

1 ENERGY AND ENVIRONMENT CABINET

2 Department of Environmental Protection

3 Division of Water

4 (Amendment)

5 401 KAR 11:030. Wastewater treatment and collection system operators; classification and
6 qualifications.

7 RELATES TO: KRS 224.73-110

8 STATUTORY AUTHORITY: KRS 224.10-100, 224.10-110, 224.73-110

9 NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.73-110 requires a person
10 operating a public or private sewage system to possess necessary skills, pass an examination,
11 and hold a certificate issued by the cabinet unless the person is operating a sewage system
12 located at the residence where the person lives and the sewage system serves only one (1)
13 residence. KRS 224.10-110 requires the cabinet to establish programs and enforce cabinet
14 regulations for the certification of sewage system operators.~~[authorizes the cabinet to promulgate~~
15 ~~administrative regulations concerning the certification of wastewater.]~~ This administrative
16 regulation establishes classifications and qualifications for~~[classification of]~~ wastewater
17 treatment and collection operator certifications~~[and establishes the qualifications for~~
18 ~~certification]~~.

19 Section 1. Classification of Wastewater Operator Certifications. (1) Wastewater treatment
20 certifications.

1 (a) Limited certification.~~[As provided in KRS 224.73-110(5),]~~ An operator issued a
2 limited certificate may have primary responsibility for a school wastewater treatment plant and
3 collection system as established in KRS 224.73-110(5).

4 (b) Class I Treatment certification.

5 ~~[1.]~~ A Class I treatment operator;

6 1. May have primary responsibility for a wastewater treatment plant with a design
7 capacity less than or equal to 50,000 gallons per day; and[.]

8 ~~2.[A Class I Treatment operator]~~ Shall not have primary responsibility for a wastewater
9 treatment plant with a larger design capacity as established in 401 KAR 5:010.

10 (c) Class II Treatment certification.

11 ~~[1.]~~ A Class II Treatment operator;

12 1. May have primary responsibility for a wastewater treatment plant with a design
13 capacity less than or equal to two (2) million gallons per day; and[.]

14 ~~2.[A Class II Treatment operator]~~ Shall not have primary responsibility for a wastewater
15 treatment plant with a larger design capacity as established in 401 KAR 5:010.

16 (d) Class III Treatment certification.

17 ~~[1.]~~ A Class III Treatment operator;

18 1. May have primary responsibility for a wastewater treatment plant with a design
19 capacity less than or equal to seven and one-half (7 1/2) million gallons per day; and[.]

20 ~~2.[A Class III Treatment operator]~~ Shall not have primary responsibility for a wastewater
21 treatment plant with a larger design capacity as established in 401 KAR 5:010.

22 (e) Class IV Treatment certification. A Class IV Treatment operator may have primary
23 responsibility for a wastewater treatment plant of any design capacity.

(2) Wastewater collection certifications.

(a) Class I Collection certification.

[+.] A Class I Collection operator;

1. May have primary responsibility for a wastewater collection system that transports wastewater to a treatment plant with a design capacity of less than or equal to 50,000 gallons per day; and[.]

2.[~~A Class I Collection operator~~] Shall not have primary responsibility for a wastewater collection system that transports wastewater to a treatment plant with a larger design capacity as established in 401 KAR 5:010.

(b) Class II Collection certification.

[+.] A Class II Collection operator;

1. May have primary responsibility for a wastewater collection system that transports wastewater to a treatment plant with a design capacity of less than or equal to two (2) million gallons per day; and[.]

2.[~~A Class II Collection operator~~] Shall not have primary responsibility for a wastewater collection system that transports wastewater to a treatment plant with a larger design capacity as established in 401 KAR 5:010.

(c) Class III Collection certification.

[+.] A Class III Collection operator;

1. May have primary responsibility for a wastewater collection system that transports wastewater to a treatment plant with a design capacity of less than or equal to seven and one-half (7 1/2) million gallons per day; and[.]

2.[~~A Class III Collection operator~~] Shall not have primary responsibility for a wastewater

1 collection system that transports wastewater to a treatment plant with a larger design capacity as
2 established in 401 KAR 5:010.

3 (d) Class IV Collection certification. A Class IV Collection operator may have primary
4 responsibility for any wastewater collection system.

5 (3) Operator in Training designations. 5. This section does not and should specify how long an
operator can be an OIT.

6 (a) ~~Except as provided in paragraphs (c) and (d) of this subsection,~~ A certified operator
7 with an Operator in Training designation shall not have primary responsibility of a wastewater
8 treatment plant or wastewater collection system as established in this subsection and in 401 KAR
9 5:010.

10 (b) A Class I Operator In Training shall not have primary responsibility of a wastewater
11 treatment plant or wastewater collection system.

12 (c) A certified operator with an Operator in Training designation shall work under the
13 direct supervision of a certified operator who:

14 1. Works at the same facility; and

15 2. Has obtained a certification level that is equal to or greater than the certification level
16 required to serve in primary responsibility of the facility.

17 ~~[(c) A wastewater Class I Treatment operator with an Operator in Training designation~~
18 ~~who operates a wastewater treatment plant owned by the operator that serves only one (1)~~
19 ~~residence;~~

20 1. May have primary responsibility for that system; and

21 2. ~~Shall be exempt from paragraph (b) of this subsection and 401 KAR 11:050, Section~~
22 ~~1(2)(b) and (9)(a)3-]~~

23 (d) An Operator In Training may have primary responsibility for a wastewater collection

6. This should be reworded to match the following,

1 system or wastewater treatment plant for which the operator has obtained the appropriate Class II
2 through Class IV[the] OIT designation certification[level] required by this section[If a certified
operator also has been issued a
3 wastewater treatment or collection certification without an Operator in Training designation, the
4 operator may have primary responsibility for a wastewater treatment plant or collection system
5 as provided by this section for the certifications that do not have an Operator in Training
6 designation].

7 Section 2. Wastewater Operator Qualifications: Experience, Education, and
8 Equivalencies. An individual desiring to become a certified operator shall meet the[following]
9 minimum education and experience requirements established in this section[qualifications] prior
10 to the cabinet approving the individual to take a certification examination as
11 established[provided] in 401 KAR 11:050.

7. This section needs to state that experience gained through a limited certification cannot be used to qualify for any type of certificate as specified b KRS 224.73-110

12 (1) The minimum education and experience requirement for each class of wastewater
13 treatment certification[certifications] shall be as established in this subsection.[follows:]

14 (a) Limited certification. The cabinet may issue a limited certificate as established in
15 KRS 223.73-110(5) if the applicant demonstrates the knowledge and experience required to
16 properly operate the particular sewage system for which the applicant shall be responsible.

17 [1. Education. A minimum level of education shall not be required.]

8. A High School diploma or GED should be required to receive a limited certification.

18 2. Experience. A minimum level of experience shall not be required.]

19 (b) Class I Treatment certification.

20 1.[Education.] A high school diploma or general education development (GED)
21 certificate[shall be required]; and

22 2.[Experience.] One (1) year of[acceptable] operation of a wastewater treatment plant
23 [shall be required].

9. You shouldn't delete the word acceptable from any of the experience requirements in this reg.

1 (c) Class II Treatment certification.

2 1.~~[Education.]~~ A high school diploma or general education development (GED)
3 certificate~~[shall be required]~~; and

4 2.~~[Experience.]~~ Two (2) years of~~[acceptable]~~ operation of a wastewater treatment
5 plant~~[shall be required]~~.

6 (d) Class III Treatment certification.

7 1.~~[Education.]~~ A high school diploma or general education development (GED)
8 certificate~~[shall be required]~~; and

9 2. ~~[Experience.]~~ Three (3) years of~~[acceptable]~~ operation of a wastewater treatment plant
10 with one (1) year of that experience in a wastewater treatment plant with a design capacity
11 greater than 50,000 gallons per day~~[shall be required]~~.

12 (e) Class IV Treatment certification.

13 1.~~[Education.]~~A baccalaureate degree in engineering, or biological, environmental,
14 physical, or chemical science, or equivalent~~[shall be required]~~; and

15 2.~~[Experience.]~~At least three (3)~~[five (5)]~~ years of~~[acceptable]~~ operation of a wastewater
16 treatment plant~~[shall be required]~~.

10. While this drop in experience requirement for a Class IV certification may aid in hiring new operators, it devalues the current operators that have put in the time to become class IV operators by the current regs.

17 a. Two (2)~~[Three (3)]~~ years of the required experience shall be in a wastewater treatment
18 plant with a design capacity greater than two (2) million gallons per day~~[shall be required]~~; and

19 b. At least one (1) year~~[two (2) years]~~ of primary responsibility shall be in a wastewater
20 treatment plant with a design capacity greater than two (2) million gallons per day~~[shall be]~~
21 ~~required]~~.

22 (2) The minimum educational and experience requirements~~[qualifications]~~ for wastewater
23 collection certifications shall be as established in this subsection.~~[follows:]~~

1 (a) Class I Collection certification.

2 1.~~[Education:]~~ A high school diploma or general education development (GED)
3 certificate~~[shall be required]~~; and

4 2.~~[Experience:]~~ One (1) year of~~[acceptable]~~ operation of a wastewater collection system
5 ~~[shall be required]~~.

6 (b) Class II Collection certification.

7 1.~~[Education:]~~ A high school diploma or general education development (GED)
8 certificate~~[shall be required]~~; and

9 2.~~[Experience:]~~ Two (2) years of~~[acceptable]~~ operation of a wastewater collection
10 system~~[shall be required]~~.

11 (c) Class III Collection certification.

12 1.~~[Education:]~~ A high school diploma or general education development (GED)
13 certificate~~[shall be required]~~; and

14 2.~~[Experience:]~~ Three (3) years of~~[acceptable]~~ operation of a wastewater collection
15 system with one (1) year of that experience in a wastewater collection system that transports
16 wastewater to a treatment plant with a design capacity of greater than 50,000 gallons per
17 day~~[shall be required]~~.

18 (d) Class IV Collection certification.

19 1.~~[Education:]~~ A baccalaureate degree in engineering,~~;~~ or biological, environmental,
20 ~~[technology; biological,]~~ physical, or chemical science~~[sciences]~~; or equivalent~~[shall be~~
21 ~~required]~~; and

22 2.~~[Experience:]~~ At least three (3)~~[five-(5)]~~ years of~~[acceptable]~~ operation of a wastewater
23 collection system~~[shall be required]~~.

See the comment on line 16 on page 6 of this chapter.

1 [a.] At least two (2)~~Three (3)~~ years of the required experience shall be in a wastewater
2 collection system that transports wastewater to a treatment plant with a design capacity of greater
3 than two (2) million gallons per day~~[shall be required; and~~

4 b. ~~At least two (2) years of primary responsibility in a wastewater collection system that~~
5 ~~transports wastewater to a treatment plant with a design capacity of greater than two (2) million~~
6 ~~gallons per day shall be required].~~

7 (3)~~[The educational and experience qualifications for]~~ Operator in Training designations,
8 ~~[shall be as follows:]~~

9 (a) Class I Treatment and Class I Collection certifications.

10 1.~~[Education.]~~ A high school diploma or general education development (GED)
11 certificate~~[shall be required]; and~~

12 2.~~[Experience.]~~ Experience shall not be required.

13 (b) All other applicants for the classifications identified in Section 1(1) and (2) of this
14 administrative regulation:

15 1. Shall have successfully qualified for and passed the certification exam of the same type
16 classification at one (1) level lower than the Operator in Training designation being pursued; and

17 2. Shall not have been subject to disciplinary action as provided by 401 KAR 11:050[;
18 11. There needs to be language that states how long an operator may remain in an OIT designation.
Section 4].

19 (4) Substitutions. The cabinet shall allow~~[the following]~~ substitutions as established in
20 this subsection for education and experience requirements established~~[the qualifications~~
21 ~~specified]~~ in subsections (1) and (2) of this section.~~[:]~~

22 (a) Education in~~[environmental]~~ engineering~~[; environmental technology; and]~~ or

23 biological, environmental, physical, or chemical science or equivalent~~[sciences]~~ shall be

12. This reg used to contain language that didn't allow for more that 6 months substitution of experience for a class 1 certification and no more than one year for a class II-class IV certification. This needs to be added back in to protect the intergrity of the program and the waters of the commonwealth.

8 13. Line 22 provides that education in engineering, or biological, environmtl, physical or chemical science or equivalent shall be substituted, yet on Page 9, line 5 and 7 it conveys that contact hours, continuing education units, post secondary quarter or semester hours in "any subject" with a "C" or higheris acceptable. How is this engineering, or biological, environmental, physical or chemical science or equivalent?

substituted if the substitution does not exceed fifty (50) percent of the required experience.

1. An associate degree may substitute for two (2) years of experience.

2. A baccalaureate degree may substitute for four (4) years of experience.

3. Ten (10) contact hours, one (1) Continuing Education Unit, or one (1) postsecondary education quarter hour in any subject with a grade of C or higher shall substitute for 0.022 years of experience.

4. One (1) postsecondary education semester hour in any subject with a passing grade of C or higher shall substitute for 0.033 years of experience.

(b)[3-] Education that did not result in a degree in engineering or biological, environmental, physical, or chemical science may[a-related field shall] be substituted if the substitution does not exceed twenty-five (25) percent of the required experience.[for the required experience as follows:

a-] 1. An associate degree may substitute for a maximum of one (1) year of experience.

2. A baccalaureate degree may substitute for a maximum of two (2) years of experience.

3. Ten (10) contact hours, one (1) Continuing Education Unit, or one (1) postsecondary education quarter hour in any subject with a passing grade of C or higher shall substitute for 0.011[0.022] years of experience.

4.[b-] One (1) postsecondary education semester hour in any subject with a passing grade of C or higher shall substitute for 0.016[0.033] years of experience.

5. Ten (10) contact hours, one (1) Continuing Education Unit, or one (1) postsecondary education quarter hour in engineering, mathematics or biological, environmental, physical, or chemical science with a passing grade of C or higher shall substitute for 0.022 years of experience.

1 6. One (1) postsecondary education semester hour in engineering, mathematics or
2 biological, environmental, physical, or chemical science with a passing grade of C or higher shall
3 substitute for 0.033 years of experience.

4 (c)[4.] Education applied to the experience requirements established in subsections (1)
5 and (2) of this section shall not be applied to the education requirement.

6 (d)[(b)] Treatment and collection experience may[shall] be substituted for the educational
7 requirement as established in this paragraph.[follows:]

8 1. One (1) year of operational experience at a treatment plant may[shall] substitute for
9 one (1) year of education.

10 2. One (1) year of collection system experience may[shall] substitute for one (1) year of
11 education.

12 3. a. The cabinet may allow partial substitution of the education requirement with[by]
13 experience in:

14 14. There is no multiplier in use here. The reg should be consistent.

14 i. Maintenance;[,]

15 ii. Laboratory analysis;[;] or

16 iii. Other work related to the collection, treatment, or distribution of drinking water or
17 wastewater.

18 b. To establish the amount of[how much] experience that shall be accepted, the cabinet
19 shall determine the degree of:

20 i. Technical knowledge needed to perform the work; and[the degree of]

21 ii. Responsibility the applicant had in the operation of the system.

22 4. Experience applied to the education requirement established in subsections (1) and (2)
23 of this section shall not be applied to the experience requirement.

1 ~~(e)~~~~(e)~~ Collection system, ~~and~~ treatment, and distribution experience may be substituted
2 as established in this paragraph.~~[follows:]~~

3 ~~1.~~~~1a.~~ Four (4) years of collection system experience ~~may~~~~shall~~ be considered
4 equivalent to one (1) year of treatment experience.

5 ~~[b. This substitution shall not account for more than fifty (50) percent of the experience~~
6 ~~required by subsection (1) of this section.]~~

7 2. One (1) year of treatment experience ~~may~~~~shall~~ be considered equivalent to one (1)
8 year of collection system experience.

9 3. One (1) year of distribution system experience as established in 401 KAR 11:040 may
10 substitute for one (1) year of collection experience.

11 4. Substitutions under this paragraph shall not account for more than fifty (50) percent of
12 the experience requirement.

13 (f) Experience that is not related to water collection, treatment, or distribution may be
14 substituted as established in this paragraph.

15 1. Two (2) years of experience in laboratory analysis may be considered equivalent to
16 one (1) year of treatment experience or six (6) months of collection experience.

17 2. Two (2) years of experience in the construction trades, construction management,
18 engineering, plumbing, or electronics may be considered equivalent to one (1) year of collection
19 experience or six (6) months of treatment experience.

15. How is experience in "construction trades" related to
wastewater treatment? The statement in line 20 is a very
broad statement.

20 3. Work experience in an area or specialty unrelated to those established in this paragraph
21 may be substituted for up to six (6) months of collection or treatment experience.

22 4. To establish the amount of experience that shall be accepted, the cabinet shall
23 determine the degree of:

i. Technical knowledge needed to perform the work; and

ii. Responsibility the applicant had in performing the work.

4. Substitutions under this paragraph shall not account for more than fifty (50) percent of

the experience required by this administrative regulation.

(6) Apprenticeships. An applicant who completes a state-approved treatment or

collection apprenticeship program may be eligible for treatment or collection certification if the

applicant also achieves a passing score of seventy percent (70%) or above on a cabinet-

administered examination.

16. Shouldn't this reference the Kentucky Labor Cabinet approved apprenticeships like the RIT does? This should read "completes a Kentucky Labor Cabinet approved treatment or collection apprenticeship program."

(7) **Equivalency.** An operator who has received wastewater operator certification in a

state, territory, or possession of the United States may be given an equivalent certification in

Kentucky based on the:

17. We must continue to compare the other states regulatory requirements for the certificate held in order to indentify the equivalent license in Kentucky.

(a) Level of certification obtained in the state, territory, or possession of the United

States:

(b) Number of years of wastewater operator experience obtained while holding valid

certification from another state, territory, or possession of the United States; and

(c) Type, size, and capacity of the wastewater plant or plants at which the certified

operator obtained experience.


(8) Reciprocity. The cabinet may establish a reciprocal agreement for operator

certification with any other state, territory, or possession of the United States if the cabinet

determines that operator certification requirements of the other state, territory, or possession of

the United States are at least as stringent as those established in this administrative regulation.

401 KAR 11:030 Wastewater treatment and collection system operators; classification and qualifications approved for filing.


Charles Snavely, Secretary
Energy and Environment Cabinet

5/9/2019
Date

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on June 27, 2019 at 6:00 p.m. Eastern Time at 300 Sower Boulevard, 1st Floor, Training Room B, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through June 30, 2019. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

Contact person: Carole J. Catalfo
Internal Policy Analyst, RPPS
Division of Water
300 Sower Boulevard, 3rd Floor
Frankfort, Kentucky 40601
Phone: (502) 782-6914
Fax: (502) 564-4245
Email: water@ky.gov (Subject line: "Chapter 11 regulations")

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

401 KAR 11:030

Contact Person: Carole J. Catalfo
Phone: (502) 782-6914
Email: water@ky.gov (Subject Line: "Chapter 11 regulations")

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes qualifications and classifications for wastewater treatment and collection system operators.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to protect public health by ensuring that wastewater treatment and collection system operators obtain and maintain adequate education, experience, and training. 1. Reducing the experience requirement or allowing substitution will not help protect the public health or the waters of the commonwealth.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 224.73-110 requires any person operating a public or private sewerage system to possess necessary skills, pass an examination, and hold a certificate issued by the cabinet. KRS 224.10-110 requires the cabinet to establish programs and enforce cabinet regulations for the certification of water and sewage plant operators. This administrative regulation establishes classifications and qualifications for wastewater treatment and collection operator certifications.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists in the administration of the statutes by establishing specific educational, experience, and training qualifications and criteria for operators of sewage systems as required by the authorizing statutes.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendments clarify the education and training requirements for Operator In Training classifications, and the systems for which they may be responsible, clarify that a Class I Operator In Training need only a high school diploma or GED, allow non-related college degrees to substitute for up to twenty-five (25) percent of the experience requirement, expand acceptable experience, establish a certification route for apprenticeship programs approved by the Kentucky Labor Cabinet, establish equivalency requirements for certified out-of-state operators who wish to obtain Kentucky certification, allow the cabinet to enter agreements with other states, territories, and possessions of the United States for reciprocal operator certification, and make grammatical corrections to comply with KRS 13A. 2. Are the changes meant to clarify or reduce the qualifications.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to clarify education and training requirements for Operator In Training classifications, clarify the systems for which they may be responsible, allow non-related college degrees to

substitute for up to twenty-five (25) percent of experience requirements, expand acceptable experience, and establish routes for equivalent and reciprocal operator certification which should assist in easing the shortage of qualified wastewater collection and treatment operators.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 224.73-110 requires any person operating a public or private sewerage system to possesses necessary skills, pass an examination, and hold a certificate issued by the cabinet. KRS 224.10-110 requires the cabinet to establish programs and enforce cabinet regulations for the certification of water and sewage plant operators. This administrative regulation establishes classifications and qualifications for wastewater treatment and collection operator certifications.

(d) How the amendment will assist in the effective administration of the statutes: This administrative regulation assists in the administration of the statutes by clarifying education and training requirements for Operator In Training classifications, clarifying the systems for which they may be responsible, allowing non-related college degrees to substitute for up to twenty-five (25) percent of experience requirements, expanding acceptable experience, establishing a certification route for apprenticeship programs approved by the Kentucky Labor Cabinet, and establishing routes for reciprocal and equivalent operator certification which should assist in easing the shortage of qualified wastewater collection and treatment operators.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Certified wastewater operators, operator-candidates, and state or local governments that operate wastewater plants will be affected by the amendment.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The regulated entities will not need to take any additional action. This amendment should assist in easing the shortage of wastewater collection and treatment operators by allowing an additional substitution of non-related college degrees for required experience, expanding acceptable experience, and establishing routes for apprenticeship, equivalent, and reciprocal operator certification. 3. Where is the data to support the claim of operator shortage?

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): This amendment will not result in additional costs. 4. The danger of inexperienced operators sending improperly treated water out of a plant could become an additional cost.

(c) As a result of compliance, what benefits will accrue to the entities identified in question

(3): This amendment should assist in easing the shortage of wastewater collection and treatment operators by allowing an additional substitution of non-related college degrees for required experience, expanding acceptable experience, and establishing routes for apprenticeship, equivalent, and reciprocal operator certification.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: This amendment will not result in additional costs.

(b) On a continuing basis: This amendment will not result in additional costs.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Certification fees and state general funds. The amendments to this administrative regulation will not require a change in funding sources.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: The amendments to this administrative regulation will not require an increase in fees or funding.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation does not establish any fees directly or indirectly. Fees for operator certification are established in 401 KAR 11:060.

(9) TIERING: Is tiering applied? (Explain why or why not) Yes, tiering is applied in this administrative regulation. Wastewater treatment and collection system operator education, training, and experience requirements differ depending on the classification of certificate the operator seeks, and the type and size of the system the operator is responsible for.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

401 KAR 11:030

Contact Person:

Carole J. Catalfo

Phone: (502) 782-6914

Email: water@ky.gov (Subject Line: "Chapter 11 regulations")

(1) What units, parts, or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? This regulation will impact the Division of Water and Division of Compliance Assistance, both within the cabinet's Department of Environmental Protection, and state or local governments that operate drinking water or wastewater facilities.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 224.10-110, 224.73-110.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will not generate revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will not generate revenue.

(c) How much will it cost to administer this program for the first year? This administrative regulation will not result in additional costs.

(d) How much will it cost to administer this program for subsequent years? This administrative regulation will not result in additional costs.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): NA

Expenditures (+/-): NA

Other Explanation: This administrative regulation will not result in additional costs or generate revenue.

FEDERAL MANDATE ANALYSIS COMPARISON

401 KAR 11:030

Contact Person:

Carole J. Catalfo

Phone: (502) 782-6914

Email: water@ky.gov (Subject Line: "Chapter 11 regulations")

1. Federal statute or regulation constituting the federal mandate. There is no federal statute or regulation addressing certified wastewater operators.
2. State compliance standards. KRS 224.10-100, 224.10-110, and 224.73-110
3. Minimum or uniform standards contained in the federal mandate. There are no federal standards for certified wastewater operators.
4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements than those required by the federal mandate? No. There is no federal mandate for certified wastewater operators.
5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. There are no federal standards for certified wastewater operators.