

**FORM 1: FORM FOR PETITIONING THE STATE ENVIRONMENTAL COMMISSION FOR
ADOPTION, FILING AMENDMENTS OR REPEAL OF COMMISSION REGULATIONS**
(Provide attachments as needed)

1. Name, address, telephone number, and signature:

Name: 1. Nevada Division of Environmental Protection

Address: 901 South Stewart Street, Ste. 4001

E-mail Address: mnguyen@ndep.nv.gov

Telephone Number: 7775-687-9515

Date of Petition: November 30, 2017

Representative capacity and signature of petitioner, authorized individual, officer or attorney:



2. Specific type of petitioner (individual, partnership, corporation, government agency, or other) and the exact occupation or business, including a description of the occupation or business if necessary:

The Nevada Division of Environmental Protection (NDEP) is a division of the Nevada Department of Conservation and Natural Resources of the State of Nevada. NDEP is an environmental regulatory agency.

3. Exact and specific nature of changes sought, including delineation of the regulations, statutory provisions of Commission decisions involved. May include a statement of the written term or substance of the proposed regulatory action, or a description of the subjects and issues involved:

The NDEP is requesting adoption of these regulatory amendments governing the Drinking Water operator certification process found in Chapter 445A of the Nevada Administrative Code (NAC). Statutory authority to adopt these amendments is contained in Nevada Revised Statutes (NRS) 445A.860 and 445A.880.

SPECIFIC CHANGES:

The Division proposes to modify the regulations pertaining to drinking water operator certification; NAC 445A.6285.5, NAC 445A.629, NAC 445A.632, NAC 445A.633, 445A.639, 445A.640, 445A.651. Revisions include: clarifications to existing regulations, increasing exam, renewal, conversion and reciprocity fees; increasing contact hours required for renewals; adding additional time requirements to operator grades; and modifying operators' ability to upgrade licensures.

4. A statement of the need for and purpose of the proposed regulations:

The primary proposed amendments addresses NAC 445A.633 and 445A.639. The NDEP considered this amendment at the request of the Drinking Water and the Waste Water Operator Forum Committee. The new amendments ensure that operators have the appropriate level(s) of experience and are up-to-date with the latest requirements in Drinking Water regulations and technologies. By providing Operators with the opportunity to apply for licenses that are two grades above the system at which they are working, it is imperative that our Operators be well-trained in operation standards and treatment technologies. Additionally, they must be well-versed in regulatory requirements to protect public health, thereby strengthening the integrity of our program.

The NDEP Operator Certification Program is funded by fees and federal grants. The fees, which have stayed flat since 2002, currently cover 39% of the program (2 FTE positions). The fees are not appropriately priced to reflect regulatory workload. Additionally, costs for acquiring and proctoring the exams has increased over the years, while our fees have remained unchanged. The proposed operator certificate fees will provide a supplemental source of revenue that is directly tied to regulatory workload and increased costs of exams. The proposed fees and added funds will enable to the Division to offset the uncertainty of federal grants and help bridge the gap between expenses and to ensure that the program is sustainable.

The clarification amendments are general language clarification and cleanups.

5. A statement of the:

(a) Estimated economic effect of the regulation on the business which it is to regulate:

Although the proposed amendment to fees would affect individual licensees, some private water systems that pay for their operator's license(s) would be affected.

(1) Both adverse and beneficial effects:

The proposed increase of fees is relatively nominal compared to rate of inflation (17 years) on existing fees. However, the amended fees take into consideration actual FTE hours worked on each type of application. All operators were contacted individually regarding the impact of the proposed fees. All comments received were in acceptance of the proposed fees. In addition, a 3 year gradual increase of the fees was proposed to help alleviate financial burdens on affected parties. The increase in fees will aid in maintaining a robust regulatory program, in turn, becoming less reliant on uncertain federal grants.

(2) Both immediate and long-term effects:

Community and non-transient non-community water systems paying for their operator(s) license(s) would be affected to the proposed fee increases. However, the fee increases are relatively nominal compared to the scale of operation and can be incorporated into their rate structure and/or the cost of business operations.

(b) Estimated economic effect on the public:

The proposed amendment is not expected to have an economic effect on the public.

(1) Both adverse and beneficial effects:

(2) Both immediate and long-term effects:

(c) Estimated cost by the agency for enforcement of the proposed regulation:

The proposed amendment to the required amount of contact hours would increase the FTE time needed to review applications. Additional costs will be covered by the proposed application fee increase.

6. A description of any regulations for 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, the name of the regulating federal agency:

This regulation amendment will not overlap or duplicate any Local, State, or Federal Regulation.

7. If the regulation includes provisions which are more stringent than a federal regulation which regulates the same activity, a summary of such provisions. The statement must include the specific citation of the federal statute or regulation requiring such adoption:

This regulation amendment will not be more stringent than federal regulations.

8. 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:

It is anticipated that the proposed fees would generate approximately \$107,000 per year in total revenue, (after the 3 year step price increase finished), which is sufficient to cover 1 of the 2 FTE needed to run the program. This revenue would be used to offset the Division's costs for regulating the Drinking Water Operator Certification Program.