PROPOSED REGULATION OF THE STATE ENVIRONMENTAL COMMISSION

P2026-04

June 26, 2026

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

AUTHORITY: §1, NRS 445A.425

A PERMANENT REGULATION relating to water pollution control; and providing other matters properly relating thereto.

Section 1. NAC 445A.283 is hereby amended to read as follows:

NAC 445A.283 Permit required to construct, install, expand or modify treatment works. (NRS 445A.425, 445A.585) No person without first obtaining a permit ***and engineering plan approval*** from the Department may:

1. Construct, install, expand or significantly modify any factory, mill, plant or other industrial or commercial facility which will result in a discharge not authorized by an existing permit to waters of the State.
2. Add extensions to existing municipal or privately owned sewer systems or provide new sewer service to existing or newly constructed buildings which could cause the raw sewage influent to the treatment plant to exceed the limits prescribed by the permit issued in accordance with NAC 445A.228 to 445A.263, inclusive.
3. Construct, install or significantly modify any facilities designed or used for treatment or discharge of pollutants.

Sec. 2. NAC 445A.284 is hereby amended to read as follows:

NAC 445A.284 Design and construction of treatment works. (NRS 445A.425, 445A.445)

1. In reviewing the design of treatment works, the Department shall use as guidelines the applicable requirements of *Ten State Standards*, appropriate *American Society of Civil Engineers Manual of Engineering Practice* or federal or other accepted engineering guidelines.

2. As a minimum, sewerage system designs must be based on 100 gallons (378.5 liters) per person per day and 3.5 persons per lot or dwelling unit and peak flows, unless the design engineer can demonstrate validity of other design criteria derived from existing records of the sewering authority for an area of like development on the system or from the general plan of the local government.
3. Complete engineering plans and specifications prepared by a qualified professional engineer, authorized under state law to prepare such plans and specifications, ~~[must be submitted,]~~ covering such items as sewage collection, treatment and disposal and all other matters properly relating thereto ***must be submitted to and approved by the Department***.
4. If a discharge to the waters of the State is proposed, the design of the treatment works must ensure compliance with the appropriate provisions of NAC 445A.228 to 445A.263, inclusive.

Sec. 3. NAC 445A.2862 is hereby amended to read as follows:

NAC 445A.2862 Plants for sewage treatment: Application for full certification as operator. (NRS 445A.425)

1. A person responsible for the operation and maintenance of a plant for sewage treatment must be certified as an operator of a plant for sewage treatment.
2. To apply for 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) Small Wastewater System Operator, completion of 5 contact hours of education related to sewage treatment.
        (2) ~~[(1)]~~For Grade I, completion of 50 contact hours of education related to sewage treatment***, 5 contact hours of which may have been completed for Small Wastewater System certification pursuant to subparagraph (1)***.

(3) ~~[(2)]~~For Grade II, 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]~~ ***2***).

(4) ~~[(3)]~~ For Grade III, 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]~~ ***2***) and (~~[2]~~ ***3***), respectively, and two postsecondary courses of instruction related to sewage treatment.

(5) ~~[(4)]~~ For Grade IV, 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]~~ ***2***) and (~~[2]~~ ***3***), respectively, and four postsecondary courses of instruction related to sewage treatment, two courses of which may have been completed for Grade III certification pursuant to subparagraph (~~[3]~~ ***4***).

(c) The applicant must have the following experience in operating a plant for sewage treatment:

Certification Grade	Experience
Small Wastewater System	***50 hours of experience in operating at a Small Wastewater System facility or higher***
Grade I	1 year of experience in operating at a ***Small Wastewater System or*** Classification I facility or higher
Grade II	Grade I Certification and 2 years' experience in operating, with at least 1 year at a Classification II facility or higher
Grade III	Grade II Certification and 3 years' experience in operating, with at least 1 year at a Classification III facility or higher
Grade IV	Grade III Certification and at least 4 years' experience in operating, with at least 1 year at a Classification IV facility

(d) Except as otherwise provided in NAC 445A.2864, the applicant must pass the applicable examination or examinations for certification.

(1) Except as otherwise provided in NAC 445A.2868, the examinations must be taken in ascending order beginning with the Grade I examination for

certification as an operator of a plant for sewage treatment. ***The Small Wastewater System examination is not a prerequisite for the Grade 1 examination or certification.***

(2) The requirements of subsection (b) and (c) do not need to be met prior to taking the examination for a certification grade level one step above the full certification held by the applicant.

3. An applicant who has been certified as an operator of a plant for sewage treatment in another state must disclose in writing any past or pending disciplinary actions related to every other such certification.
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. 4. NAC 445A.2866 is hereby amended to read as follows:

NAC 445A.2866 Plants for sewage treatment: Application for restricted certificate as operator; conversion to full certificate. (NRS 445A.425)

1. A person may apply to the Division for a restricted certificate as an operator of a plant for sewage treatment if the person does not meet the requirements for a full certificate. A restricted certificate does not authorize the holder of the certificate to operate in direct responsible charge of a plant for sewage treatment at the restricted grade level.
2. To apply for a restricted certificate, a person must:
   (a) Meet the following requirements for his or her specific grade:
      (1) For Restricted Small Wastewater System, a high school diploma or general educational development certificate or the equivalent;
      (2) ~~[(1)]~~ For Restricted Grade I, a high school diploma or a general educational development certificate or the equivalent;
      (3) ~~[(2)]~~ For Restricted Grade II, hold an active Grade I full certification for a minimum of 1 year and meet the Grade II educational requirements set forth in NAC 445A.2862;
      (4) ~~[(3)]~~ For Restricted Grade III, hold an active Grade II full certification for a minimum of 1 year and meet the Grade III educational requirements set forth in NAC 445A.2862; and

(5) ~~[(4)]~~ For Restricted Grade IV, hold an active Grade III full certification for a minimum of 1 year and meet the Grade IV educational requirements set forth in NAC 445A.2862;

(b) Pass the applicable examination or examinations for certification for the restricted grade level; and

(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]~~ ***when*** the applicant:

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

(b) Holds an active, full certificate for the grade below ***(if applicable)***; 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. 5. NAC 445A.2866 is hereby amended to read as follows:

NAC 445A.287 Plants for sewage treatment: Fees for certification. (NRS 445A.425)

1. The following fees must be paid to the Division:

Certification	Fee	Period
Initial full certificate issued pursuant to NAC 445A.2862	$140	2 years
Initial full certificate issued pursuant to NAC 445A.2862(d)(2)	***50***	***2 years***
Initial full certificate issued pursuant to NAC 445A.2864	150	2 years
Renewal of a full certificate	110	2 years
Initial restricted certificate	90	2 years
Renewal of restricted certificate	70	2 years
Examination only (Computerized)	***90***	
Examination only (Written)	***200***	
Conversion of restricted certificate to full certificate	***50*** ~~[70]~~	
Reinstatement of a certificate	80	

2. Testing fees imposed by testing provider for computerized exams are the responsibility of the examinee.

3. ~~[2]~~The holder of a certificate must pay to the Division a fee of $20 for each duplicate certificate ~~[he or she]~~ ***they*** request~~[s]~~. A fee of $25 will be charged to any person whose check is returned to the Division because of a lack of funds.

Sec. 6. NAC 445A.2866 is hereby amended to read as follows:

NAC 445A.2873 Plants for sewage treatment: Examination for certification of operators. (NRS 445A.425)

1. The Division shall offer separate examinations for certification as an operator of a plant for sewage treatment in each of the ***five*** ~~[four]~~ grades of certification for qualified applicants.
2. The examinations for certification ***shall*** ~~[must]~~ be offered by the Division ***based on the applications and fees received by the Division*** ~~[at least 3 times per year]~~.
3. The Division, or its designee, shall review the qualifications of each applicant ~~[for certification]~~ who applies to take an examination for certification.

Sec. 7. NAC 445A.289 is hereby amended to read as follows:

NAC 445A.289 Plants for sewage treatment: Schedule for classification. (NRS 445A.425)

1. For the purpose of the certification program operated pursuant to the provisions of NAC 445A.2855 to 445A.294, inclusive, and except as otherwise provided in subsection 2, a plant for sewage treatment must be classified in accordance with the following schedule:

Treatment Process	Plant Classification
Stabilization Ponds, Facultative Ponds or Lagoons permitted for < 250,000 gallons per day for the treatment of domestic sewage	***Small Wastewater System***
Septic Systems permitted for ≥ 15,000 gallons per day total capacity.	
Stabilization Ponds, Facultative Ponds or Lagoons ***permitted for ≥ 250,000 gallons per day***	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, receiving stream water quality, process complexity, waste stream pollutant strength or variations and flow variability.
3. As used in this section:
   (a) "BOD" means biochemical oxygen demand.
   (b) "Tertiary treatment" means the process of treating wastewater beyond secondary treatment units for nutrient removal or other advanced removal methods, including, without limitation, membrane filtration.

Sec. 8. NAC 445A.289 is hereby amended to read as follows:

NAC 445A.290 Plants for sewage treatment: Minimum grades of certification for operators. (NRS 445A.425)

1. The minimum grades of certification for operators of plants for sewage treatment are as follows:

GRADES OF CERTIFICATION based on the classification of the plant:					
	Plant Classification Small	Plant Classification I	Plant Classification II	Plant Classification III	Plant Classification IV

	Wastewater System (SWWS)				
Supervisor	***SWWS***	I	II	III	IV
Assistant Supervisor	***SWWS***	~~[I]~~ ***SWWS***	I	II	III

2. Any person, other than a supervisor or assistant supervisor, who is working as an operator of a plant for sewage treatment must be certified as at least a ***Restricted*** Grade I operator of a plant for sewage treatment, or obtain such certification within 1 year after the date on which ~~[he or she]~~ ***they*** begin~~[s]~~ employment at the plant for sewage treatment as such an operator. ***If the Plant Classification is a Small Wastewater System, any person other than a supervisor or assistant supervisor, who is working as an operator of a plant for sewage treatment must be certified as at least a Restricted Grade SWWS operator of a plant for sewage treatment or obtain such certification within 1 year after the date on which they begin employment at the plant for sewage treatment as such an operator.***
3. As used in this section:
   (a) "Assistant supervisor" means the person in direct responsible charge of the operations of a plant for sewage treatment in the absence of the supervisor.
   (b) "Person in direct responsible charge" means a person who is responsible for all activities associated with the operations of a plant for sewage treatment and compliance with all applicable provisions of NRS and NAC relating to the operations of such a plant.
   (c) "Supervisor" means the person in direct responsible charge of the operations of a plant for sewage treatment.

Sec. 9. NAC 445A.289 is hereby amended to read as follows:

NAC 445A.2912 Plants for sewage treatment: Continuing education requirements for operators. (NRS 445A.425)

1. Except as otherwise provided in subsection 3, every 2 years, each holder of a full certificate as an operator of a plant for sewage treatment must complete the following

requirements of continuing education within the effective period of the certificate to qualify for the renewal of the certificate:

(a) The holder of a Full Grade Small Wastewater System Operator certificate must earn at least 5 contact hours of participation in a course of training.

(b) ~~[a]~~ The holder of a Full Grade I certificate must earn at least 5 contact hours of participation in a course of training.

(c) ~~[b]~~ The holder of a Full Grade II certificate must earn at least 10 contact hours of participation in a course of training.

(d) ~~[c]~~ The holder of a Full Grade III certificate must earn at least 15 contact hours of participation in a course of training.

(e) ~~[d]~~ The holder of a Full Grade IV certificate must earn at least 20 contact hours of participation in a course of training.

2. An operator who holds a ***Small Wastewater System or*** 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 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. 10. NAC 445A.289 is hereby amended to read as follows:

NAC 445A.292 Plants for sewage treatment: Provisional certification of operator. (NRS 445A.425)

1. The Division shall renew a provisional certificate as an operator of a plant for sewage treatment, without examination, only to a person who:
   (a) Held a provisional certificate on July 1, 1991;
   (b) Pays the appropriate fee; and
   (c) Submits the proper application for certification.
2. A provisional certificate is valid until:

(a) The applicant's employment by that plant ceases for any reason; or

(b) The applicant assumes a position of employment at the plant that is different from the position ~~[he or she]~~ ***they*** held on July 1, 1991.

Sec. 11. NAC 445A.289 is hereby amended to read as follows:

NAC 445A.293 Plants for sewage treatment: Grounds for denial of application for certificate or disciplinary action. (NRS 445A.425)

1. If the Division determines that an applicant for a full, restricted or provisional certificate as an operator of a plant for sewage treatment has engaged in any conduct set forth in subsection 3, the Division may deny an application for a certificate as an operator of a plant for sewage treatment.
2. If the Division determines that a holder of a full, restricted or provisional certificate as an operator of a plant for sewage treatment has engaged in any conduct set forth in subsection 3 or NAC 445A.983, the Division may:
   (a) Suspend or revoke the certificate;
   (b) Place the holder of the certificate on probation for a specified period of time; or
   (c) Take any other disciplinary action against the holder of the certificate deemed appropriate by the Division.
3. The Division may take action pursuant to subsection 1 or 2 if the applicant or holder of the certificate:
   (a) In applying for or obtaining a certificate, has submitted to the Division any application, document, record, report or affidavit, or any information in support thereof, which is false or fraudulent;
   (b) Is grossly negligent, incompetent or has committed misconduct in the performance of his or her duties as an operator of a plant for sewage treatment;
   (c) Has demonstrated disregard for the health and safety of the public and the environment;
   (d) Has acted outside the rights and privileges of the grade for which ~~[he or she]~~ ***they*** hold~~[s]~~ a certificate;

(e) Has been convicted of a violation of any federal law or law of any state relating to water quality, including, without limitation, the Clean Water Act, 33 U.S.C. §§ 1251 et seq.;

(f) Has been convicted of, or entered a plea of guilty or nolo contendere to, any felony or other crime involving moral turpitude, dishonesty or corruption;

(g) Has willfully made to a governmental agency with regulatory authority any false statement, or failed to correct a false statement previously made, which is material to the administration or enforcement of any provision of this chapter or chapter 445A of NRS;

(h) Continues to work as an operator of a plant for sewage treatment after his or her certificate has expired or been suspended or revoked; or

(i) Has violated, attempted to violate, assisted or abetted in the violation of or conspired to violate any provision of this chapter or chapter 445A of NRS.

4. Any disciplinary action taken by the Division against the holder of a certificate for conduct set forth in subsection 3 or NAC 445A.983, must be taken pursuant to the provisions of NAC 445A.974 to 445A.999, inclusive.

5. Any disciplinary action taken pursuant to this section and NAC 445A.974 to 445A.999, inclusive, is separate from and may be in addition to any other civil or criminal action provided by statute or regulation.