

**APPROVED REGULATION OF  
THE STATE ENVIRONMENTAL COMMISSION**

**LCB File No. R121-19**

Filed August 26, 2020

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

AUTHORITY: §§1-8, NRS 445A.425.

A REGULATION relating to sewage treatment; revising provisions related to certification as an operator of a plant for sewage treatment; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law authorizes the State Environmental Commission to adopt regulations that require supervisors and technicians responsible for the operation and maintenance of plants for sewage treatment to be certified by the State Department of Conservation and Natural Resources. (NRS 445A.425) This regulation revises various provisions relating to certification as an operator of a plant for sewage treatment.

Existing regulations set forth the educational requirements for an operator of a plant for sewage treatment. Existing regulations require that an applicant for full certification as a: (1) Grade I operator complete 60 contact hours of education related to sewage treatment; (2) Grade II operator complete 120 hours of education related to sewage treatment; (3) Grade III operator complete 120 contact hours of education and two postsecondary courses of instruction related to sewage treatment; and (4) Grade IV operator complete 120 contact hours of education and four postsecondary courses of instruction related to sewage treatment. (NAC 445A.2862) **Section 1** of this regulation requires, instead, that an applicant for full certification as a: (1) Grade I operator complete 50 contact hours of education related to sewage treatment; (2) Grade II operator complete 100 contact hours of education related to sewage treatment, 50 contact hours of which may have been completed for certification as a Grade I operator; (3) Grade III operator complete 100 contact hours of education related to sewage treatment, all of which may have been completed for Grade I and Grade II certification, and two postsecondary courses of instruction related to sewage treatment; and (4) Grade IV operator complete 100 contact hours of education related to sewage treatment, all of which may have been completed for Grade I and Grade II certification, and four postsecondary courses of instruction related to sewage treatment, two courses of which may have been completed for Grade III certification.

2. To apply for ~~{certification}~~ *a full certificate* as an operator of a plant for sewage treatment:

(a) An applicant must submit an application to the Division or its designee that is accompanied by the appropriate fee set forth in NAC 445A.287.

(b) The applicant must be at least 18 years of age, possess a high school diploma or a general educational development certificate or its equivalent and meet the following additional educational requirements:

(1) For Grade I, ~~{60}~~ *completion of 50* contact hours of education related to sewage treatment.

(2) For Grade II, ~~{120}~~ *completion of 100* contact hours of education related to sewage treatment ~~{,}~~, *50 contact hours of which may have been completed for Grade I certification pursuant to subparagraph (1).*

(3) For Grade III, ~~{120}~~ *completion of 100* contact hours of education related to sewage treatment, *all of which may have been completed for Grade I and Grade II certification pursuant to subparagraphs (1) and (2), respectively,* and two postsecondary courses of instruction related to sewage treatment.

(4) For Grade IV, ~~{120}~~ *completion of 100* contact hours of education related to sewage treatment, *all of which may have been completed for Grade I and Grade II certification pursuant to subparagraphs (1) and (2), respectively, and four* postsecondary courses of instruction related to sewage treatment ~~{and four postsecondary}~~, *two* courses of ~~{instruction related to sewage treatment.}~~ *which may have been completed for Grade III certification pursuant to subparagraph (3).*

4. As used in this section, “postsecondary course of instruction” means a successfully completed college level course which is at least 36 hours of instruction.

**Sec. 2.** NAC 445A.2864 is hereby amended to read as follows:

445A.2864 1. A **full** certificate as an operator of a plant for sewage treatment may be issued by the Division without examination as required by NAC 445A.2862 on a case-by-case basis to a person in a comparable classification who has passed an equivalent written examination and who holds a full certification 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, as determined by the Division.

2. To apply for **full** certification by reciprocity as an operator of a plant for sewage treatment, an applicant must submit an application to the Division or its designee, which must include, without limitation:

(a) Evidence of the education and experience in operating a plant for sewage treatment of the applicant supporting the certification at the grade level that is requested;

(b) Evidence of any continuing education units completed by the applicant for the certification held by the applicant;

(c) Evidence of the valid, unexpired full certificate held by the applicant for which reciprocity is requested; and

(d) The fee required pursuant to NAC 445A.287.

3. An incomplete application or an application that includes an expired certificate will not be considered. The Division shall review an application to determine whether the application

***(c) Submit an application to the Division or its designee that is accompanied by the appropriate fee set forth in NAC 445A.287.***

3. A restricted certificate may be converted to a full certificate if the applicant:

(a) Meets the experience requirement for the equivalent full certificate set forth in NAC 445A.2862; ~~and~~

(b) Holds an active, full certificate for the grade below ~~+~~

~~[4. A restricted certificate is valid for 5 years after the date of its issuance and may not be renewed. After a restricted certificate has expired, an operator may take the examination for certification again and submit a new application for a restricted certificate pursuant to the requirements of this section.] ; and~~

***(c) Submits an application to the Division or its designee that is accompanied by the appropriate fee set forth in NAC 445A.287.***

**Sec. 4.** NAC 445A.2868 is hereby amended to read as follows:

445A.2868 1. ~~[A]~~ ***Any full or restricted*** certificate issued pursuant to NAC 445A.2862 , ~~[or]~~ 445A.2864 ~~[may be renewed once every]~~ ***or 445A.2866 is valid for 2 years and may be renewed*** if the holder of the certificate submits a completed application for renewal on the form supplied by the Division before the expiration date of the certificate, which must include, without limitation:

(a) Evidence of completion of the requirements of continuing education set forth in NAC 445A.2912; and

(b) The fee for renewal set forth in NAC 445A.287.

*certificate for the grade below the restricted certificate pursuant to NAC 445A.2862. Such a person must pay the appropriate fee set forth in NAC 445A.287 for an initial restricted certificate and retake and pass the applicable examination for the level of certification previously held.*

**4. Notwithstanding the provisions of subsections 2 and 3, if** the holder of an expired certificate issued pursuant to NAC 445A.2862 , ~~or~~ 445A.2864 **or 445A.2866** provides to the Division ~~{documentation}~~ :

**(a) Documentation** of health problems that made the holder unable to meet the requirements of continuing education for renewal of his or her certificate in the time provided pursuant to NAC 445A.2912, the holder of the expired certificate may request, within 2 years after the expiration date of the certificate, that the certificate be reinstated and renewed by payment of the reinstatement fee set forth in NAC 445A.287 and verification that all requirements of continuing education have been satisfied ~~f~~.

~~5.— If the holder of a certificate issued pursuant to NAC 445A.2862 or 445A.2864 provides to the Division documentation} ; or~~

**(b) Documentation** of military duty that made the holder unable to meet the requirements of continuing education for renewal of his or her certificate in the time provided pursuant to NAC 445A.2912, the holder of the expired certificate may request, within 4 years after the expiration date of the certificate, that the certificate be reinstated and renewed by payment of the reinstatement fee set forth in NAC 445A.287 and verification that all requirements of continuing education have been satisfied.

**Sec. 5.** NAC 445A.287 is hereby amended to read as follows:

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

2. The Division may deviate from this table if it determines that mitigating or intensifying factors exist to raise or lower a plant classification. Factors may include, without limitation,

~~—3.]~~ *An operator who holds a Restricted Grade I certificate must earn at least 5 contact hours of participation in a course of training within the effective period of the certificate to qualify for the renewal of the certificate.*

3. An operator who holds a full certificate and a restricted certificate at a higher grade level than the full certificate must comply with the requirements for continuing education for the full certificate *and complete an additional 5 contact hours of participation in a course of training* to qualify ~~[for renewal.]~~ *to renew both certificates.*

4. *A course of training required pursuant to this section must be approved by the Division or its designee pursuant to NAC 445A.2915.*

Sec. 8. This regulation, LCB File No. R121-19, is hereby amended by adding thereto the following transitory language which has the force and effect of law but which will not be codified in the Nevada Administrative Code:

1. A restricted certificate issued pursuant to NAC 445A.2866, as that section existed before the effective date of this regulation, remains valid for 5 years after the date of its issuance pursuant to NAC 445A.2866, as that section existed before the effective date of this regulation. The holder of a restricted certificate issued pursuant to NAC 445A.2866, as that section existed before the effective date of this regulation, may apply for a new restricted certificate pursuant to NAC 445A.2866, as amended by section 3 of this regulation. Such a person must meet all of the requirements for his or her specific grade of restricted certificate set forth in NAC 445A.2866, as amended by section 3 of this regulation, and, except as otherwise provided in subsection 2, must retake and pass the applicable examination or examinations for certification for the restricted grade level.