

1 ENERGY AND ENVIRONMENT CABINET

2 Department of Environmental Protection

3 Division of Water

4 (Amendment)

5 401 KAR 11:050. Operator and training provider certification.

6 RELATES TO: KRS 223.160 through 223.220~~[223.160-220]~~, 224.10-420(2), 224.73-
7 110~~[, EO 2009-538]~~

8 STATUTORY AUTHORITY: KRS 223.160 through 220~~[223.160-220]~~, 224.10-100,
9 224.10-110, 224.73-110~~[, EO 2009-538]~~

10 NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-110 authorizes the
11 cabinet to promulgate administrative regulations concerning the certification of water and
12 wastewater operators. KRS 223.160 through 223.220 authorizes the cabinet to establish
13 qualifications and examinations and establish fees for certification of water plant operators. KRS
14 224.73-110 authorizes the cabinet to promulgate administrative regulations for the certification
15 of wastewater operators.~~[EO 2009-538, effective June 12, 2009, establishes the new Energy and~~
16 ~~Environment Cabinet.]~~ This administrative regulation establishes application and examination
17 procedures~~,[;]~~ provisions relating to certificate issuance, renewal, and termination; reciprocity;
18 equivalency; training; and disciplinary actions for water and wastewater operators. This
19 administrative regulation also establishes requirements for the certification of operator training
20 providers.

1 Section 1. Application and Examination for Certification.

2 (1) An individual desiring to become a certified operator shall:

3 (a)~~[first]~~ Meet the education and experience requirements~~[qualifications]~~ established in
4 401 KAR 11:030 or 11:040; and

5 (b) Achieve a minimum passing score of seventy percent (70%) on~~[then-pass]~~ an
6 examination administered by the cabinet.

7 (2)(a) An applicant for certification shall submit to the cabinet:~~[complete the]~~

8 1. A completed Registration Form for Exams and Training;~~[and]~~

9 2. A completed Education and Experience Documentation Form; and~~[shall submit them~~
10 and]

11 3. The certification application fee as established in 401 KAR 11:060~~[to the cabinet]~~.

12 (b) In addition to the requirements established in~~[of]~~ paragraph (a) of this subsection, an
13 applicant desiring to obtain an Operator in Training designation shall submit a signed letter
14 from~~[for]~~ a certified operator located at the facility where the applicant will work. The letter shall
15 include:

16 1. A statement from the certified operator indicating that the certified operator shall
17 oversee the work of the applicant seeking an Operator in Training designation;

18 2. A commitment that the certified operator shall serve as a mentor to the applicant
19 seeking an Operator in Training designation as long as the applicant is under the certified
20 operator's direct responsible charge; and

21 3.~~[Verification that the certified operator is not currently the mentor for any other~~
22 individuals with an Operator in Training designation; and

23 4.] Confirmation that the certified operator has obtained a certification level that is equal

1 to or greater than the certification level required to serve in primary responsibility or in direct
2 responsible charge of the facility.

3 (c) An application shall not be submitted to the cabinet unless the applicant has met the
4 requirements[qualifications] for examination.

5 (3)(a) After receipt of the application items for Class IV operators established in
6 subsection (2) of this section, the cabinet, considering the recommendation of the board, shall
7 determine if the applicant meets the requirements[qualifications] established in 401 KAR 11:030
8 or 11:040.

2. Do not restrict this to Class IV operators. Also, don't the boards currently review all reciprocity applications, no matter the level? Recognizing that the boards do not routinely review all applications, there may be a time that the cabinet may want this coverage (if they were to lose all their trainers). Leave the current language as is, but continue to operate as your are.

9 (b) After receipt of the application items established in subsection (2) of this section, the
10 cabinet shall determine if the applicant meets the requirements established in 401 KAR 11:030 or
11 11:040.

12 (c) If the applicant meets the requirements established in 401 KAR 11:030 or
13 11:040[qualifications], the cabinet shall approve the application and notify the applicant of the
14 scheduled exam date.

15 (4)(a) Upon the applicant's completion of the examination, the cabinet shall notify the
16 applicant of the applicant's examination score.

17 (b) A score of at least seventy (70) percent shall be required to pass the examination.

18 (5)(a) The cabinet shall issue a certificate and a wallet card to an applicant who
19 successfully passes the certification examination.

20 (b) The certificate and wallet card shall designate the certification classification for which
21 the operator has demonstrated competency.

22 (6) An applicant who fails to pass an examination may apply to take the examination
23 again by resubmitting the Registration Form for Exams and Training and the application fee to

1 the cabinet.

2 (7)(a) An examination shall not be returned to the applicant, but results may be reviewed
3 by the applicant with a member of the cabinet.

4 (b) A request for a review shall be submitted to the cabinet in writing.

5 (8) (a) An equivalent certification may ~~[A certificate shall]~~ be issued ~~[in a comparable~~
6 ~~classification]~~, without examination, to a person who holds a valid certificate in a state, territory,
7 or possession of the U.S. as established in 401 KAR 11:030 and 11:040.~~[if:]~~

8 ~~(a) The requirements for certification under which the certificate was issued are not less~~
9 ~~stringent than the requirements for certification established in KRS 223.160-220, 224.73-110,~~
10 ~~and 401 KAR Chapter 11; and]~~ 3. Kentucky has always worked with other states to grant reciprocal licenses as provided for in
401 KAR 11:050, section 1(8). With each request, you must compare the other states
regulatory requirements for the certificate held to indentify the equivalent license in
Kentucky. This needs to remain.

11 (b) The applicant shall submit~~[submits]~~ an Application for Reciprocity and Equivalency
12 form and the reciprocity or equivalency fee as established in 401 KAR 11:060 to the cabinet.

13 (9)(a) A certified operator who holds an Operator in Training designation may upgrade
14 the certification by removing the Operator in Training designation without examination if the
15 operator:

16 1. Has satisfied the requirements established in~~[of]~~ Section 3(1)(a) and (b) of this
17 administrative regulation;

4. The following should read "Has satisfied the qualifications for the level that was tested for"

18 2. Has acquired the minimum experience required for the certification being pursued as
19 established in~~[required by]~~ 401 KAR 11:030 or 11:040; and

20 3. Submits a letter from the certified operator who has served as the applicant's mentor
21 during the Operator in Training period that recommends the removal of the Operator in Training
22 designation.

23 (b) A certified operator with an Operator in Training designation who is unable to comply

1 with the requirements established in paragraph (a) of this subsection shall apply for and retake
2 the certification exam to upgrade the operator's certification.

3 **Section 2. Duration of Certification.**

5. Need to add language that specifies how long an operator can hold an OIT designation.

4 (1)(a) Wastewater certifications shall expire on June 30 of an odd-numbered year unless
5 suspended, revoked, or replaced by a higher classification certificate before that date.

6 (b) Wastewater[and] certifications issued on or after January 1 and on or before June 30
7 of an odd-numbered year shall expire on June 30 of the next odd-numbered year.

8 (2)(a) Water certifications shall expire on June 30 of an even-numbered year unless
9 suspended, revoked, or replaced by a higher classification certificate before that date.

10 (b) Water certifications issued on or after January 1 and on or before June 30 of an even-
11 numbered year shall expire on June 30 of the next even-numbered year.

12 (3)(a) An expired certification shall continue in force pending the administrative
13 processing of a renewal if the certified operator has complied with the renewal requirements
14 established in[of] Section 3 of this administrative regulation.

15 (b) A certification continued in accordance with this subsection shall remain fully
16 effective and enforceable.

17 (4) A certification shall terminate if not renewed on or before December 31 of the year
18 the certification expired.

19 **Section 3. Continuing Education and Certification Renewal.**

20 (1) A certified operator who is not designated an Operator in Training may renew a
21 certification without examination if the operator has:

22 (a) Accumulated the training hours required in subsection (5) of this section; and

23 (b) Submitted a completed Application for Certification Renewal form and the renewal

1 fee to the cabinet or has renewed the certification electronically on the cabinet's Web site.

6. Strike through the following.

2 (2)(a) A certified operator seeking to renew ~~a certification with~~ an Operator in Training
3 ~~certification[designation]~~ shall ~~submit a:[apply for and retake the certification exam as provided~~
4 ~~in Section 1 of this administrative regulation]~~

5 1. Completed Application for Certification Renewal form;

6 2. Letter of mentorship; and

7 3. Completed Education and Experience Documentation form.

7. Strike the following

8 (b) The cabinet shall not approve an operator to~~take an exam to~~ renew a ~~certification~~
9 ~~with~~ Operator in Training designation unless the applicant has accumulated the required training
10 hours ~~established[required]~~ in subsection (5) of this section.

11 (3) If the Application for Certification Renewal form and the renewal fee are not received
12 by the cabinet or submitted electronically by June 30 of the year the certification expires, a late
13 renewal fee as established in 401 KAR~~[8:050, Section 3 or]~~ 11:060~~[-, Section 1]~~ shall be paid.

14 (4)(a) A terminated certification shall not be renewed.

15 (b) An operator whose certification is terminated and who wishes to become recertified
16 shall reapply for and pass an examination as established in~~[accordance with]~~ Section 1 of this
17 administrative regulation.

18 (5)(a) Prior to applying for certification renewal or to return a certificate to active status,
19 a certified operator shall complete the required number of cabinet-approved training hours.

20 (b) A certified operator holding multiple wastewater certifications issued in accordance
21 with this administrative regulation shall complete the required number of cabinet-approved
22 training hours for the highest certificate held in lieu of completing the required number of
23 continuing education hours required for each certificate.

1 (c) A certified operator holding multiple water certifications issued in accordance with
2 this administrative regulation shall complete the required number of cabinet-approved training
3 hours for the highest certificate held in lieu of completing the required number of continuing
4 education hours required for each certificate.

5 (d) Hours earned prior to initial certification shall not count toward certification renewal.

8. Why wouldn't these hours count for new certifications when the same class counts for someone setting in for CEU's?

6 (e) Water and wastewater training hours shall~~[expire two (2) years from the date earned.~~

7 ~~(f) Water training hours shall]~~ be completed for each renewal during the two (2) year
8 period immediately prior to the certificate expiration date.

9 1. Certified operators with a Bottled Water, Limited, Class I or II Treatment, Collection,
10 or Distribution certification shall complete twelve (12) hours of approved training.~~[; or]~~

11 2. Certified operators with a Class III or IV Treatment, Collection, or Distribution
12 certification shall complete twenty-four (24) hours of approved training.

13 Section 4. Certified Training Provider Program.~~[(6)(a)]~~

14 (1) A training provider applicant shall have provided cabinet-approved continuing
15 education courses as established in Section 5 of this administrative regulation for a minimum of
16 two (2) consecutive years prior to the application for certification.

9. Why should a certified training provider have to provide training for two years prior to applying for this type of certificate?
Would a state university not be qualified to do so without waiting two years?

17 (2) A training provider applicant shall submit to the cabinet:

18 (a) A completed Application for Certified Training Provider form; and

10. Where can we see this form?

19 (b) The fee as established in 401 KAR 11:060.

20 (3) The cabinet shall:

21 (a) Notify a training provider applicant of its decision within ninety (90) days of
22 receiving the items established in Subsection 2 of this section; and

23 (b) Issue a provider identification number that shall be written on all training materials

1 and documentation.

2 (4) Training provider certification shall be valid for one (1) calendar year from the date of

3 certification. 11. Delete the word "calendar" if you are saying applications are approved for one year. I would suggest that
if it is going to take you 90 days to review and approve an application of this type, that you may want to
extend the approval beyond a year, as you do for single training applications.

4 (5) The principal officers and trainers of a certified training provider shall attend a

5 cabinet training session prior to offering continuing education courses after certification has been

6 approved. 12. As an agency that uses multiple trainers, there is no way we can send all our instructors for training. If the
trainers are not responsible for keeping the required records, why should they attend training?

7 (6) Continuing education courses offered by a certified training provider shall be based

8 on core content determined by the cabinet in consultation with the appropriate board.

9 (7) For each continuing education course:

10 (a) The certified training provider shall submit to the cabinet a Certified Training

11 Provider Course Submittal form. 13. Where can we see this form?
14. How soon will DCA assign and notify training providers of the course number?

12 (b) The cabinet shall assign a Course Number.

13 (c) The certified training provider shall submit a Continuing Education Activity Report

14 form at the completion of the course. 15. What is the basis for retaining the course records for 5 years, when a
certification must be renewed no later than two and a half years from when the
class was conducted?

15 (d) The certified training provider shall retain for five (5) years:

16 (a) A completed Application for Approval of Courses for Continuing Education Credit

17 form; 16. Where can we see this form?

18 (b) Course learning objectives;

19 (c) Criteria for successful completion by course attendees;

20 (d) Agenda that establishes:

21 1. Course instruction and break times; and

22 2. Brief description of each topic;

23 (e) The instructor's name and credentials;

17. Under section 5, training approval of non certified training providers, the above referenced items are not included as requirements. If required for one, they should be required for all trainer? Of perhaps you should require these for the agencies that are not routinely doing training, more so that for those that are.

1 (f) Evaluation methods;

2 (g) The completed Continuing Education Activity Report form;

3 (h) A summary of participant evaluations; and

4 (i) Instructional materials and references.

5 (8) Compliance.

6 (a) The cabinet and board may review the continuing education activities of a certified
7 training provider at any time.

8 (b) A certified training provider shall be subject to its certification being limited, denied,
9 or revoked if the cabinet, in consultation with the board, determines that the certified training
10 operator has failed to comply with this administrative regulation.

18. While you expect agencies to retain a completed continuing education activity report, nowhere do you require the agency to maintain documentation that shows the attendee was there. This should be retained as well.

19. Further explanation is needed as to the penalties tha can be levied against training providers.

11 (c) The certified training provider shall appear before the board if requested by the board.

12 (d) The board shall make a recommendation to the cabinet regarding the limitation,
13 denial, or revocation of training provider certification if the board determines that the certified
14 training provider has failed to comply with this administrative regulation.

15 (e) Upon receiving a recommendation from the board, the cabinet shall review the
16 available evidence.

17 (f) After completing the review, the cabinet shall initiate the recommended action or
18 notify the board as to why an alternative action was taken.

19 (g) A certified training provider that is aggrieved by a certification limitation, denial, or
20 revocation action may file a petition for hearing with the cabinet as established in KRS 224.10-
21 420 through 224.10-470.

22 Section 5. Training Approval of Non-Certified Training Providers. (1) A training
23 provider seeking approval of certified operator training shall submit to the cabinet a completed

1 Application for Approval of Courses for Continuing Education Credit form.

2 (2)(b) Upon completion of the approved training, the provider shall submit to the
3 cabinet a completed Continuing Education Activity Report form.

4 (3)(e) A certified operator who has attended training that has not been submitted to the
5 cabinet for approval may apply for training approval as established in Subsection 1 ~~paragraph~~
6 ~~(a)~~ of this section ~~subsection~~.

7 (4)(d) A certified operator who provides approved training shall receive hour-for-hour
8 credit for actual instruction time.

9 (5)(a) ~~(7)(a)~~ Cabinet approval of training shall expire two (2) years following the date of
10 approval.

11 (b) The cabinet, in consultation with the board, shall extend the approval expiration date
12 if:

13 1. The provider requests the extension on the Extension Request for Approved
20. Where can this form be found?
14 Continuing Education Courses form ~~in writing~~; and

15 2. The training has not changed from the previous approval.

16 Section 6. ~~Section 4.~~ Operator Disciplinary Action.

17 (1) A certified operator shall be subject to disciplinary action if the cabinet, in
21. This needs to include operators with an OIT designation in the disciplinary section.
18 consultation with the board, determines that the certified operator has not satisfactorily
19 performed the operator's duties as established in ~~accordance with~~ 401 KAR 11:020.

20 (2)(a) A written complaint received by the board or cabinet regarding a certified operator,
21 unless duplicitous or frivolous, and violations of 401 KAR 11:020 that are identified by the
22. This also needs to reference 401 KAR chapter 5, 6, 8, and 10.
22 cabinet shall be evaluated by the board.

23 (b) The certified operator shall appear before the board if requested by the board.

1 (3) The board shall make a recommendation to the cabinet regarding disciplinary action.
2 The board may recommend that disciplinary action not be taken or recommend that a
3 disciplinary action be taken if the board determines that the certified operator has not
4 satisfactorily performed operator duties in compliance with 401 KAR 11:020.

5 (4)(a) Upon receiving a recommendation from the board, the cabinet shall review the
6 available evidence.

7 (b) After completing the review, the cabinet shall initiate the recommended disciplinary
8 action or notify the board as to why an alternative disciplinary action was taken.

9 (5) A disciplinary action shall be commensurate with the severity, duration, and number
10 of the violations. Disciplinary actions may include:

11 (a) Probation of the operator's certification for a specified period of time, not to exceed
12 one (1) year;

13 (b) Suspension of the operator's certification for a specified period of time, not to exceed
14 four (4) years, during which the certification shall be considered void;

15 (c) Revocation of the operator's certification;

16 (d) Civil or criminal penalties; or

17 (e) A combination of the disciplinary actions established in paragraphs (a) through (d) of
18 this subsection.

19 (6) If disciplinary action is taken, the cabinet shall notify the certified operator and the
20 operator's employer by certified mail of the action, the reasons outlined for the action, and the
21 length of time for which the disciplinary action shall apply.

22 (7)(a) A certified operator whose certification has been suspended shall not have primary
23 responsibility or be in in direct responsible charge during the period that the suspension remains

1 in effect.

2 (b) Experience gained during a suspension shall not be included toward meeting the
3 requirements established in[ef] 401 KAR 11:030 or 11:040.

4 (8) If a certification is revoked, the operator shall be ineligible for future certification.

5 (9) A certified operator who is aggrieved by a disciplinary action may file a petition for
6 hearing with the cabinet as established in[pursuant to] KRS 224.10-420(2).

7 **Section 7[5]. Incorporation by Reference. (1) The following material is incorporated by**
8 **reference:** 23. Where can these forms be found?

9 (a) "Registration Form for Exams and Training", Form DCA1100, May 2019[August
10 2009];

11 (b) "Education and Experience Documentation Form", Form DCA1110, May 2019[July
12 2009];

13 (c) "Application for Certification Renewal", Form DCA1120, May 2019[August 2009];

14 (d) "Application for Approval of Courses for Continuing Education Credit", Form
15 DCA1130, May 2019[August 2009];

16 (e) "Continuing Education Activity Report", Form DCA1140, May 2019[August 2009];

17 and

18 (f) "Application for Reciprocity and Equivalency", Form DCA1150, May 2019[July
19 2009].

20 (g) "Extension Request For Approved Continuing Education Courses", Form DCA1180,
21 May 2019;

22 (h) "Application for Certified Training Provider", Form DCA1160, May 2019; and

23 (i) "Certified Training Provider Course Submittal", Form DCA1170, May 2019,

1 (2) This material may be inspected, copied, or obtained, subject to applicable copyright
2 law, at the Division of Compliance Assistance, 300 Sower Boulevard, Frankfort, Kentucky
3 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the
4 cabinet's website at [https://eec.ky.gov/Environmental-Protection/Compliance-](https://eec.ky.gov/Environmental-Protection/Compliance-Assistance/operator-certification-program/Pages/forms.aspx)
5 Assistance/operator-certification-program/Pages/forms.aspx.

401 KAR 11:050 Operator and training provider certification is approved for filing.


Charles G. 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 5 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 11:050

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 requirements for water and wastewater operator and training provider certification.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish requirements for water and wastewater operator and training provider certification.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 224.10-100 authorizes the cabinet to promulgate administrative regulations concerning the certification of water operators. KRS 224.10-110 requires the cabinet to establish programs and enforce cabinet regulations for the certification of water and wastewater operators. KRS 223.160 through 223.220 authorizes the cabinet to establish qualifications and examinations, and issue certificates for, water plant operators.

(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 procedures for certification of water and wastewater operators and training providers.

(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: This amendment consolidates certification procedures for drinking water and wastewater operators and training providers into one regulation, clarifies that only Class IV operator applications are reviewed by the board, removes language that limits operator mentorship to only one OIT, clarifies the documentation required for a completed application, clarifies that returning a certificate to active status requires continuing education units, adds a certified training provider program, makes grammatical corrections to comply with KRS 13A, and updates materials incorporated by reference.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to streamline and clarify the certification process for drinking water and wastewater operators and training providers and to correct language to comply with KRS 13A.

(c) How this administrative regulation conforms to the content of the authorizing

statutes: KRS 224.10-100 authorizes the cabinet to promulgate administrative regulations concerning the certification of water operators. KRS 224.10-110 requires the cabinet to establish programs and enforce cabinet regulations for the certification of water plant operators. KRS 223.160 through 223.220 authorizes the cabinet to establish qualifications and examinations, and issue certificates for, water plant operators.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in the effective administration of the statutes by streamlining and clarifying the certification process for drinking water and wastewater operators and training providers.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Certified water and wastewater operators, operator-candidates, training providers, and state or local governments that operate drinking water or 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: Regulated entities will not need to take additional actions.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): This administrative regulation will not result in additional costs. 1. This statement is somewhat misleading. The reg introduces new applications and updates others that will have fees attached, as identified in 401 KAR 11:060.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The regulated community will have a streamlined regulation clarifying operator and training provider certification requirements.

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

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

(b) On a continuing basis: This administrative regulation 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 or increase any fees. Fees for operator certification are established in 401 KAR 11:060.

(9) TIERING: Is tiering applied? (Explain why or why not) No. This administrative regulation establishes certification procedures.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

401 KAR 11:050

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 224.10-100, 224.10-110, and 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 result in increased 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 result in additional 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 revenue or increased costs.

FEDERAL MANDATE ANALYSIS COMPARISON

401 KAR 11:050

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 operators or training providers.
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 operators or training providers.
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 operators.
5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements.

Detailed Summary of Material Incorporated by Reference

I. This administrative regulation incorporates by reference the "Registration Form for Exams and Training", Form DCA1100, May 2019. This document is used to register for cabinet exams and training.

This document consists of one (1) page.

Detailed summary of changes:

Changed agency address, telephone number, and website address.

Revised form number and revision date.

Moved payment box from the bottom to the top portion of form.

Replaced "Fax Number" with "Home Phone Number".

Removed "Facility Information".

Revised fee table.

II. This administrative regulation incorporates by reference the "Education and Experience Documentation", Form DCA1110, May 2019. This document is used to document operator education and experience for certification.

This document consists of two (2) pages.

Detailed summary of changes:

Changed agency address, telephone number, and website address.

Revised form number and revision date.

III. This administrative regulation incorporates by reference the "Application for Certification Renewal", Form DCA1120, May 2019. This document is used to apply for renewal of an operator certification.

This document consists of one (1) page.

Detailed summary of changes:

Changed agency address, telephone number, and website address.

Revised form number and revision date.

Moved payment box from the bottom to the top right portion of form.

Removed one column from "Facility Information" box.

Revised Renewal Fee table.

IV. This administrative regulation incorporates by reference the "Application for Approval of Courses for Continuing Education Credit", Form DCA1130, May 2019. This document is used to apply for cabinet approval of continuing education credit.

This document consists of one (1) page.

Detailed summary of changes:

Changed agency address, telephone number, and website address.

Revised form number and revision date.

Added a payment box to the top right portion of form.

Removed "General Information" and "Instructions" page.

Removed fields for fax numbers, cost per student, delivery or media format, and additional attachments.

Added fields for course approval number and core content category.

Reformatted and updated language for the Signature or Sponsor field

V. This administrative regulation incorporates by reference the "Continuing Education Activity Report", Form DCA1140, May 2019. This document is used to report operator attendance at continuing education events for certification credit.

This document consists of (1) page.

Detailed summary of changes:

Changed agency address, telephone number, and website address.

Revised form number and revision date.

Added a payment box to the top right portion of form.

Reformatted the Course Information field into a table.

Added explanation for fee charged if report is not submitted online.

Reformatted Participant Information Section.

Reformatted and updated language in the Information Verification section.

VI. This administrative regulation incorporates by reference the "Application for Reciprocity or Equivalency", Form DCA1150, May 2019". This document is used by out-of-state operators to apply for a reciprocal or equivalent Kentucky operator certification.

This document consists of two (2) pages.

Detailed summary of changes:

Revised form title from "Application for Reciprocity" to "Application for Reciprocity or Equivalency".

Changed agency address, telephone number, and website address.

Revised form number and revision date.

Added a payment box to the top right portion of form.

After "Reciprocity", added "and Equivalency" to the statement at the bottom of page 2.

VII. This administrative regulation incorporates by reference the "Extension Request for Approved Continuing Education Course(s)", Form DCA1180, May 2019. This document is used by training providers to apply for extended approval of a continuing education course.

This document consists of one (1) page.

VIII. This administrative regulation incorporates by reference the “Application for Certified Training Provider”, Form DCA1160, May 2019. This document is used by training providers for cabinet certification.

This document consists of one (1) page.

IX. This administrative regulation incorporates by reference the “Certified Training Provider Course Submittal”, Form DCA1170, May 2019. This document is used by certified training providers to provide continuing education course information to the cabinet.

This document consists of one (1) page.