

**ADOPTED REGULATION OF THE  
STATE ENVIRONMENTAL COMMISSION**

**LCB File No. R129-05**

Effective \_\_\_\_\_

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

AUTHORITY: §§1-31, NRS 445A.860 and 445A.880.

A REGULATION relating to water systems; establishing minimum qualifications for certain positions at water treatment facilities and water distribution systems; requiring certain public water systems to have a person in responsible charge or on call at all times; requiring the Division of Environmental Protection of the State Department of Conservation and Natural Resources to consider certain information in approving conditional staffing at a public water system; revising certain requirements relating to obtaining a certificate to operate a public water system; and providing other matters properly relating thereto.

**Section 1.** Chapter 445A of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 14, inclusive, of this regulation.

**Sec. 2.** *“Division” means the Division of Environmental Protection of the State Department of Conservation and Natural Resources.*

**Sec. 3.** *“Operator experience” means the daily performance of activities that consist of the control or oversight of any process or operation at a water treatment facility or in a water distribution system that may affect the quality or quantity of water.*

**Sec. 4.** *“Postsecondary course of instruction” means a successfully completed college level course which is at least 36 hours and which is related to drinking water.*

**Sec. 5.** *“Postsecondary course provider” means an organization which provides instruction and which is an accredited academic institution or which is accredited by or is an authorized provider of the International Association for Continuing Education and Training.*

**Sec. 6.** *“Shift operator” means a person who is in direct charge of the operation of a water treatment facility or distribution system for a specified period of the day and who reports to the person in responsible charge of the facility or system.*

**Sec. 7.** *“Supervisor or foreperson” means a person who has the overall responsibility for the daily operation of a water treatment facility or a distribution system and who reports to the person in responsible charge of the facility or system.*

**Sec. 8. 1.** *The staff of a water treatment facility must have a minimum certification as follows:*

*(a) For a Treatment-1 facility:*

- (1) A person in responsible charge must have at least Treatment-1 certification;*
- (2) A supervisor or foreperson must have at least Treatment-1 certification; and*
- (3) A shift operator must have at least Treatment-1 certification;*

*(b) For a Treatment-2 facility:*

- (1) A person in responsible charge must have at least Treatment-2 certification;*
- (2) A supervisor or foreperson must have at least Treatment-2 certification; and*
- (3) A shift operator must have at least Treatment-1 certification;*

*(c) For a Treatment-3 facility:*

- (1) A person in responsible charge must have at least Treatment-3 certification;*
- (2) A supervisor or foreperson must have at least Treatment-3 certification; and*



*3. Each public water system shall ensure that all decisions concerning distribution process control and system integrity that may affect public health or the environment are made by a certified water distribution operator. Such decisions include, but are not limited to:*

*(a) Installing, tapping, relining, disinfecting, testing and connecting of water mains and appurtenances;*

*(b) Shutdown, repair, disinfection and testing of broken water mains;*

*(c) Flushing, cleaning and pigging of existing water mains;*

*(d) Pulling, resetting, rehabilitating, disinfecting and testing of water wells;*

*(e) Standby emergency response duties for after hour emergencies of the operation of a distribution system;*

*(f) Draining, cleaning, disinfecting and maintenance of distribution reservoirs;*

*(g) Operation of pumps and related flow and pressure control and storage facilities manually or through a system control and data acquisition system; and*

*(h) Maintenance and adjustment of system flow and pressure requirements to meet consumer demands including fire flow demands and minimum pressure requirements.*

*4. Public water systems must use certified water distribution operators or water treatment operators to make decisions concerning:*

*(a) The determination and control of appropriate rates of chemical dosage for wellhead disinfection and residual maintenance; and*

*(b) Any investigation of problems relating to water quality in the distribution system.*

**Sec. 9. 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 Division or the appropriate district board of health as being supplied by surface water or groundwater under the direct influence of surface water,*

*↳ must have a person in responsible charge at the facility or on call at all times. Except as otherwise provided in section 10 of this regulation, the person in responsible charge of the public water system must hold a full certificate in the same classification as, 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 Division may require the public water system to have, in addition to the person in responsible charge, additional persons in responsible charge at the same time, including, without limitation, a person in responsible charge for the treatment of water and a person in responsible charge for the distribution of water. If the Division requires additional persons in responsible charge, the 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 Division imposes the requirement;*

*(b) Review the requirement at least once every 3 years to determine if any changes are required regarding any additional person;*

*(c) Require a public water system that is subject to a requirement of additional persons to employ any additional person not later than 1 year after the public water system receives the written notification of the requirement to employ the additional person; and*

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

*3. If a 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. If at any time a public water system is not in compliance with this section, the supplier of water for the public water system shall notify the Division or the appropriate district board of health within 72 hours or 2 working days, whichever is earlier.*

**Sec. 10. 1.** *The Division shall consider the following in making a decision to approve conditional staffing for a public water system:*

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

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

*(c) 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 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 Division shall not grant approval unless it makes a finding that:*

*(a) The person has the minimum amount of knowledge required to operate the public water system;*

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

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

*3. Not more than 30 days after approval is granted pursuant to subsection 2, the Division shall review the status of the public water system to determine whether an extension may be granted. Any decision regarding an extension must be provided to the public water system at least 60 days before the expiration of the period specified in the approval granted pursuant to subsection 2.*

*4. If an emergency occurs concerning a public water system, the Division may approve any qualified person as the person in responsible charge of the public water system for a period of not more than 6 months.*

*5. Upon request from a public water system, the 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 person in responsible charge during a 12-month period. Not more than 90 days after approval is granted pursuant to this subsection, the Division shall review the status of the public water system to determine whether an extension may be granted. Any decision regarding an extension must be provided to the public water system at least 120 days before the end of the period specified in the approval granted by the Division.*

**Sec. 11. 1.** *All certificates must 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; and*
- (f) Water distribution operator, provisional.*

*2. To qualify for a full certificate, a person must:*

*(a) Pass the written examination for the appropriate level and meet all requirements for certification for the discipline and grade level;*

*(b) Be certified as an operator-in-training and meet 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 Division determines, upon review of the application and supporting material required by section 14 of this regulation that the applicant has:*

*(1) Passed an examination that is equivalent to the examination administered pursuant to NAC 445A.631; and*

*(2) Obtained the experience in operating required by NAC 445A.633.*

*3. A person qualifies for a certificate as an operator-in-training if the person:*

*(a) Passes the written examination for certification; and*

*(b) Does not have the experience 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 be employed by a public water system that is not designated by the Division as being supplied by surface water or groundwater under the direct influence of surface water;*

*(b) Provide a written statement to the 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 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, including, without limitation:*

*(1) Well design;*

*(2) Safety;*

*(3) Water quality;*

*(4) Monitoring;*

*(5) Reporting;*

*(6) The Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq.;*

*(7) Drinking water standards;*

*(8) Health effects of chemical and bacterial contamination; and*

*(9) The Total Coliform Rule; and*

*(e) Have submitted the initial application not later than 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 in the position of responsible charge for which the operator received the provisional certificate; and*

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

*6. A provisional certificate is not valid if the classification of the treatment facility 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 of each year.*

*8. A certificate may be renewed if:*

*(a) The fee for renewal has been submitted pursuant to NAC 455A.651;*

*(b) An application for renewal was made on the forms supplied by the Division; and*

*(c) The applicant submits evidence of compliance with the requirements of continuing education set forth in NAC 445A.639.*

**Sec. 12. 1.** *At the time of application, each applicant must be at least 18 years of age and meet the following minimum education requirements:*

*(a) For Grade I or Grade II, a high school diploma, general educational development certificate or equivalent;*

*(b) For Grade III, two postsecondary courses of instruction; and*

*(c) For Grade IV, four postsecondary courses of instruction.*

*2. An applicant must submit an application at least 45 days before the date scheduled for the examination. The Division shall provide notice of the examination to the applicant at least 14 days before the date of the examination. The Division shall provide the result of the examination to the applicant not more than 30 days after the date of the examination.*

*3. If an applicant passes the examination, the Division shall provide a certificate to the applicant not more than 45 days after the date of the examination. The Division shall notify an operator concerning renewal of a certificate at least 90 days before the certificate will expire and, if the certificate is renewed, provide a renewal wallet card not more than 30 days after the expiration of the certificate.*

*Sec. 13. If an applicant has a disability that restricts his ability to take an examination under standard conditions, the applicant may request special arrangements for taking the examination at the time of application. Such a request must be submitted in writing by a recognized health care or mental health care provider and must state the nature of the disability, the special testing arrangements that are requested and the contact information of the health care provider and the applicant.*

*Sec. 14. 1. A certificate may be issued by the Division, without examination, on a case-by-case basis to a person in a comparable classification who has passed an adequate written examination and who holds a valid certificate in another state, territory or possession of the United States or another country if the requirements for the certification of operators are consistent with and not of a lower standard than the provisions of this chapter.*

*2. Consideration of reciprocity will be given upon request. For a request to be considered, the applicant for reciprocity must submit to the Division:*

*(a) A letter setting forth the specific type and level of certification being requested for consideration for reciprocity;*

*(b) A resume describing the work history, education and experience of the applicant supporting the certification that is requested;*

*(c) A copy of the valid, unexpired certificate for which reciprocity is requested, including the date of issuance and expiration and the type and level of certification;*

*(d) A copy of the applicable regulations or references to the regulations which describe the experience and education requirements for certification where the applicant was certified, including the levels of certification and guidelines for reciprocity;*

*(e) A copy of the applicable regulations or references to the regulations which describe the facility classification system that correlates with the type and level of certification indicated on the certificate of the applicant;*

*(f) A brief description of the examination taken for the certification including whether the examination was multiple-choice, essay, true-false, other type of questions or a combination of types, the approximate number of questions and the general topics covered; and*

*(g) Contact information for the agency that issued the certificate of the applicant.*

*3. An incomplete application or an application that includes an expired certificate will not be considered. The Division shall review an application for completeness and applicability and shall respond to the applicant not more than 60 days after the receipt of the request with a written decision. If reciprocity is granted, the applicant must pay the fee as required pursuant to NAC 445A.651.*

**Sec. 15.** NAC 445A.532 is hereby amended to read as follows:

445A.532 A supplier of water shall, not later than 6 months after receiving notification from the **[Health]** Division that its public water system is using surface water or groundwater under the direct influence of surface water, ensure that the persons who operate the facility for

treatment have received a certificate to operate the facility as required by ~~[NAC 445A.626.]~~  
*section 11 of this regulation.*

**Sec. 16.** NAC 445A.617 is hereby amended to read as follows:

445A.617 As used in NAC 445A.617 to 445A.652, inclusive, *and sections 2 to 14, inclusive, of this regulation*, unless the context otherwise requires, the words and terms defined in NAC 445A.618 to 445A.625, inclusive, *and sections 2 to 7, inclusive, of this regulation* have the meanings ascribed to them in those sections.

**Sec. 17.** NAC 445A.621 is hereby amended to read as follows:

445A.621 “Groundwater under the direct influence of surface water” means any water beneath the surface of the ground that the ~~[Health]~~ Division has determined to have:

1. A significant occurrence of insects or other macroorganisms;
2. Algae or large-diameter pathogens such as *Giardia lamblia*; or
3. Significant and rapid shifts in water characteristics such as turbidity, temperature, conductivity or pH which closely parallel climatological or surface water conditions.

**Sec. 18.** NAC 445A.629 is hereby amended to read as follows:

445A.629 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 groundwater or water provided by another public water system; and
  - (b) Does not provide treatment of the water or groundwater or provides only disinfection by chlorination,

↪ must be classified ~~[based only on the population it serves]~~ *on a point system* as follows:

**ITEMS FOR DISTRIBUTION CLASSIFICATION**

**POINTS**

*Average daily population served*

<i>25 - 500.....</i>	<i>5</i>
<i>501 - 3,300.....</i>	<i>10</i>
<i>3,301 - 10,000.....</i>	<i>15</i>
<i>10,001 - 100,000.....</i>	<i>20</i>
<i>100,001 or more .....</i>	<i>35</i>
<i>Pressure zones (1 point per zone, maximum of 5 points).....</i>	<i>1</i>
<i>Storage reservoirs (1 point per reservoir, maximum of 5 points) .....</i>	<i>1</i>
<i>Hydropneumatic tank systems .....</i>	<i>1</i>
<i>Pumping stations, including wells and boosters (1 point per station, maximum of 3 points).....</i>	<i>1</i>
<i>Disinfection to maintain system residual.....</i>	<i>5</i>
<i>System control and data acquisition or other similar instrumentation to provide data or process control .....</i>	<i>3</i>
<i>Existence of recycled or reclaimed water distribution system within drinking water service area .....</i>	<i>5</i>

DISTRIBUTION CLASSIFICATION     ~~{AVERAGE DAILY POPULATION SERVED}~~

*TOTAL POINTS*

<del>{Class}</del> Distribution-1 .....	<del>{25—500}</del> <b>5-19</b>
<del>{Class}</del> Distribution-2 .....	<del>{501—3,300}</del>
	<b>20-30</b>
<del>{Class}</del> Distribution-3 .....	<del>{3,301—</del>
	<del>10,000}</del> <b>31-41</b>
<del>{Class}</del> Distribution-4 .....	<del>{10,001}</del> <b>42</b> or
	more

3. A public water system which:

(a) Uses surface water or groundwater under the direct influence of surface water; or

(b) Uses groundwater and provides treatment of the groundwater, other than disinfection by chlorination,

↪ must be classified on a point system as follows:

ITEMS FOR TREATMENT CLASSIFICATION     POINTS

Average daily population served

25 - 500..... 5

ITEMS FOR TREATMENT CLASSIFICATION	POINTS
501 - 3,300 .....	10
3,301 - 10,000 .....	15
10,001 - 100,000 .....	20
100,001 or more .....	25
Source for public water system	
Groundwater .....	3
Groundwater under the direct influence of surface water .....	4
Surface water .....	5
Air stripping .....	4
Ozone .....	<del>[7]</del> 8
Ultraviolet light .....	8
<i>Combination of ozone and ultraviolet light.....</i>	<i>10</i>
<i>Chemical addition for adjustments of pH</i> <del>[adjustment or corrosion control]</del> .....	4
<i>Iron and manganese removal.....</i>	<i>5</i>
Iron and manganese <del>[removal/sequestering]</del> <i>sequestering</i> .....	2
Softening <del>[(ion-exchange)]</del> <i>- ion exchange, lime or lime soda ash process</i> .....	<del>[5]</del> <i>10</i>
Granular activated carbon for organic contamination .....	7
Coagulation <i>for pretreatment only</i> .....	5
Taste and odor control .....	4

ITEMS FOR TREATMENT CLASSIFICATION	POINTS
<del>Chlorination .....</del>	<del>5</del>
Fluoridation .....	5
Chlorine-ammonia treatment.....	8
Chlorine dioxide .....	8
Bacteriological or chemical laboratory ( <i>other than process control</i> ).....	2
Blending, aesthetic .....	5
Blending, health effects.....	8
<del>Arsenic removal .....</del>	<del>8</del>
<i>Chlorine gas or hypochlorite.....</i>	<i>5</i>
<i>Chlorine gas or hypochlorite generated on-site .....</i>	<i>6</i>
<i>Chemical addition (1 point for each chemical added) .....</i>	<i>1</i>
<i>Primary inorganic chemical treatment.....</i>	<i>8</i>
<i>Point-of-use treatment.....</i>	<i>5</i>
Nitrate <i>or nitrite</i> removal .....	8
<i>Adsorption process for aesthetics.....</i>	<i>3</i>
<i>Recycle filter backwash water to process.....</i>	<i>3</i>
<i>Recycle supernatant from sludge removal and sedimentation process .....</i>	<i>2</i>
<i>Recycle water from any mechanical dewatering process.....</i>	<i>2</i>
<i>System control and data acquisition or other similar instrumentation to provide data</i>	<i>3</i>

ITEMS FOR TREATMENT CLASSIFICATION	POINTS
<i>or process control</i> .....	
Filtration	<b>3</b>
Conventional <i>filtration-coagulation, flocculation, sedimentation</i> .....	10
Direct <i>filtration-coagulation, flocculation, sedimentation</i> .....	10
Rapid <i>sand</i> .....	7
Diatomaceous earth .....	7
Slow sand.....	5
Bag, ceramic, microfiltration, nanofiltration, reverse osmosis, membrane, <i>electro dialysis</i> .....	5

TREATMENT CLASSIFICATION	TOTAL POINTS
<del>{Class}</del> Treatment-1 .....	5 - 19
<del>{Class}</del> Treatment-2.....	20 - 35
<del>{Class}</del> Treatment-3.....	36 - 45
<del>{Class}</del> Treatment-4.....	46 or more

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.

**Sec. 19.** NAC 445A.630 is hereby amended to read as follows:

445A.630 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~~ *Carson City Office of the* Division 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, an]~~

5. *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 if the applicant submits a written notice to the Carson City Office of the Division at least 7 days before the date of the examination. The examination may only be postponed for one test cycle. Emergency situations must be considered by the Division on a case-by-case basis.*

7. *An applicant who fails to appear for an examination or fails to postpone an examination pursuant to subsection 6 forfeits the application and the application fee.*

**Sec. 20.** NAC 445A.631 is hereby amended to read as follows:

445A.631 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] the~~ 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.

**Sec. 21.** NAC 445A.632 is hereby amended to read as follows:

445A.632 1. The ~~[Health]~~ Division shall proctor, review and grade, or enter into a contract with a person, organization or agency to proctor, review and grade, the examinations for certification. A score of not less than 70 percent is required to pass the examination.

2. The ~~[Health]~~ Division shall review, or enter into a contract with a person, organization or agency to review, the qualifications of each applicant for a full certificate to determine whether the minimum requirements for experience in operating set forth in NAC 445A.633 have been satisfied.

**Sec. 22.** NAC 445A.633 is hereby amended to read as follows:

445A.633 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
<del>Class</del> Distribution-1 .....	6 months
<del>Class</del> Distribution-2 .....	1 year
<del>Class</del> Distribution-3 .....	2 years
<del>Class</del> Distribution-4 .....	<del>3</del> 4 years
<del>Class</del> Treatment-1 .....	6 months
<del>Class</del> Treatment-2 .....	1 year
<del>Class</del> Treatment-3 .....	2 years
<del>Class</del> Treatment-4 .....	<del>3</del> 4 years

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.~~ *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.

**Sec. 23.** NAC 445A.639 is hereby amended to read as follows:

445A.639 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 to qualify for renewal of the certificate.

2. ~~[/The] Every 2 years, 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.~~

~~—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]~~ *Treatment-3, Treatment-4, Distribution-3 or Distribution-4 certificate must earn at least 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]~~

3. *Every 2 years, the holder of a Treatment-1, Treatment-2, Distribution 1 or Distribution-2 certificate must earn at least 5 contact* hours of participation in a course of training approved by the ~~[/Health] Division pursuant to NAC 445A.641 or 445A.643.~~

**Sec. 24.** NAC 445A.641 is hereby amended to read as follows:

445A.641 The ~~[/Health] Division shall not grant any credit of continuing education to the holder of a certificate for participation in training unless:~~

1. The course of training is approved by the ~~[/Health] Division.~~
2. The course of training is relevant to the subject matter of the particular certificate held by him.

3. The subject matter of the training is relevant to the operation or maintenance of a water treatment plant or a water distribution system. The subject matter may include, but is not limited to, state and federal regulations concerning drinking water, the mechanics for the operation and maintenance of a water treatment plant or water distribution system and the machinery of a water treatment plant or water distribution system, including the electrical systems of a water treatment plant or water distribution system, the hydraulics of a water treatment plant or water distribution system, the chemical treatment of water, the biological testing of water, the disinfection of water and any relevant applications of mathematics and chemistry to the operation or maintenance of a public water system.

**Sec. 25.** NAC 445A.643 is hereby amended to read as follows:

445A.643 1. A public water system may request the written approval of the ~~Health~~ Division for the public water system to provide a course of training for its employees which is intended to comply with any part of the requirement of continuing education. The ~~Health~~ Division must approve the request in writing before an employee will be credited with continuing education for the course.

2. The ~~Health~~ Division shall not approve a course of training pursuant to subsection 1 unless the request meets the following criteria:

(a) An outline of the course of training must be submitted with the request for written approval and must state the subjects to be included in the instruction and the time to be allotted for each subject of instruction.

(b) A list of the objectives of the instructor must be submitted with the request for written approval and must specify the essential points of the instruction and the methods of instruction to be used to illustrate these points.

**Sec. 26.** NAC 445A.644 is hereby amended to read as follows:

445A.644 1. Except as otherwise provided in subsections 3 and 4, a holder of an expired full certificate may request, within 6 months after its date of expiration, that the full certificate be reinstated and renewed by payment of the reinstatement fee set forth in NAC 445A.651 and verification that all requirements of continuing education have been satisfied. To obtain a full certificate, an operator who has not requested reinstatement and renewal of his full certificate within 6 months after the date of its expiration must file a new application for a full certificate accompanied by the required fee set forth in NAC 445A.651.

2. The ~~Health~~ Division shall not reinstate a provisional certificate or a certificate as an operator-in-training.

3. If the holder of an expired full certificate provides documentation of health problems that made the holder unable to meet the requirements of continuing education for renewal of his full certificate in the time provided pursuant to NAC 445A.639, the holder of the expired full certificate may request, within 2 years after its date of expiration, that the full certificate be reinstated and renewed by payment of the reinstatement fee set forth in NAC 445A.651 and verification that all requirements of continuing education have been satisfied. To obtain a full certificate, an operator who has not requested reinstatement and renewal of his full certificate within 2 years after the date of its expiration must file a new application for a full certificate and

comply with the requirements set forth in NAC 445A.630 to 445A.633, inclusive, and pay the fee for the issuance of a full certificate set forth in NAC 445A.651.

4. If the holder of a full certificate provides documentation of military duty that made the holder unable to meet the requirements of continuing education for renewal of his full certificate in the time provided pursuant to NAC 445A.639, the holder of the expired full certificate may request, within 4 years after its date of expiration, that the full certificate be reinstated and renewed by payment of the reinstatement fee set forth in NAC 445A.651 and verification that all requirements of continuing education have been satisfied. To obtain a full certificate, an operator who has not requested reinstatement and renewal of his full certificate within 4 years after the date of its expiration must file a new application for a full certificate and comply with the requirements set forth in NAC 445A.630 to 445A.633, inclusive, and pay the fee for the issuance of a full certificate set forth in NAC 445A.651.

**Sec. 27.** NAC 445A.646 is hereby amended to read as follows:

445A.646 The ~~Health~~ Division may deny an application for a certificate or suspend or revoke an operator's full certificate, provisional certificate or certificate as an operator-in-training if he:

1. In applying for or obtaining a certificate, has submitted to the ~~Health~~ Division any application, document, record, report or affidavit, or any information in support thereof, which is false or fraudulent;
2. Is grossly negligent, incompetent or has committed misconduct in the performance of his duties as an operator of a public water system;
3. Has demonstrated disregard for the health and safety of the public;

4. Has acted outside the rights and privileges of his classification for which he holds a certificate;
5. Has been convicted of a violation of any federal law or law of any state relating to water quality, including, but not limited to, the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq.;
6. Has been convicted of a felony or other crime involving moral turpitude, dishonesty or corruption;
7. Has willfully made to an employee of the ~~Health~~ Division or any health authority any false statement which is material to the administration or enforcement of any provision of this chapter or chapter 445A of NRS;
8. Has failed to renew his certification; or
9. Has violated, attempted to violate, assisted or abetted in the violation of, or conspired to violate any provision of chapter 445A of NRS or this chapter.

**Sec. 28.** NAC 445A.647 is hereby amended to read as follows:

445A.647 The ~~Health~~ Division shall send written notice of the denial of an application for or the suspension or revocation of a certificate pursuant to the requirements set forth in NAC 439.300 to 439.395, inclusive.

**Sec. 29.** NAC 445A.651 is hereby amended to read as follows:

445A.651 The ~~Health~~ Division shall charge and collect the following fees:

For the issuance of a full certificate .....	\$84
For a certificate issued pursuant to <i>paragraph (c) of</i> subsection <del>H of NAC</del>	57

<del>445A.634</del> 2 of section 11 of this regulation.....	
<del>[For a certificate issued pursuant to subsection 2 of NAC 445A.634—</del>	<del>—57]</del>
For the issuance of a certificate as an operator-in-training.....	57
For conversion of a certificate as an operator-in-training to a full certificate....	30
For the issuance of a provisional certificate .....	30
For the renewal of a full certificate .....	30
For the renewal of a provisional certificate.....	30
For the renewal of a certificate as an operator-in-training.....	30
For the reinstatement and renewal of a full certificate .....	100

**Sec. 30.** NAC 445A.652 is hereby amended to read as follows:

445A.652 1. Any person who has reason to believe that an action taken by the ~~[Health]~~ Division pursuant to NAC 445A.617 to 445A.652, inclusive, *and sections 2 to 14, inclusive, of this regulation* has been incorrect or based on inadequate knowledge may, within 10 business days after receiving notice of the action, request an informal discussion with the employee responsible for the action and the immediate supervisor of the employee.

2. If the informal discussion does not resolve the problem, the aggrieved person may, within 10 business days after the date scheduled for the informal discussion, submit a written request to the ~~[Bureau]~~ *Administrator of the Division or his designee* for an informal conference. The informal conference must be scheduled for a date, place and time mutually agreed upon by the aggrieved person and the ~~[Bureau.]~~ *Administrator or his designee*, except that the informal

conference must be held no later than 60 days after the date on which the ~~[Bureau]~~  
*Administrator or his designee* receives the written request.

3. ~~[Except as otherwise provided in subsection 4, the]~~ *The* determination of the ~~[Bureau]~~  
*Administrator of the Division or his designee* resulting from the informal conference cannot be  
appealed and is the final remedy available to the aggrieved person.

~~[4.— An applicant for or holder of a certificate issued pursuant to NAC 445A.617 to  
445A.652, inclusive, who is aggrieved by an action of the Health Division relating to the denial  
of an application for or renewal of such a certificate or the suspension or revocation of such a  
certificate may appeal that action in accordance with NAC 439.300 to 439.395, inclusive, after  
exhausting the informal procedures set forth in this section, except that the Bureau may waive  
the informal procedures, or any portion thereof, by giving written notice to the aggrieved person.~~

~~—5.— As used in this section, “Bureau” means the Bureau of Health Protection Services of the  
Health Division of the Department of Human Resources or its successor.]~~

**Sec. 31.** NAC 445A.622, 445A.6265, 445A.627, 445A.628, 445A.634, 445A.635,  
445A.636, 445A.637 and 445A.638 are hereby repealed.

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## TEXT OF REPEALED SECTIONS

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**445A.622 “Health Division” defined. (NRS 445A.860, 445A.880)** “Health Division” means the Health Division of the Department of Human Resources.

**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.

**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) Groundwater 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.

**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.

**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.

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.

**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.

**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 groundwater 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.

**445A.637 Contents and expiration of certificate. (NRS 445A.860, 445A.880)**

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.

**445A.638 Renewal of certificate: Prerequisites; compliance with requirements for continuing education. (NRS 445A.860, 445A.880)**

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.