receives the written notification of the determination by the Health Division.

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

(Added to NAC by Bd. of Health, eff. 9-16-92; A by R185-99, 2-10-2000; R021-02, 8-29-2002)

**Section 13.** NAC 445A.630 Examination for certification: Application; submission and applicability of fee; reexamination; scheduling; ascending order of administration. (NRS 445A.860, 445A.880)

1. An application to take an examination for certification as an operator must be made on a form provided by the Health Division and must be submitted to the Health Division (*Carson City Office*) not less than ~~[30]~~45 days before the date of the examination. The application must be complete and must be accompanied by the fee for the certification for which the examination is being administered as set forth in NAC 445A.651.

2. The fee accompanying the application for examination entitles an applicant who passes the examination and meets ~~[any]~~ all other qualifications for certification to be certified until December 31 of the first calendar year after the calendar year in which the certification is issued.

3. An applicant who fails an examination is eligible for reexamination at the next scheduled examination if the applicant satisfies the requirements set forth in subsection 1.

4. Examinations for certification must be given at least twice annually ~~[at locations and times designated by the Health Division].~~

5. ~~[Except as otherwise provided in this subsection, a]~~ An applicant must take the examinations for certification in ascending order beginning with the examination for a certificate as a class distribution-1 or class treatment-1 operator, as applicable. ~~[An applicant who holds or has held within the year immediately preceding the date of the examination a certificate to operate a public water system in another state that is equivalent to such a certificate in this state may take an examination for certification in a class higher than class distribution-1 or class treatment-1 if the Health Division determines that the applicant qualifies to take an examination for a higher certification.]~~

6. *An applicant may postpone his examination seven days prior to the examination date with written notice submitted to the health division (Carson City Office). Examination postponement may occur for only one test cycle. Emergency situations will be determined on a case-by-case basis by the Health Division (Carson City Office).*

7. *An applicant who fails to appear for his examination or fails to provide written notice to the health division seven days prior to his examination date forfeits his application and application fee.*

(Added to NAC by Bd. of Health, eff. 9-16-92; A by R185-99, 2-10-2000; R021-02, 8-29-2002)

**Section 14.** [NAC 445A.631 Examination for certification: Types; areas of examination; return to examinee; maintenance of analysis. (NRS 445A.860, 445A.880)]

1. The Health Division, or its designee, shall offer separate examinations for certification in the four classifications in water treatment and separate examinations for certification in the four classifications in water distribution. The Health Division shall validate the areas of knowledge tested in an examination pursuant to this subsection before offering such examination to the applicant. ~~[The areas in which the examination must test the knowledge of the applicant include, but are not limited to:~~

~~(a) General water supply;~~

~~(b) Control processes in the treatment or distribution of water;~~

~~(c) Operation, maintenance and emergency procedures in the treatment and distribution of water;~~

~~(d) Proper recordkeeping relating to the operation of a public water system;~~

~~(e) Laws and regulations relevant to the operation of a public water system; and~~

~~(f) Water quality standards.]~~

2. Examinations must not be returned to examinees.

3. The Health Division shall maintain an analysis of each examination administered in the offices of the Health Division for not less than 1 year after the date on which the examination was administered.

(Added to NAC by Bd. of Health, eff. 9-16-92; A by R021-02, 8-29-2002)]

**Section 15. NAC 445A.633 Full certificate: Issuance; qualifications. (NRS 445A.860, 445A.880)**

1. The Health 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 specific classification, have a high school diploma or a general equivalency diploma and have the following experience in operating a public water system of that classification:

~~[Classification Years Experience~~

~~Class Distribution 1..... 6 months~~

~~Class Distribution 2..... 1 year~~

~~Class Distribution 3..... 2 years~~

~~Class Distribution 4..... 3 years~~

~~Class Treatment 1..... 6 months~~

~~Class Treatment 2..... 1 year~~

~~Class Treatment 3..... 2 years~~

~~Class Treatment 4..... 3 years]~~

<i><b>TREATMENT CLASSIFICATION</b></i>	<i><b>DISTRIBUTION CLASSIFICATION</b></i>	<i><b>REQUIRED EXPERIENCE</b></i>
<i><b>Treatment - 1</b></i>	<i><b>Distribution - 1</b></i>	<i><b>6 Months</b></i>
<i><b>Treatment - 2</b></i>	<i><b>Distribution - 2</b></i>	<i><b>1 Year</b></i>
<i><b>Treatment - 3</b></i>	<i><b>Distribution - 3</b></i>	<i><b>2 Years</b></i>
<i><b>Treatment - 4</b></i>	<i><b>Distribution - 4</b></i>	<i><b>4 Years</b></i>

2. Except as otherwise provided in this subsection, the Health 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. 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 Health 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 higher than the highest classified facility for which the applicant is currently certified; and

(b) The Health Division determines that experience in operating gained at the lower classified facility is equivalent to or is a satisfactory substitute for experience in operating at the higher classified facility.

~~4. [Except as otherwise provided in this subsection, 2 days of education in engineering at the college level, or the equivalent thereof in a related field at a vocational school or as determined by the Health Division, may be substituted for each day of experience in operating required pursuant to subsection 1. Not more than one-half of the required experience in operating may be satisfied by such substitution.]~~ *Experience requirements may be fulfilled by no more than 50% with the successful completion of college level courses in engineering or in physical, chemical or biological sciences.*

5. Experience in operating or relevant training may be substituted for a high school diploma or general equivalency diploma upon approval of the Health 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.

(Added to NAC by Bd. of Health, eff. 9-16-92; A 5-23-96; R185-99, 2-10-2000; R021-02, 8-29-2002)

**Section 16.** [NAC 445A.634 Certification of operator certified in another state or by California/Nevada section of American Water Works Association. (NRS 445A.860, 445A.880)

~~1. [The Health Division shall issue a full certificate in the same classification to an operator who has obtained certification in another state if the Health Division determines, upon review of his application for certification and supporting material, that the applicant has:~~

~~(a) Passed an examination that is equivalent to the examination administered by the Health Division pursuant to NAC 445A.631; and~~

~~(b) The experience in operating required by NAC 445A.633.] Certificates may be issued by the State Board of Health or its designee, without examination, on a case-by-case basis to persons in comparable classification who have passed an adequate written examination and who hold a valid certificate in another state, territory, or possession of the United States or another country, provided the requirements for certification of operators under which the person's certificate was issued do not conflict with provisions of NRS 445A.860, NRS 445A.880, NAC 445A.631, NAC 445A.633, and NAC 445A.634, and are of a standard not lower than that specified by these regulations.~~

~~2. [The Health Division shall issue a full certificate in the same classification to an operator who holds a current certification by the California/Nevada section of the American Water Works Association if the Health Division determines, upon review of his application for certification and supporting material, that the applicant has:~~

~~(a) Passed an examination that is equivalent to the examination administered by the Health Division pursuant to NAC 445A.631; and~~

~~(b) The experience in operating required by NAC 445A.633.] Consideration of reciprocity will be given to applicants upon formal request. All of the following information must be submitted to the Board or its designee by the reciprocity applicant, in order for a request to be considered:~~



a. A letter outlining the specific type and level of certification being requested for reciprocity consideration.

b. A resume' describing the applicant's work history, education and experience supporting the certification held/requested.

c. A copy of the existing Certificate for which reciprocity is being requested, including the date of issuance and expiration, type of certification (water and/or distribution) and the level held (A, I, or similar). Certifications that have expired will not be considered.

d. A copy of the applicable regulations, or references to such regulations, which describes the experience and/or education requirements for the certification by the Certificate's issuing agency. This should include the number of levels of certification currently authorized and reciprocity guidelines if current licenses have been granted on a reciprocal basis.

e. A copy of the applicable regulations, or references to such regulations, which describe the facility classification system that correlates with the Certificate's type and level.

f. A brief description of the test taken for the certification. Describe if the test was multiple-choice, essay, true-false or a combination of these types; the approximate number of questions; and the general topics covered, i.e. safety, maintenance, math, administrative, operations.

g. Contact information for the issuing agency's operator certification program.

3. Incomplete submittals will not be processed. As described in the regulations, an existing certificate must be valid, therefore reciprocity will not be considered for expired certificates. The Board or its designee will review submittal packages for completeness and applicability. Within 60 days of receipt of the request, the Board or its designee will respond to the applicant with a written decision. If reciprocity is granted, the applicant will pay the appropriate fees listed in NAC 445A.651.

(Added to NAC by Bd. of Health, eff. 9-16-92; A by R185-99, 2-10-2000; R021-02, 8-29-2002)

**Section 17. NAC 445A.639 Continuing education: General requirements. (NRS 445A.860, 445A.880)**

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]~~ the following table to qualify for renewal of the certificate.

<b>TREATMENT CLASSIFICATION</b>	<b>CONTACT HOURS REQUIRED FOR EACH 2 YEAR PERIOD</b>	<b>DISTRIBUTION CLASSIFICATION</b>	<b>CONTACT HOURS REQUIRED FOR EACH 2 YEAR PERIOD</b>
<i>Treatment - 1</i>	<i>5</i>	<i>Distribution - 1</i>	<i>5</i>
<i>Treatment - 2</i>	<i>5</i>	<i>Distribution - 2</i>	<i>5</i>
<i>Treatment - 3</i>	<i>10</i>	<i>Distribution - 3</i>	<i>10</i>
<i>Treatment - 4</i>	<i>10</i>	<i>Distribution - 4</i>	<i>10</i>

2. The holder of a ~~[certificate for certification in the classification of class distribution-1, class distribution-2, class treatment-1 or class treatment-2, must earn one-half credit of continuing education during the 2 years immediately preceding~~

~~the date of application for renewal.} 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.~~

~~3. [The holder of a certificate for certification in the classification of class distribution 3, class distribution 4, class treatment 3 or class treatment 4, must earn one credit of continuing education during the 2 years immediately preceding the date of application for renewal.]~~

~~[4.]As used in this section:~~

~~(a) "One credit of continuing education" means 10 contact hours of participation in a course of training approved by the health division pursuant to NAC 445A.641 or 445A.643.~~

~~(b) "One-half credit of continuing education" means 5 contact hours of participation in a course of training approved by the health division pursuant to NAC 445A.641 or 445A.643.~~

~~(Added to NAC by Bd. of Health, eff. 9-16-92; A by R021-02, 8-29-2002)~~

**Section 18. NAC 445A.6265 Type of certificate required. (NRS 445A.860, 445A.880)**

~~1. An operator who works only on the operations of a distribution system or distribution facility of a public water system is required to hold a valid certificate only in class distribution at the appropriate level of classification pursuant to NAC 445A.629 as determined by the public water system.~~

~~2. An operator who works only on operations of treatment or the operations of a treatment facility of a public water system is required to hold a valid certificate only in class treatment at the appropriate level of classification pursuant to NAC 445A.629 as determined by the public water system.~~

~~3. An operator who works on the operations of a distribution system or distribution facility and the operations of treatment or the operations of a treatment facility of a public water system is required to hold valid certificates in class distribution and class treatment at the appropriate level of classification pursuant to NAC 445A.629 as determined by the public water system.~~

~~(Added to NAC by Bd. of Health by R021-02, eff. 8-29-2002)}~~

**Section 19. NAC 445A.627 Requirements for persons in responsible charge; certification and supervision of supervisors and certain operators. (NRS 445A.860, 445A.880)**

~~1. A public water system which:~~

~~(a) Is classified as a community water system or a nontransient, noncommunity water system; or~~

~~(b) Is designated by the Health Division as being supplied by:~~

~~(1) Surface water; or~~

~~(2) Ground water under the direct influence of surface water, shall have a person in responsible charge at the site of the facility or on call at all times. Except as otherwise provided in NAC 445A.628, the person in responsible charge of the public water system must be the holder of a full certificate in the same classification or a higher classification than the classification of the public water system pursuant to NAC 445A.629.~~

~~2. If the person in responsible charge is on call, he must be able to:~~



- (a) ~~Be contacted immediately; and~~
  - (b) ~~Respond at the site within 4 hours.~~
  - 3. ~~A supplier of water shall notify the Health Division within 72 hours or 2 working days, whichever is earlier, of any time that the public water system is not in compliance with the provisions of this section.~~
  - 4. ~~If a public water system serves more than 10,000 persons, the Health Division may require the public water system to have, in addition to the person in responsible charge of the public water system, an additional person or persons in responsible charge at the same time, including, without limitation, a person in responsible charge for the treatment of water or a person in responsible charge for the distribution of water. If the Health Division requires an additional person or persons in responsible charge pursuant to this subsection, the Health Division must:~~
    - (a) ~~Deliver a written notification of the requirement to the public water system on or before December 31 of the year in which the requirement is made;~~
    - (b) ~~Review the requirement not less than once every 5 years to determine whether any changes need to be made regarding the additional person or persons;~~
    - (c) ~~Require a public water system that is subject to the requirement of an additional person or persons pursuant to this subsection to employ the additional person or persons within 2 years after the date the public water system receives the written notification of the requirement by the Health Division to employ the additional person or persons; and~~
    - (d) ~~Require the additional person or persons in responsible charge to be certified in the same level of classification or a higher level of classification as the classification of the public water system pursuant to NAC 445A.629.~~
  - 5. ~~A supervisor employed by a supplier of water must be:~~
    - (a) ~~Certified at no less than one class lower than the classification of the public water system pursuant to NAC 445A.629; and~~
    - (b) ~~Supervised by a person in responsible charge.~~
  - 6. ~~An operator employed by a supplier of water to make decisions regarding process control, quality of water, quantity of water or system integrity must be:~~
    - (a) ~~Certified at the appropriate level of classification as determined by the public water system; and~~
    - (b) ~~Supervised by a person in responsible charge.~~
  - 7. ~~As used in this section:~~
    - (a) ~~"Community water system" has the meaning ascribed to it in NRS 445A.808.~~
    - (b) ~~"Nontransient, noncommunity water system" means a nontransient water system as defined in NRS 445A.829.~~
    - (c) ~~"Supervisor" does not include a person in responsible charge.~~
- ~~(Added to NAC by Bd. of Health, eff. 9-16-92; A by R185-99, 2-10-2000; R021-02, 8-29-2002)}~~

## Section 20.

~~[NAC 445A.628 Persons in responsible charge: Approval of person holding certificate as operator in training; approval of other qualified person in emergency or for relief. (NRS 445A.860, 445A.880)~~

- 1. ~~Upon the request of the owner of a public water system and the approval of the Health 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 Health Division shall not grant approval unless it makes a finding that:

- (a) The person holding the certificate as an operator in training has the basic knowledge necessary to operate the public water system;
- (b) The health and safety of the public will be protected; and
- (c) The owner has demonstrated that the public water system is unable to employ a person who holds a full certificate.

2. The Health Division shall consider the following in making its decision of whether to grant approval pursuant to subsection 1:

- (a) The results of an inspection of the site of the public water system;
- (b) A review of the plans and specifications of the public water system;
- (c) A review of the personnel records that pertain to the operation of a public water system, experience in operating and training of the person holding the certificate as an operator in training; and
- (d) A review of any other reasonably available and relevant information.

3. Upon the occurrence of circumstances of an emergency nature, the Health Division may approve any other qualified person as the person in responsible charge of a public water system for not more than 6 months.

4. The Health Division shall consider the following in making its decision of whether to grant approval pursuant to subsection 3:

- (a) The results of an inspection of the site of the public water system;
- (b) A review of the plans and specifications of the public water system;
- (c) A review of the personnel records that pertain to the operation of a public water system, experience in operating and training of the person being considered; and
- (d) A review of any other reasonably available and relevant information.

5. Upon request from a public water system, the Health Division may approve a qualified person as the person in responsible charge of a public water system for not more than 15 months to provide vacation and temporary relief of the designated person in responsible charge.

6. The Health Division shall consider the following in making its decision of whether to grant approval pursuant to subsection 5:

- (a) The results of an inspection of the site of the public water system;
- (b) A review of the plans and specifications of the public water system;
- (c) A review of the personnel records that pertain to the operation of a public water system, experience in operating and training of the person being considered; and
- (d) A review of any other reasonably available and relevant information.

7. Within 4 months after an approval is granted pursuant to subsection 1 or 3 or within 12 months after an approval is granted pursuant to subsection 5, the Health Division shall review the status of the public water system to determine whether the approval should be extended past the limit of approval provided pursuant to subsection 1, 3 or 5. Any determination made by the Health Division pursuant to this review must be received by the public water system no less than 15 days before the end of the period specified in the approval granted by the Health Division.

(Added to NAC by Bd. of Health, eff. 9-16-92; A by R021-02, 8-29-2002)}

## Section 21.

[NAC 445A.635 Certificate as operator in training: Issuance; subsequent issuance and expiration of full certificate. (NRS 445A.860, 445A.880)]

1. ~~The Health Division shall issue a certificate as an operator in training to a person who:~~

~~(a) Has passed the examination for certification; and~~

~~(b) Does not have the experience in operating required for a full certificate pursuant to NAC 445A.633.~~

2. ~~Upon payment of the fee set forth in NAC 445A.651, the Health Division shall issue a full certificate to an operator who, after being issued a certificate as an operator in training, has fulfilled the requirement for experience in operating set forth in NAC 445A.633. The full certificate expires on December 31 of the first calendar year after the calendar year in which it is issued.~~

~~(Added to NAC by Bd. of Health, eff. 9-16-92; A by R021-02, 8-29-2002)]~~

~~Section 22. [NAC 445A.636 Provisional certification. (NRS 445A.860, 445A.880)~~

1. ~~Upon payment of the fee set forth in NAC 445A.651, the Health Division shall issue to an applicant a provisional certificate if:~~

~~(a) The applicant is an owner and operator of a public water system or is employed by a public water system that is not designated by the Health Division as being supplied by surface water or ground water under the direct influence of surface water;~~

~~(b) A statement is submitted to the Health Division from the governing board or owner of the public water system that the applicant was in a position of responsible charge of the public water system on January 1, 2000;~~

~~(c) The applicant was in a position of responsible charge of the public water system before January 1, 2000, and was not required to obtain a full certificate before that date;~~

~~(d) The applicant has completed at least 2 days of training that is designed to provide the applicant with basic information on the operation of a public water system; and~~

~~(e) The application is submitted not later than December 31, 2000.~~

2. ~~Except as otherwise provided in subsection 3, a provisional certificate issued pursuant to subsection 1:~~

~~(a) Expires on December 31 of the first calendar year after the calendar year in which the certification is issued.~~

~~(b) May be renewed for 2 years if the applicant completes the process for renewal as set forth in NAC 445A.638.~~

3. ~~Except as otherwise provided in subsection 4, a provisional certificate is only valid:~~

~~(a) During the period that the operator remains employed in that position of responsible charge of the public water system for which the operator received the provisional certificate; and~~

~~(b) At the public water system where the operator is employed on January 1, 2000.~~

4. ~~A provisional certificate is not valid if the classification of the treatment plant or distribution system changes to a level which is higher than the level for which the certificate was issued.~~

5. ~~The Health Division shall sponsor and pay for the training required pursuant to paragraph (d) of subsection 1. Such training must include, without limitation, training in well design, safety, water quality, monitoring, reporting, the Safe~~

~~Drinking Water Act, 42 U.S.C. §§ 300f et seq., drinking water standards, health effects of chemical and bacterial contamination, and the Total Coliform Rule. (Added to NAC by Bd. of Health, eff. 9-16-92; A 1-26-94; R185-99, 2-10-2000; R021-02, 8-29-2002)}~~

**Section 23.**

~~[NAC 445A.637 Contents and expiration of certificate.~~

~~1. A certificate issued pursuant to NAC 445A.617 to 445A.652, inclusive, must indicate the classification for which it is issued and specify if it is a full certificate, provisional certificate or certificate as an operator in training.~~

~~2. Except as otherwise provided in subsection 3 of NAC 445A.636, a full certificate, a provisional certificate and a certificate as an operator in training expires on December 31 of the first calendar year after the calendar year in which it is issued, renewed or reinstated.~~

~~(Added to NAC by Bd. of Health, eff. 9-16-92) (Substituted in revision for NAC 445.367)}~~

**Section 24.**

~~[NAC 445A.638 Renewal of certificate: Prerequisites; compliance with requirements for continuing education.~~

~~1. A full certificate, a provisional certificate and a certificate as an operator in training may be renewed by payment of the fee for renewal and submission to the Health Division of evidence of compliance with the requirements of continuing education set forth in NAC 445A.639. An application for renewal of a certificate must be made on forms supplied by the Health Division.~~

~~2. The applicant shall indicate on the application for renewal of a certificate evidence of compliance with the requirements of continuing education set forth in NAC 445A.639. The Health Division shall review the evidence of compliance with the requirements of continuing education to ensure:~~

~~(a) The course of training was approved by the Health Division pursuant to NAC 445A.641 or 445A.643; and~~

~~(b) The applicant successfully completed the course of training.~~

~~3. The Health Division shall maintain records of continuing education.~~

~~4. Failure to remain active in the operation of a public water system during the period a certificate is valid is cause for denial of an application for renewal of the certificate unless the applicant has met the continuing education requirements of NAC 445A.639.~~

~~(Added to NAC by Bd. of Health, eff. 9-16-92) (Substituted in revision for NAC 445.3671)}~~

**HEALTH DIVISION**  
**Bureau of Health Protection Services**  
**Public Water Supply Supervision Program**  
**Public Water Systems**  
**Certification of Operators**

LCB File # \_\_\_\_\_, 2  
# \_\_\_\_\_  
Information Statement per NRS 233B.066

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

On October 28, 2004, the proposed revisions to the regulations and a Small Business Impact Questionnaire, providing the definition of a small business, were mailed to all certified operators, public water systems, health districts, consulting engineers, certified laboratories, and other concerned parties. This mailing also included the Notice of Workshop To Solicit Comments, providing detailed notice of the November 12, 2004, workshop. The notice invited oral comments to be made at the workshop, and gave instructions for submitting written comments on or before November 12, 2004.

A six page summary of the workshop comments and responses is appended to this document. A copy of the summary was mailed to all workshop attendees, with instructions to obtain the full transcript of the workshop if desired.

Interested persons may obtain a copy of the summary of the workshop comments and responses by contacting Andrew Huray, BHPS, 1179 Fairview Drive, Suite 101, Carson City, Nevada 89701 or by calling (775) 687-4750 ext 229.

2. The number of persons who:

- (a) Attended the hearing;
- (b) Testified at each hearing; and
- (c) Submitted to the agency written statements.

Number attending workshop (Nov. 12, 2004)	30
Number making comments at workshop	14
Number of comments made at workshop	23 (on this topic)
Written comments received	5
Number attending hearing (Feb.18, 2005)	5 (for this agenda item)
Number testifying at hearing	5 (on this topic)
Written comments read into record	1 (on this topic)

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

On October 28, 2004, the proposed revisions and a Small Business Impact Questionnaire, providing the definition of a small business, were mailed to all certified operators, public water systems, health districts, consulting engineers, certified laboratories, and other concerned parties. This mailing also included the Notice of Workshop for the November 12, 2004, workshop. A summary of the responses to the questionnaire follows:

Number of questionnaires returned	17
Number indicating adverse impacts	6

The six adverse impacts indicated in the comments received were the following:

- 1) The high fees we pay for permits to operate our water and sewer systems.  
(Note: no fee changes are proposed)
- 2) More regulations cost more money.
- 3) The cost of training and licenses is a burden.
- 4) We are private and supported solely by membership annual fees.
- 5) Will cost us more money because we will soon have to treat for arsenic and install a new treatment plant at a new well source we are trying to obtain.
- 6) For a small business to pay higher fees and perform more work is undue hardship. We do not make money on water. We do not sell it, so water is extremely expensive to us; also, trying to stay educated to stay on top of all the governing laws and requirements. (Notes: these comments are from a store, which is a transient non-community water system and does not require a certified operator; no fee changes are proposed)

Interested persons may obtain a list of the questionnaire recipients, and a summary of written responses to the questionnaires, by contacting Andrew Huray, BHPS, 1179 Fairview Drive, Suite 101, Carson City, Nevada 89701 or by calling (775) 687-4750 ext 229.

4. 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 regulation was approved by the Board of Health for adoption as proposed, i.e., without change.

The purpose of the regulation revisions is to update the operator certification program with the increasing skills and knowledge required to operate public water systems in light of more stringent water quality requirements. Ultimately, the goal of the operator certification program is the protection of public health.

5. The estimated economic effect of the regulation on the business which it is to regulate and on the public. These must be stated separately, and in each case must include:

(a) Both adverse and beneficial effects; and

(b) Both immediate and long term effects.

There is no estimated direct beneficial economic effect of the proposed revisions on the small businesses nor the public.

The estimated indirect beneficial economic effect of the proposed revisions on the small businesses is that the regulations will better reflect current water distribution and treatment practices for the purpose of classifying water distribution and treatment systems, and associated requirements for operator certification to operate such systems. This will provide for better immediate and long term protection of the health and safety of the public.

---

There is no estimated direct adverse economic effect of the proposed revisions on the small businesses nor the public.

---

Estimated indirect adverse economic effects of the proposed revisions on the small businesses would apply to public water systems that require a Grade III or Grade IV certified operator. This indirect effect would be from the new, higher requirement for post-secondary education required to qualify for new Grade III and Grade IV certifications. Suitable correspondence courses are available for the Grade III requirement for less than \$100, and for Grade IV for less than \$200, which might in some instances be borne by an employer. There should be no impact on water rates to the public.

6. The estimated cost to the agency for enforcement of the proposed regulation,

The estimated additional cost to the agency for enforcement of the proposed revisions to the Operator Certification regulations is minimal.

7. 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, name the regulating federal agency.

The State of Nevada has, under an agreement with the United States Environmental Protection Agency, primary enforcement responsibility (primacy) for the primary drinking water regulations promulgated pursuant to the federal Safe Drinking Water Act. The State of Nevada must adopt regulations as stringent as the federal regulations to retain primacy, and must remain current with new regulations necessitated by amendments to the Act. Other than adopting such primary drinking water regulations, there is no duplication or overlap of these regulations with other state or government agencies.

8. The regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.



No provisions more stringent than federal regulations and implementation guidance, pursuant to the federal Safe Drinking Water Act, are included.

9. 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.

No new fees or increases in fees are included.

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.



**Summary of Comments Received and Responses  
for the  
Public Workshop held November 12, 2004  
on the subject of  
Temporary Revisions to the Regulations  
Regarding Certification of Operators for Public Water Systems**

Notes: The subject workshop was held to simultaneously receive comments on proposed temporary revisions to the Nevada Administrative Code (NAC) regulating Public Water Systems, including: (1) Water Quality and Treatment of Water; and (2) Certification of Operators. The workshop transcript includes the comments and responses for both categories. In the numbered list below, the second number, which appears in parentheses, is the number which corresponds to the comment number in the transcript of the workshop. This is provided to assist the reader in finding the full comment and response given at the time of the workshop. The numbering of the comments was added to the transcript for this purpose.

The summarizing and paraphrasing of the comments, and responses to the extent they were provided at the time of the workshop, were done by Bureau of Health Protection Services staff. The responses are not strictly limited to the response given at the workshop, but also include considerations made afterward. The actual transcript of the workshop will be made available upon request.

1. (7.) Clarification is needed regarding operator certification requirements of person in responsible charge, particularly for distribution systems.

Response: The certification requirements for person in responsible charge, supervisor, and shift operator, as presented in the table in Section 6, was explained. A shift operator with appropriate certification can perform operational duties, including repair of a water main break and putting it back into service, without the person in responsible charge being physically present.

2. (8.) Concern was expressed that on-call personnel, responding to a distribution system incident which might or might not be found to be an emergency, would have to be a certified shift operator per the requirements of Section 6, specifically subsection 3.e.

Response: It is not the intent nor a requirement that a certified operator must respond to all distribution system incidents requiring investigation and action. However, if a system integrity decision about water quality or quantity must be made, a certified operator must make that decision. A certified operator must be available 24/7 to be contacted by uncertified staff who make initial responses, if integrity decisions and/or actions are required. It is not the intent of this provision to establish specific operational procedures and staffing requirements for each system in the state, but to assure that decisions which could affect public health are made by properly qualified persons. Recommendations to

improve the clarity of the intent of this subsection will be considered when permanent revisions are proposed for adoption.

3. (9.) Is a small system with only one certified distribution operator required to have another certified operator present if a main break requires repair in his absence?  
Response: The repair is required to be made in accordance with procedures that have been outlined by the person in responsible charge, in this case the certified operator, in the event that he is not present. The certified operator, even if not present, must make the determination of when the repaired main can be put back into service, and therefore must be available to be contacted when not physically present.
- 
4. (11.) Since the Public Water Supply (PWS) program is to transfer to NDEP in July 2005, can't the Operator Certification regulation revisions wait until then. That would give NDEP an opportunity to coordinate them with the Wastewater Operator Certification regulations.  
Response: These revisions are being presented to the Board of Health for adoption at the first opportunity where all logistical requirements could be met, following completion of work by the Operator Certification Advisory Board and BHPS staff review. The advisory board provided the primary input for almost all of these revisions, beginning work in January 2003. Up to this time, coordination of public water system operator certification and wastewater operator certification has not been discussed. The Advisory Board meetings were legally advertised public meetings, and no suggestions from outside parties were presented.
5. (12.) The proposed classification system for water distribution systems would classify Incline Village as a Class 4 distribution system if they were to serve over a population of 10,000. This is the same as Las Vegas (since Class 4 is the highest class). Is that the intent, to classify a small mountain village a Class 4?  
Response: The classification system is an attempt at an objective method to give an overall rating to a water distribution system in terms of the skill, knowledge, and competence needed to properly operate that system. There are eight categories regarding system size and complexity, each with criteria for assigning points for that category. When the points for all categories are totaled, that total is intended to be an objective rating used to determine the competence level of a person needed to operate that water system, based not only on the overall size of the system, but also its complexity. Small systems with multiple pressure zones and booster chlorination stations would be more complex than systems without these features, and require a higher level of skills even if population is not larger.
- 
6. (13.) The distribution system classification system "double counts" by having categories for reservoirs and pressure zones. If you have a reservoir, you have a pressure zone. Maximum points for these categories could at least be reduced from 5 to 3; it appears they are disproportionately weighted. Also, one pressure

level might have several unconnected areas served through separate pressure reducing valves – would these be counted as separate pressure zones?

Response: The point assignments, and maximums, within each category are something that can be re-evaluated by the advisory board and BHPS staff before permanent revisions to these regulations are proposed. The timing of reclassifying systems and requiring system compliance is such that no systems would be impacted by reclassification before the permanent revisions would become effective (see Section 12, subsection 4 b. and c.). Regarding multiple pressure reduced zones in one pressure level, all served from the same higher pressure zone, and resulting from several pressure reducing valves serving unconnected areas, the unconnected areas would be considered as one pressure zone.

- 
7. (15.) Regarding the treatment classification system in the Operator Certification revisions, the points assigned to ozone and ultraviolet light treatment are too high, and could result in a small system which uses both being classified as a Class 4, which is onerous. Also, hypochlorite should be fewer points than chlorine gas.

Response: The point assignments, and maximums, within each category are something that can be re-evaluated by the advisory board and BHPS staff before permanent revisions to these regulations are proposed. The timing of reclassifying systems and requiring system compliance is such that no systems would be impacted by reclassification before the permanent revisions would become effective (see Section 12, subsection 4 b. and c.).

8. (16.) The Operator Certification Advisory Board looked at the impact of the revised distribution system classification system using points to see if “backsliding” to lower levels would occur (the current regulations are based on population only). Only one such instance was found, which was due to population decline, and reclassification to a lower level would have occurred anyway. Several systems were also found which will be reclassified upward, and these were also found to be based on population change, i.e., growth. Impact on treatment plant classification hasn’t been comprehensively reviewed.

Response: Subsequent to this workshop, a review of all community public water systems in the state was conducted to determine impacts and try to assess “fairness” and objectivity of the proposed revisions to the distribution and treatment classification systems. Results were as follows:

Distribution classification increased one grade	13 systems
Distribution classification decreased one grade	22 systems
Treatment classification increased one grade	6 systems
Treatment classification decreased	0 systems

9. (17.) Regarding operator certification reciprocity with other states, the provision in Section 16, subsection 2.f., requiring a description of the examination taken for

a given state's certification, is difficult to comply with for operators who took exams 10 or 15 years ago.

Response: It may be onerous, but it is possible, and it should be the responsibility of the person seeking reciprocity, not health division staff.

10. (18.) The treatment plant classification system assigns too many points to "blending" as a treatment process. With the implementation of the new arsenic standard, the system cited would go from no requirement for treatment operator certification to a T-2, when they had anticipated a T-1 requirement.

Response: The subject system, under the proposed classification system, will in fact be a T-1.

- 
11. (19.) Provisions for certification through reciprocity, full certification, and reciprocity through AWWA were not understood.

Response: Certification through reciprocity will continue to be, as it always has been, full certification. The practice of noting "reciprocity" on an operator's full certificate, if they obtained certification through reciprocity with another state, has been discontinued. There is in fact no reciprocity with AWWA, only with other states. AWWA contracts with the health division to provide and administer certification examinations. The exams they provide are written specifically for Nevada.

12. (20.) How will the process of adopting the proposed revisions accommodate consideration of the comments received, particularly weighting criteria for classification of distribution systems and treatment plants, and the shift operator/emergency response issue previously raised? Since these are temporary revisions, could more study of these issues occur between adopting temporary revisions and permanent revisions?

Response: There is an opportunity to make changes to whatever temporary revisions are adopted at the time permanent revisions are proposed and adopted, including both changes and addition of clarifying language. Public workshops and public hearings will be required for the permanent revisions process. Since the Operator Certification revisions are largely the work product of the Advisory Board, the comments provided here will be considered jointly by that board and BHPS staff. The timing of reclassifying systems and requiring system compliance is such that no systems would be impacted by reclassification before the permanent revisions would become effective (see Section 12, subsection 4 b. and c.).

13. (24.) There is an inconsistency in the requirement for reviewing water system classifications every three years, and the requirement to conduct sanitary surveys on groundwater systems once every five years, since systems are reviewed as part of sanitary surveys.

Response: The five year frequency for conducting sanitary surveys of groundwater systems is the federal Safe Drinking Water Act (SDWA) requirement, and is adopted by Nevada as the minimum frequency. The

practice in Nevada has been, and will continue to be, conducting sanitary surveys of groundwater systems once every three years.

14. (25.) Post-secondary education requirements, provided through a university or college or IACET accredited organization, are now required. Are there any IACET accredited providers in Nevada? What is the rationale behind this requirement?

Response: The California-Nevada Section of AWWA is IACET accredited, and provides training at the Las Vegas Valley Water District and at Truckee Meadows Water Authority. The Ken Kerry correspondence courses provided by CSU-Sacramento are IACET accredited. Additionally, courses in related sciences such as biology, chemistry, and microbiology offered at community colleges are acceptable. This requirement is applicable only for treatment operator certification, and only at the Grade 3 and Grade 4 levels, requiring only one course for Grade 3 and two courses for Grade 4 certification. The rationale is that, for Grade 3 and Grade 4 treatment operators, the required minimal post-secondary education will enhance protection of public health. These operators could be the persons in responsible charge for treating water supplied to tens of thousands of people. See also comment 15.

15. (26.) Referring back to the last comment, is there some statistical study that demonstrates that the type of education that you are requiring is going to have a significant positive impact on public health? Being able to pass the appropriate certification examination is really the measure of being able to take care of the public health.

Response: Being able to pass the appropriate examination is a demonstration of the minimum required level of competency. Experience is also required for certification. Every other state west of the Mississippi River was surveyed, and all required some post-secondary education in their certification programs – we are only proposing a minimal requirement for Grade 3 and 4 treatment operators.

When Nevada certification examinations were first changed to examinations specifically written for Nevada, the pass rate was nil; for those with post-secondary education, the pass rate is above 70 percent. (No statistical study answering the specific question is cited).

16. (27) The university system is not available in rural Nevada.

Response: Correspondence courses such as the Ken Kerry courses are available everywhere. Also, courses can be basic biology, or basic chemistry, as well as specific water supply professional courses.

17. (28) There are post-secondary outreach courses available in chemistry and biology, and courses available through the internet.

Response: None.

18. (29) Does the criteria for on-going validity of provisional operator certification, that you remain employed at the system where you were employed on January 1, 2000, apply to full certification? If you have a full certificate and are laid off, is your certificate still good if you keep up CEU's and fees?

Response: The employment criteria for maintaining provisional certification does not apply to full certification. You can retain your full certificate even if you are laid off.

19. (30.) Are CEU's earned in the first year of the biennial certification period applicable for renewal requirements?

Response: Yes.

20. (31.) The new provisions will require the health division to issue certificates to passing examinees within 45 days of the examination date. Certificates have not been issued yet for those passing the September 15, 2004, examination (the date of the workshop was November 12, 2004).

Response: These regulation revisions are proposed and are not in effect.

21. (32.) The new requirement for an application for examination to be received 45 days before the examination date will mean you can only take the examination twice in one year.

Response: The time frames will still allow an applicant to test up to four times per year. The results are provided within thirty days after the test date. Applications for the next quarterly examination can still be submitted 45 days prior to that examination date.

22. (34.) In Section 9, subsection 2, is it intended that both requirements a. and b. must be fulfilled, or just that either a. or b. be fulfilled?

Response: The requirement is that either a. or b. must be fulfilled. The "or" following b. implies an "or" following a. in the list.

23. (35.) In Section 6, subsection 5, there appears to be a typographical error (location of the word "of").

Response: The phrase "investigation water of quality" should read "investigation of water quality."