



NEVADA DIVISION OF
ENVIRONMENTAL
PROTECTION

Bureau of Water Pollution Control

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Nevada Administrative Code
(NAC) 445A.286 thru 292 Revisions:
Wastewater Operator
Certification Program

NAC 445A.287 - NAC 445A.292

NAC 445A.287 Plants for sewage treatment: Persons required to be certified as operators; application and fees for certification; renewal of certificate. (NRS 445A.425)

1. A person responsible for the operation and maintenance of a plant for sewage treatment must be certified as an operator of a plant for sewage treatment.
2. To apply for certification as an operator of a plant for sewage treatment, a person must submit an application to the Division or its approved designee that is accompanied by the appropriate fee.
3. The following fees must be paid to the Division:

Certification	Fee	Period
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 or she requests. A fee of \$25 will be charged to any person whose check is returned to the Division because of a lack of funds.
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 not later than the expiration date of the certificate. Except as otherwise provided in subsection 6, the holder of a certificate may renew the certificate after the expiration date of the certificate if he or she pays, in addition to the renewal fee, a late fee of \$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 may not renew the certificate.
7. The renewal of a certificate is effective for 2 years.
(Added to NAC by Environmental Comm'n, eff. 5-27-92; A 3-1-94; R037-02, 10-18-2002)

NAC 445A.288 Plants for sewage treatment: Agreement to operate program for certification of operators. (NRS 445A.425)

1. If the Division chooses not to operate the program for the certification of operators of plants for sewage treatment, the Division shall enter into an agreement with an approved designee pursuant to which the designee agrees to operate the program.
2. Any agreement entered into pursuant to subsection 1 must provide that the 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 or her application for certification or recommend that the Division certify the applicant; and
 - (f) Perform any other duty specified in the agreement.
 (Added to NAC by Environmental Comm'n, eff. 5-27-92; A by R037-02, 10-18-2002)

NAC 445A.289 Plants for sewage treatment: Schedule for classification. (NRS 445A.425)

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

	0-0.1 MGD	0.11-1.0 MGD	1.1-5.0 MGD	5.1-10.0 MGD	10.1-20.0 MGD	Greater than 20.0 MGD
Stabilization Pond	I	I	I	I	II	III
Primary	I	I	II	III	III	IV
Biofiltration	II	II	III	III	IV	IV
Activated Sludge	III	III	III	IV	IV	IV
Tertiary and Reuse	III	III	IV	IV	IV	IV

2. As used in this section, "MGD" means millions of gallons per day.
(Added to NAC by Environmental Comm'n, eff. 5-27-92; A by R037-02, 10-18-2002)

NAC 445A.290 Plants for sewage treatment: Minimum grades of certification for operators. (NRS 445A.425)

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

GRADES OF CERTIFICATION based on the classification of the plant:

	Plant Classification I	Plant Classification II	Plant Classification III	Plant Classification IV
Supervisor	I	II	III	IV
Assistant Supervisor	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 or she begins 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.
(Added to NAC by Environmental Comm'n, eff. 5-27-92; A by R037-02, 10-18-2002)

NAC 445A.292 Plants for sewage treatment: Provisional certification of operator. (NRS 445A.425)

1. The Division shall renew a provisional certificate as an operator of a plant for sewage treatment, without examination, only to a person who:
 - (a) Held 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 or she held on July 1, 1991.
(Added to NAC by Environmental Comm'n, eff. 5-27-92; A by R037-02, 10-18-2002)

Proposed NAC Revisions (LCB Draft R155-17)

- ▶ Minimum requirements for initial application
- ▶ Requirements for reciprocity
- ▶ Restricted certificates
- ▶ Certification renewals
- ▶ Disabled applicant accommodations

Proposed NAC Revisions

Cont'd

- ▶ Continuing education for renewals
- ▶ Continuing education course approvals
- ▶ Grounds for denial, suspension or revocation
- ▶ Increased fees for certification
- ▶ Revision of plant classifications

Requirements for Initial Application Summary

- ▶ The Applicant must:
 - ▶ be at least 18 years of age
 - ▶ Possess a high school diploma or its equivalent
 - ▶ Pay Fees
 - ▶ Meet educational requirements
 - ▶ Meet experience requirements
- ▶ Exams must be taken in ascending order
- ▶ Disclosure of disciplinary action from another state that an operator was certified in

Education Requirements

- ▶ Grade I - 60 contact hours;
- ▶ Grade II - 120 contact hours;
- ▶ Grade III - 120 contact hours plus TWO postsecondary;
- ▶ Grade IV - 120 contact hours plus FOUR postsecondary
- ▶ *Postsecondary course of instruction means a successfully completed college level course which is at least 36 hours of wastewater related instruction.*

Experience Requirements

Certification Grade	Experience
Grade I	<u>1 year</u> experience in operating a Class I facility or higher
Grade II	Grade I Certification 2 years experience in operating, with <u>1 year</u> experience at a Class II facility or higher
Grade III	Grade II Certification <u>3 years</u> experience in operating, with <u>1 year</u> experience at a Class III facility or higher
Grade IV	Grade III Certification <u>4 years</u> experience in operating, with <u>1 year</u> experience at a Class IV facility

Reciprocity

- ▶ A certification may be issued by the Division, without examination, on a case-by-case basis provided that the operator:
 - Holds a full certificate in another State,
 - Passed an equivalent examination,
 - Meets similar education and experience standards as required in Nevada.
- ▶ Reciprocity will not be granted for reciprocal certifications.
- ▶ An incomplete application or an application that includes an expired certificate will not be considered.

Restricted Certificate

- ▶ No More OIT program
- ▶ Restricted Certificates for Grade I, II, III, and IV Operators
- ▶ Effective for 5 years
- ▶ NOT renewable
- ▶ Must pass exam for the restricted grade level being sought and
- ▶ meet all education requirements of the grade level being sought.
- ▶ Upon attainment of necessary experience, the full certification can be applied for.

Certification Renewal

- ▶ TWO year renewal cycle
- ▶ Apply before certification expiration. Include:
 - Complete Application
 - Continuing Education documentation
 - Fee
- ▶ Failure to complete recertification by expiration date will lead to the certification being suspended
- ▶ Late Application - Submissions or resubmissions of renewal application after expiration date must include an additional reinstatement fee

Certification Renewal

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- ▶ If certification is suspended for 6 MONTHS, the operator is DECERTIFIED and cannot renew certification
- ▶ Operators with HEALTH ISSUES get 2 years after expiration to apply for renewal w/ payment of reinstatement fee
- ▶ Operators in the MILITARY get 4 year after expiration to apply for renewal w/ payment of reinstatement fee

Disabled Applicant Accommodations

- ▶ If an applicant has a disability that restricts the ability of the applicant to take an examination for certification under standard conditions, the applicant may request special accommodations for taking the examination at the time of application. Such a request must be submitted to the Division in writing.

Continuing Education for Renewals

- ▶ Continuing education must be obtain within the 2-YEAR effective period of the Certification
- ▶ Classes or training for contact hours must be approved
- ▶ Contact hour requirements:
 - ▶ Grade I - 5 contact hours
 - ▶ Grade II - 10 contact hours
 - ▶ Grade III - 15 contact hours
 - ▶ Grade IV - 20 contact hours
- ▶ No contact hours for restricted certificates

Continuing Education Course Approvals

- ▶ Contact hour training must be:
 - ▶ Approved by the Division or its designee
 - ▶ Relevant to the subject matter of the certificate
- ▶ To submit training approval request:
 - An outline of the course of training
 - A list of the objectives of the instructor
- ▶ The WWTP can request approval of in-house classes

Grounds for Denial, Suspension or Revocation

- ▶ Ethics portions in the NAC
- ▶ **Specific circumstances for denying, suspending and revoking a certification:**
 - ▶ Giving false information/documentation in application;
 - ▶ Being negligent, or incompetent or has committed misconduct in operator duties;
 - ▶ Disregard for the health and safety of the public and/or the environment;
 - ▶ Acted outside the rights and privileges of the grade for which he or she holds a certificate;

Cont'd

- ▶ **Specific Circumstances for denying, suspending and revoking a certification:**
 - ▶ Convicted of a violation of any federal law or law of any state relating to wastewater;
 - ▶ Convicted of a felony or other crime involving moral turpitude, dishonesty or corruption;
 - ▶ Lying to a governmental agency about the provision of the NRS and NAC;
 - ▶ Has failed to renew his or her certification;
 - ▶ Has violated and or attempted, assisted, abated, or conspires to violate the NRS or NAC.

NAC 445A.287 - Increased Fees for Certification

1. The following fees must be paid to the Division:

Certification	Fee	Period
Initial certificate	60 \$140	2 years
Reciprocal certificate	75 150	2 years
Renewal of a certificate	110	2 years
Restricted certificate	90	5 years
Conversion of restricted certificate to full certificate	70	
Reinstatement of a certificate	80	

Fees

Current Fees

- ▶ Initial - \$60
- ▶ Reciprocal - \$75
- ▶ Renewal - \$30

Proposed Fees

- ▶ Initial - \$140
- ▶ Reciprocal - \$150
- ▶ Renewal - \$110
- ▶ Restricted Certificate - \$90
- ▶ Conversion to Full - \$70
- ▶ Reinstatement - \$80

Current Program Budget (Annual)

<u>Year</u>	<u>Program Expenses</u>
2008	\$36,851
2009	\$39,145
2010	\$46,027
2011	\$29,140
2012	\$40,891
2013	\$48,258
2014	\$62,524
2015	\$58,051
2016	\$37,250
2017	\$36,550

<u>Year</u>	<u>Fee Revenue</u>
2013	\$18,900
2014	\$17,865
2015	\$16,635
2016	\$16,815
2017	\$17,910

Fee Facts

- ▶ The average cost to run the Certification Program in the past 10 years
 - \$44,000
- ▶ The average revenue from Fees
 - \$17,000
- ▶ Currently the program is funded 40% through fees
- ▶ NDEP subsidizes 60% of the budget
- ▶ 100 percent of fees collected go towards funding Operator Certification

Why the Fee Raise

- ▶ Fees have not been raised since 1992
- ▶ Program is not currently self sustaining
 - NDEP subsidizes a majority of Certification Program
- ▶ Operation fees are going up
 - Continuing education requirement
 - Ascending education
 - Review and approval of classes
- ▶ 100% of fees will still be going to Certification Program
- ▶ New fees will only cover an estimated 70-80%
 - NDEP will continue to subsidize the difference

Fee Increase - Small Business Impact

Small Business Impact Statement

- ▶ Small businesses are not directly impacted by these fee increases as they are not a requirement of the business, but instead a requirement of the individual operator who holds the certification.

NAC 445A.289 - Plant Classification

Treatment Process	Plant Classification
Stabilization Ponds or Lagoons	I
Primary Treatment (settling, grit removal, etc.)	
Fixed Film Treatment (E.G., trickling filters, etc.) for BOD Removal	II
Activated Sludge (without nitrogen removal and <20,000 gal per day)	
Solids Treatment (thickening/dewatering)	
Fixed Film Treatment (e.g., trickling filters) for Nutrient Removal	III
Activated Sludge (with nitrogen removal or >20,000 gallons per day)	
Tertiary Treatment	IV
Activated Sludge (>10 million gallons per day)	
Indirect Potable Reuse	

Summary

- ▶ Requirements for initial application of Grade I to Grad IV
- ▶ Reciprocity
- ▶ Restricted Certificates
- ▶ Certification Renewals (contact hour requirements)
- ▶ Continuing Education for Renewals
- ▶ Ethics - Grounds for Denial, Suspension or Revocation
- ▶ Increased Fees for Certification
- ▶ Revision of Plant Classification
- ▶ UIC Clarification

What Is Next?

- ▶ One more step till regulations are official
 - ▶ Draft regulations have been sent to Legislative Counsel
- ▶ No Date yet on full implementation
 - ▶ Likely Sometime this Spring
- ▶ Education and Operational Experience Effective immediately after approval
- ▶ Continuing education will not be due until second renewal
- ▶ Program Review after a year

Questions and Comments?

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