

**Public Workshop - Notice to adopt regulations (P2017-09) amending Chapter 445A of the Nevada Administrative Code (NAC) – Certification of Operators.**

Public Workshop Transcript

The Nevada Division of Environmental Protection (NDEP), Bureau of Safe Drinking Water (BSDW) held three Public Workshops on proposed Petition (P2017-09), and Certification Program revisions to Nevada Administrative Code (NAC). The purpose of the Public Workshops was to inform the regulated community and members of the public about proposed regulatory changes and solicit comments from interested persons.

<p>Monday, January 8, 2018 9:00 AM- 11:00 AM Bryan Building, 2<sup>nd</sup> Floor Tahoe Room 901 S. Stewart Street Carson City, Nevada 89701</p>	<p>Wednesday, January 10, 2018 9:00 AM – 11:00 AM Elko City Hall Council Chambers 1751 College Avenue Elko, Nevada 89801</p>	<p>Thursday, January 11, 2018 10:00 AM – 12:00 PM Grant Sawyer Bldg. Conference RM 1100 555 E. Washington Ave Las Vegas, Nevada 89101</p>
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**Attendees of the January 8, 2018 Carson City Public Workshops:**

NDEP Staff:

- My-Linh Nguyen, Ph.D., P.E., Chief, Bureau of Safe Drinking Water
- Linh Kieu, Data Management/Operator Certification Supervisor
- Max Sosa, ES III, Operator Certification Program Manager
- Rachel Weingart, AIII, Bureau of Safe Drinking Water
- Joe Sawyer, P.E., Chief, Bureau of Mining and Reclamation
- Todd Process, ES IV Supervisor, Reclamation Bureau of Mining and Reclamation
- Rob Kuczynski, P.E., Regulation Branch Supervisor, Bureau of Mining and Reclamation
- Tom Gray, ES IV, Closure Branch Supervisor, Bureau of Mining and Reclamation
- Bethany Graeser, AIII, Bureau of Mining and Reclamation

Public:

- Larry Grant, Hawthorne Utilities
- Daniel Peterson, SPB Utilities.
- Chris Murphy, GID
- Bob Foerster, Nevada Rural Water Association

**Attendees of the January 10, 2018 Elko Public Workshops:**

NDEP Staff:

- My-Linh Nguyen, Ph.D., P.E., Chief, Bureau of Safe Drinking Water
- Linh Kieu, Data Management/Operator Certification Supervisor
- Max Sosa, ES III, Operator Certification Program Manager

Public:

Morgan Dingman, City of Elko  
Chris Lauborough, City of Elko  
Mark Bailey, City of Elko  
Roger Veldt, City of Elko  
Dale Johnson, City of Elko  
Jim Kerr, Elko County  
Dustin Skinner, City of Elko  
Alder Tybo, City of Elko  
Andrew Storla, City of Elko  
Sunny Gumen, Elko County  
Clark Philips, Elko County  
Roger Veldt, City of Elko  
Dean Cernick, City of Elko  
Lester Porter, Eureka County  
Brent Johnson, City of Elko  
Mike Boney, Nevada Rural Water Association

**Attendees of the January 11, 2018 Las Vegas Public Workshops:**

NDEP Staff:

My-Linh Nguyen, Ph.D., P.E., Chief, Bureau of Safe Drinking Water  
Linh Kieu, Data Management/Operator Certification Supervisor  
Max Sosa, ES III, Operator Certification Program Manager

Public:

Rick Mills, Las Vegas Valley Water District  
Brooke Winter, Phigenics

**Paraphrased Public Questions and Comments from the Public  
Workshop Held on January 8, 2018**

A Public Workshop was held on January 8, 2018 in Carson City. The Workshop was called to order by Ms. My-Linh Nguyen a power point presentation and discussion was provided by Mr. Linh Kieu and Max Sosa who both responded to attendees questions. NDEP AA staff recorded comments during the public comment period and the entire event.

Public Comment - If they are going to change the passing score, when would you know what the passing score would be for each test? Is this on a curve?

NDEP Reply - It is kind of on a curve, but it is difficult to say since ABC is still releasing that information. We just wanted to let people know that theoretically if you miss 29 or 30, which might not be a failing score anymore. ABC will determine passing grade for each test cycle.

Public Comment - When will the scoring/test go into effect?

NDEP Reply - That will not go into effect until we move to the new exam with ABC, which we will not be until January 2019.

Public Comment - On the time frames on how long you have to be a D2/T2 before becoming a D3/T3 or T4/D4, can you take a higher OIT test or do you have to wait until you have the full

year before applying for the higher grades?

NDEP Reply - It only applies to the full certificates. You can take a higher OIT exam whenever you want.

Public Comment - Looking at the fee increases, it is not clear what year would apply for which fees?

NDEP Reply - Will talk to LCB about clarifying up the date ranges and will take that into consideration

NDEP Asked Audience if there was any comments/concerns regarding fee increase - Public comment made thanking the committee on the tiered step approach.

After the question and comment period, Mr. Linh Kieu, asked for more comments. There being no more comments by attendees, Mr. Linh Kieu thanked everyone and adjourned the Public Workshop.

### **Paraphrased Public Questions and Comments from the Public Workshop Held on January 10, 2018**

A Public Workshop was held on January 10, 2018 in the City of Elko. The Workshop was called to order by Ms. My-Linh Nguyen a power point presentation and discussion was provided by Mr. Linh Kieu and Max Sosa who both responded to attendees questions. NDEP staff recorded comments during the public comment period and the entire event.

Public Comment - Asked does every version of the test have its own curve?

NDEP Reply - Yes, there will be many versions of the various exams and every test will have its own curve.

Public Comment - Asked if the fees would increase through the years? Every 5 or 10 years?

NDEP Reply - Yes, the fees would increase through the next couple of years when it comes into effect. No additional plans to increase fees after that.

Public Comment - Asked if there is any pushback on the regulation talking about being able to test for 2 grades ahead from what your current grade is?

NDEP Reply - There were some concerns about operators being able to received 2 full certification grades above their current water system's grade. However, we wanted to clarify that not just anyone can test 2 grades higher. You will have to have certain amount of experience for that requirement per our guidelines.

Public Comment - Request for clarification regarding the CEU's with the OIT's and Full certs for renewals.

NDEP Reply - You need to renew only your highest OIT and full certificates.

Public Comment - Is there still going to be a period of time from January to June to reinstate if you lapse your certification?

NDEP Reply - Yes, you will still be able to reinstate from January to June if it is a full certificate. If it's a FULL certification after the 6 month reinstatement period, your certificate will expire. If you are an OIT, you cannot reinstate your certification.

Public Comment - What are the experience requirement to take an exam?

NDEP Reply - You will have to the same education/experience requirements for each grade as before. Again, each grade has different requirements.

Public Comment - When will the additional contact hours would go into effect?

NDEP Reply - If everything goes as planned, the fees will come into effect July 1, 2018, FY 2019.

Public Comment - Are there 10 extra questions on ABC exams and do they all count in the score?

NDEP Reply - Yes, there will be 10 extra questions, you will not know which ones they are, and they will not count towards the test score.

Public Comment - When will the additional contact hours would go into effect?

NDEP Reply - It will go into effect with operators who have certifications that expire on 12/31/2019.

Public Comment - Would NVRWA would be open to more video conferences other than Fridays?

NDEP Reply - You will have to talk to NVRWA about having more available video conferences. If you feel like there isn't enough contact hour opportunities, please let us know and we can try to get something together for contact hours as well. You can also acquire contact hours thru our website with the online providers.

NDEP Asked Audience if there was any comments/concerns regarding fee increase - No comments were made.

NDEP Comment- February 21, you can watch the SEC meeting on line.

After the question and comment period. Mr. Linh Kieu, asked for more comments. There being no more comments by attendees, Mr. Linh Kieu thanked everyone and adjourned the Public Workshop.

**Paraphrased Public Questions and Comments from the Public  
Workshop Held on January 10, 2018**

A Public Workshop was held on January 11, 2018 in the City of Las Vegas. The Workshop was called to order by Ms. My-Linh Nguyen a power point presentation and discussion was provided by Mr. Linh Kieu and Max Sosa who both responded to attendees questions. NDEP staff recorded comments during the public comment period and the entire event.

Public Comment - Is the testing score going to be more of a curve and how does this effect the testing directly?

NDEP Reply - Correct, ABC is going to be grading the scores based on a weighted average calculated by the testing agency that is dependent on the level of difficulty of the test questions.

Public Comment - Concern whether or not the proposed reg. change would affect distribution systems that are consecutive connections with supplemental disinfection?

NDEP Reply - There's no change in granting certificates. This proposed reg. change would be more applicable to treatment certification applicants in small municipal systems. For example, a county system where an operator would operate various treatment systems. It would only pertain to distribution systems with numerous pressure zones.

NDEP Asked Audience if there was any comments/concerns regarding fee increase – Public commented that the fee increases are very reasonable, well justified and long overdue.

After the question and comment period. Mr. Linh Kieu, asked for more comments.

Public Comment - Fees are a non-issue, thank you for doing a thorough job. In today's business world would think that fully funding of the program would be achieved quicker.

There being no more comments by attendees, Mr. Linh Kieu thanked everyone and adjourned the Public Workshop.