

EXHIBIT 6



**Workshops to Solicit Comments on Proposed Amendments to
NAC 445A: Water Controls**

LCB File R155-17

Summary

NDEP is proposing to update NAC 445A to provide changes to the wastewater treatment operator certification program. These changes will delineate ascending educational and experience steps for certifications levels (Grade I through Grade IV) and will specify a continuing educational standard on renewal of bi-annual certifications. Additionally, the proposed regulatory changes will include an ethics section identical to the NDEP Safe Drinking Water Operator Certification Program. In order to cover the certification program costs, the draft regulations also includes fee increases. Finally, a provision for restricted certification will be developed to allow for accelerated testing.

Proposed revisions include: (1) in addition to a high school diploma or GED, requiring wastewater specific education of 60 hours for Grade I, 120 hours for Grade II, 120 hours plus two post-secondary courses for Grade III, and 120 hours plus four post-secondary courses for Grade IV. (2) for biannual certification renewals, a Grade I will need 5 contact hours, a Grade II, 10 contact hours, a Grade III, 15 contact hours, and a Grade IV, 20 contact hours. (3) The fees for initial application for certification will be raised to \$140, for biannual renewal the fee will be raised to \$ 110, and for reciprocity, the fee will raised to \$150.

Also, the Division is proposing to modify NAC 445A.867 (6) in the underground injection control program (UIC) to require all wells within an area of review for a UIC permit to have proper corrective actions completed, not just injection wells.

Three public workshops were held to provide the public with an overview of the changes and an opportunity to ask questions or provide comments on, the proposed amendments to NAC 445A (LCB file R155-17).

The workshops were held at the following locations:

Las Vegas

Wednesday, January 31, 2018
1:00 PM – 3:00 PM
Grant Sawyer Bldg., RM 1100
555 E. Washington Avenue
Las Vegas, NV 89122

Carson City

Monday February 5, 2018
9:00 AM– 11:00 AM
Bryan Building
Tahoe Hearing Room
901 S. Stewart Street, Room 2001
Carson City, NV 89701

Elko

Thursday, February 8, 2018
10:00 AM– 12:00 PM
Elko City Hall
Council Chamber Room
1751 College Avenue
Elko, NV 89801

Las Vegas Workshop Summary

The workshop was called to order at 1:05pm.

Joe Maez introduced himself, Katrina Pascual, and Bruce Holmgren as the workshop panelists. Mr. Maez then gave an overview of the purpose of the workshop.

The public was given an opportunity to provide general comments and questions. There were none provided.

Ms. Pascual then gave an overview of the proposed regulations.

After her presentation, the public was given an opportunity to ask questions regarding the proposed regulations.

The following questions and/or comments were given:

Public Comment: What is the timeframe for the implementation for all these changes?

NDEP Response: There will be no gradual adoption (minus a two year allowance for CEUs). Once changes are adopted, operators will be notified and they will be implemented.

Public Comment: With the education requirements, has there been research done or mechanism put in place to ensure coursework or academies are available to provide. Current class availability is hit-or-miss and there are worries that the education will not be available for advancement.

NDEP Response: The Nevada Water Environment Association (NWEA) lists available classes and will be expanding this list. As the continuing education becomes required, there will be a larger appetites for training (professionals) to come to the State.

Public Comment: What is a definition of a contact hour?

NDEP Response: One hour of wastewater related instruction.

Public Comment: Are the resources available for operators to satisfy continuing education standards?

NDEP Response: NWEA already lists classes and will be expanding the list as the program gets up and running and classes are approved.

Public Comment: Other states have education standards, but also have substitution for experience. Can Nevada adopt or include a provision where experience can substitute some of the class requirements?

NDEP Response: The proposed standards are reasonable and attainable. Because the proposed education standard is set reasonably low, it was not necessary to create an equivalent experience substitute to offset the education standard.

Public Comment: Getting higher certified people has not been an easy task. What is the new regulation going to do to facilities that are in need and going through this perpetual retirement phase of senior operators and not seeing people to replace those operators?

NDEP Response: The requirement is still a high school diploma, not an associate degree. It is still a great career opportunity for young people. Standards are very reasonable and attainable. The problem with obtaining people with high certification has to do with people who cannot pass the exam because they are testing before they are prepared.

Public Comment: Section 11, who makes the assessment that someone is negligent?

NDEP Response: NDEP in consult with its designee, the Wastewater Operator Certification Board.

Public Comment: Will the operator get credit for the grade they already have (e.i education and experience) and only have to obtain the difference for the higher grade?

NDEP Response: There will be no grandfathering system on advancement. Operators going for higher grades must meet all new requirements (education and experience) to advance to a higher grade. Reciprocity must also meet new (requirements also for Nevada's Grade Levels.

Public Comment: Going forward will the requirements increase to be more comparable to other states. Giving Nevada more credibility.

NDEP Response: That is currently not being considered, as these changes should bring Nevada on par with most states. Post-secondary courses can be anything related to wastewater

Public Comment: Why the increase in fees for all certifications. Where does all that money go?

NDEP Response: 100% of the money collected goes to fund the operator certification program, but currently only funds 40% of the money collected goes to the program.

With the proposed regulation, the program will need more funding to be run and the increased fees are projected to cover an estimated 70-80% of projected costs.

Public Comment: Section 12 – Is Industrial facility defined somewhere?

NDEP Response: A facility receiving 100% industrial waste would be considered an industrial facility and would not require a certified operator.

Public Comments: The new regulations are allowing Nevada operators to be on a more level playing field. As it stands, there are not many states that will not recognize a Nevada operator's certification because our requirements are so low. The new standards will give our state program more credibility.

The public was given another opportunity to provide general comments and questions. There were none.

The workshop was adjourned at approximately 2:40 pm.

The workshop attendance sheet is attached.

Cason City Workshop Summary

The workshop was called to order at 9:05 am.

Joe Maez introduced himself, Katrina Pascual, and Bruce Holmgren as the workshop panelists. Mr. Maez then gave an overview of the purpose of the workshop.

The public was given an opportunity to provide general comments and questions. There were none.

Ms. Pascual gave an overview of the proposed regulations.

The public was given an opportunity to ask questions regarding the proposed regulations. The following questions were asked:

Public Comment: Would safety training count towards continuing education?

NDEP Response: Yes, it would have to be submitted for approval and has to do with wastewater operation. Only a portion of the total required continuing education can be safety, a majority must be wastewater operation.

Public Comment: Section 6 – After 6 months an operator is decertified and cannot renew. What does that mean?

NDEP Response: You have start back at Grade I and work your way back up because you hold no certification. You still have all your experience; you would just need to retest in sequential order to return to your grade.

Public Comment: Was there any consideration of industrial treatment plants have certified operators if they had a State permit?

NDEP Response: The regulations are focused on municipal systems. Industrial certified operators were not in consideration.

Public Comment: Currently, it is difficult to find contact hours within this part of the State. Is the Bureau planning to create consistent training because the requirement of CEUs. There needs to be more training in the area.

NDEP Response: CEU's are currently not required so there is not an appetite from trainers to come to the State. We are also working with the Board to expand the availability of online courses.

Public Comment: We need to get the CEU program in place. Rural communities have trouble finding people who are qualified and have the biggest problem with groundwater pollution because they don't know how to run their facilities. So we got to have the training that pertinent to the operations of these plants.

Public Comment: Classification of Plants – Class IV. Recommend taking the activated sludge back down to Class III. Utilize Class IV as advancing future technologies, reuse, direct and indirect potable ruse. Prepare people for studying for these things.

Public Comment: Will a list of the post secondary classes and school be provided?

NDEP Response: Yes, these will be available on the Board website

Public Comment: If I am a Grade III operator and if I wanted to get a Grade IV, I am not going to be able to get that one year experience unless I went to a Class IV plant. Are you set on that 1 year experience because there is a motivation to get a Grade IV and there is not the opportunity to get that experience.

NDEP Response: Restricted Certificate was created to bridge the gap. NDEP wanted to make a minimum requirement that if a plant is a Class IV, that there is an experienced Grade IV operator in direct responsible charge for the plant, the one who is responsible for the meeting all the permit requirements. Education is important, but experience is equally important and the proposed regulations require both to hold full certification.

Public Comment: The Postsecondary Education. What happens if an operator goes from a Grade III operator in the current system to a Grade IV in these proposed regulations?

NDEP Response: Operators will have to meet all the new requirements for the Grade IV moving forward. A grandfathered system will not be created to move forward, but you will not need to meet new requirements to continue holding your grade certification.

Public Comment: In the proposed regulation, the restricted certificate is effective for 4 years and not renewable. Maybe have a tiered approach for the higher grades. There is concern that we may limit the number for Grade III and IV operators. Given the difficult testing, a tiered approach for the higher grades to have a longer time holding the restricted certificate.

NDEP Response: This will be evaluated.

The public was given another opportunity to provide general comments and questions. There were none.

The workshop was adjourned at approximately 11:20 am.

The workshop attendance sheet is attached.

Elko Workshop Summary

The workshop was called to order at 10:05 am.

Joe Maez introduced himself, Katrina Pascual, and Bruce Holmgren as the workshop panelists. Mr. Maez then gave an overview of the purpose of the workshop.

The public was given an opportunity to provide general comments and questions. There were none.

Ms. Pascual gave an overview of the proposed regulations.

The public was given an opportunity to ask questions regarding the proposed regulations.

Public Comment: With the CEUs required for renewal, will NDEP be providing more training in the area for these wastewater classes? At the moment, operators have to go to Reno or Vegas to get these classes.

NDEP Response: The NWEA website will be updated to list more online training. One of the biggest issues of getting trainers to Nevada is that continuing education is not required so a lot of trainers do not have enough participation to come to Nevada. The goal is to get the Board to get more classes available to the rural areas and more relevant training.

Public Comment: Grade IV certification is used by the City of Elko as an increase in pay. The restricted is only good for 5 years then the City will give us the pay scale and then cut us back after 5 years because they are not renewable.

NDEP Response: The restricted certificated cannot be renewed but can be reobtained through retesting.

Public Comment: Section 9 – Continuing Education Renewals. Is there a certain percentage that can be used for safety?

NDEP Response: This will be worked out in policy with the Board.

Public Comment: Section 14 – Reclassification of plant classification. Currently Elko Plant is classified as a Class III. The City allows them to be a Grade IV operator. The new regulations say that you need one year at a Class IV to be a Grade IV operator. This stops our operators from achieving goals for themselves. Is there still an opportunity to take a Grade IV certification where you don't work at a Class IV plant?

NDEP Response: You can take the test for the Grade IV and get the restricted certificate. It shows that you have passed the test, but you still do not have that experience in the Class IV plant for a full certification. From an NDEP standpoint, we want to make sure that operators of a certain level plant have experience at a plant of that level and not to have just passed the test.

Public Comment: Section 13 - Reason for such a large fee increase instead of a step over time?

NDEP Response: The Bureau of Water Pollution Control has been subsidizing the program for many years with permit fees. Fees have not been increased since 1992. The program will have more cost associated because of education and continuing education reviews, these fees will be raised to fund 70 to 80% of the future program costs and will still be subsidized by permit fees.

Public Comment Section 3 – Initial Application. New employee needs 60 contact hours for his Grade I plus 5 continuing education hours. Do those 5 continuing education hours count towards the 60 contact hours for education?

NDEP Response: Continuing education is not required until they are a full operator. Also, classes can be used for either the 60 contact hours or the 5 continuing education hours for renewal, but they cannot be used for both.

Public Comment The operator is currently a Grade I and getting his Grade II. Do the education contact hours expire when I go for the Grade III?

NDEP Response: No, they are cumulative and do not expire. They are not the same as the contact hours you use for continuing education. So for recent classes you will think about if you want to claim the hours for education or for renewal.

Public Comment Section 5 – Restricted Certification. No more OIT program. Is that fully gone? We have an OIT program in the City.

NDEP Response: We have no say in the City OIT system.

Public Comment The operator is currently an OIT. Would he have to pay for the restricted certificate, then have to pay for the conversion?

NDEP Response: Yes, to convert to the full certification, an operator must meet the experience and education and then pay the conversion fee.

Public Comment: Section 3 clarification, contact hours and post-secondary education is just for operator advancing grade.

NDEP Response: Yes, it is for advancing grade and not maintaining certification. Your certification will not be revoked if you have been granted the grade but do not meet current requirements.

Public Comment: Online, will there be lists of classes and courses that qualify for contact hours.

NDEP Response: Yes.

The public was given another opportunity to provide general comments and questions. There were none.

The workshop was adjourned at approximately 11:20 am.

The workshop attendance sheet is attached.

Summary of Written Comments

Written comments were accepted until February 9, 2018 at 5:00 pm, both by mail and email. Below is a summary of those written comments.

- Comment: Additional time requirements will negatively impact potential income increases for current operators. Additional time will cause operators to be excluded (non-

eligible) for promotions and salary increases with their current employer and potential employers if applicant is required to have a certain level of certification “at time of application” or within one (1) year of hire date or promotion.

A one year minimum requirement is not unreasonable to provide baseline assurance that an operator has practical working knowledge on the plant classification they are going to be in responsible charge of.

- Comment: Increasing contact hours will cause operators to spend less time at their job to attend classes and increase the work burden on fellow employees. Some operators are also required to maintain contact hours for other certifications held related to water and wastewater.

The tiered CEU program along with a two year plus roll-out period will not be an unattainable burden or impact work time.

- Comment: An operator can currently test for and obtain a certificate for one grade higher than their current plant classification. Plants have pay scales that reward higher certifications and this may affect their livelihood.

The restricted certificate was developed as an opportunity for operators to test above their plant classification. A minimum one year of experience at plant of that class is still required to receive the full certification for that level.

- Comment: Previously, there was an Operator in Training (OIT) program for only Grade I operators. Restricted Certificates will be changed to allow for certification grades I through IV. The 5 years expiration date punishes the operator if they are not able to gain the required experience and they will either lose their restricted or need to retest. An operator had gained the knowledge to pass the exam and should not expire.

NDEP has noted this comment.

- Comment: This change would lower some plant classifications. This would not be an issue if operators were not held back from testing for higher grades.

NDEP has noted this comment

- Comment: Raising the exam and renewal fees are drastic. Fees need to be updated, but this is too steep an increase. A gradual step should be implemented to lessen the burden on systems and operators.

NDEP has noted this comment.

UIC Related questions:

- Please provide clarification as to the word “well” in subpart f, and that the word “well” is the same as NAC 534.220 “Well” defined.

For the UIC regulations, well is defined NAC 445A.838.

- I would suggest the proposed language be amended to include NAC 534.015 “...but is not correctly completed, plugged, *or abandoned.*”

NAC 534 is not part of the UIC regulation and furthermore, the term abandoned is not defined, so doing so would lead to confusion.

- Please provide clarification regarding the “area of review” as remaining the 1-mile radius around the injection well.

For UIC regulations, area of review defined and discussed under NAC 445A.897, 445A.898 and 445A.899. Yes, still one mile unless alternated area of review distance as determined by the Director.

In response to written comments and public input received during the workshops, NDEP has revised the proposed regulations. The revisions are not substantive, and add clarity to the intent of the regulations. The following revisions were made:

- Section 3, Part 4, which defined “postsecondary course of instruction”, has been clarified to specify wastewater related instruction.
- Section 5, Part 1 has been clarified that an operator with a restricted certificate cannot operate in *direct responsible charge* at that grade level
- Section 5, Part 4 has been changed from 4 years to 5 years.
- Section 8 has removed the language “ *by a recognized health care or mental health care provider and must state the nature of the disability and the special testing arrangements that are requested.*”
- Section 12, Part 3, which would have excluded industrial operators from certification, has been removed from the proposed regulation.
- Section 13, the table has been revised to 5 years to reflect the changes in section 5 part 4.
- Section 14, “RBC” has been removed from both that table and definitions of the proposed regulations.