

**WATER AND WASTEWATER OPERATOR CERTIFICATION AND TRAINING: NOTICE  
OF PROPOSED CHANGES TO THE  
REGULATIONS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL  
CONSERVATION**

**BRIEF DESCRIPTION**

The Alaska Department of Environmental Conservation (ADEC), Division of Water proposes to adopt amendments to the water and wastewater operator certification and training regulations to correct minor errors and update obsolete information contained in the chapter. Additionally, modifications will be made to accommodate updated business practices and changes within the industry, clarify portions of the existing language, and increase fees.

The Alaska Department of Environmental Conservation proposes to adopt regulation changes in Title 18, Chapter 74 (18 AAC 74) of the Alaska Administrative Code, dealing with certification and training of water and wastewater operators, including the following:

- (1) Amend 18 AAC 74 to make minor administrative corrections throughout the chapter.
- (2) Amend 18 AAC 74 to utilize Arabic numerals rather than Roman numerals when referring to operator certification levels and system classification.
- (3) Amend 18 AAC 74.006 and add 18 AAC 74.405 as a new section to address water systems that use ultraviolet light as a treatment process to meet inactivation requirements.
- (4) Amend 18 AAC 74.010 to clarify the requirement for an operator, certified to the level of the system, to be available at all times; establish certification requirements for shift operations; and allow for interim approval of an alternate method of system supervision until the next meeting of the Governor's Water/Wastewater Works Advisory Board.
- (5) Amend 18 AAC 74.020 and 18 AAC 74.420 to allow the Department to consider disciplinary action by another certifying agency toward an applicant when considering eligibility for certification, and to deny certification if an applicant provides inaccurate information on an application.
- (6) Amend 18 AAC 74.040 and 18 AAC 74.430 to explicitly require written certification exams.
- (7) Amend 18 AAC 74.020, 18 AAC 74.040, 18 AAC 74.420, 18 AAC 74.430 and 18 AAC 74.440 to remove the application process prior to certification exam administration, allowing operators to sit for exams, in numerical order, and then apply for certification once a passing score has been achieved.
- (8) Amend 18 AAC 74.050(b)(2)(A) and 74.050(b)(2)(B), to repeal regulations that

allowed the operator of a class I or class II system to use 10 years or more of operating experience to meet the experience criteria for level III or level IV certification, respectively.

- (9) Amend 18 AAC 74.120 to revise system classification points and amend 18 AAC 74.125 to allow for a compliance transition period for those systems affected by the change in classification.
- (10) Amend 18 AAC 74.410 and add 18 AAC 74.415 as a new section to clarify the certified operator requirements for small water systems, and the allowance for small water systems to be supervised through contract operations.
- (11) Amend 18 AAC 74.810 to differentiate between core and non-core Continuing Education Credit and clarify the certificate renewal requirements.
- (12) Amend 18 AAC 74.820 to extend the renewal period for an expired certificate up to 365 days.
- (13) Amend 18 AAC 74.830 to offer disciplinary options, other than certification revocation.
- (14) Amend 18 AAC 74.860 to establish schedules for requests for review of department decisions.
- (15) Amend 18 AAC 74.870 to reflect new and revised fees for services.
- (16) Amend 18 AAC 74.900 to revise the definitions of Water Treatment and Water Distribution systems to clarify that a ground water system adding chlorine is a Water Treatment system.
- (17) Amend 18 AAC 74.900 and 18 AAC 74.810 to reflect that the Operator Certification and Training Program is housed within the Division of Water rather than the Division of Facility Construction and Operation and that the Operator-in-Training certification no longer exists.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Ken Smith at 410 Willoughby, Suite 303, P.O. Box 111800, Juneau, AK 99811-1800. Additionally, the ADEC will accept comments by facsimile at (907) 465-5177 and by electronic mail at [ken.smith@alaska.gov](mailto:ken.smith@alaska.gov). Comments may also be submitted through the Operator Certification website at <http://dec.alaska.gov/water/opcert/18AAC74RegChanges.html>. The comments must be received not later than 4:30 PM, Alaska Standard Time on July 6, 2016.

You may submit written questions relevant to the proposed action to Ken Smith by email at [ken.smith@alaska.gov](mailto:ken.smith@alaska.gov) or by mail at 410 Willoughby, Suite 303, P.O. Box 111800, Juneau, AK 99811-1800. Questions may also be submitted through the Operator Certification website at

<http://dec.alaska.gov/water/opcert/18AAC74RegChanges.html>. The questions must be received at least 10 days before the end of the public comment period. The ADEC will aggregate its response to substantially similar questions and make the questions and responses available on the Operator Certification website at <http://dec.alaska.gov/water/opcert/18AAC74RegChanges.html>.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Natalie Wolfe at [Natalie.Wolfe@alaska.gov](mailto:Natalie.Wolfe@alaska.gov) or (907) 269-0291 or TDD Relay Service 1-800-770-8973/TTY or dial 711 not later than June 24, 2016 to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System, available at <http://dec.alaska.gov/water/opcert/18AAC74RegChanges.html>, or by contacting Ken Smith at [ken.smith@alaska.gov](mailto:ken.smith@alaska.gov) or (907) 465-5136.

After the public comment period ends, the ADEC will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. **YOU SHOULD COMMENT DURING THE TIME ALLOWED IF YOUR INTERESTS COULD BE AFFECTED.** Written comments received are public records and are subject to public inspection.

**Statutory authority:** AS 44.46.025; AS 46.30.010; AS 46.30.060; AS 46.30.080; AS 46.30.090; AS 46.30.120

**Statutes being implemented, interpreted, or made specific:** AS 46.30.010; AS 46.30.030; AS 46.30.040; AS 46.30.050; AS 46.30.060; AS 46.30.120

**Fiscal information:** The proposed regulation changes are not expected to require an increased appropriation.

Date: June 1, 2016  
Anchorage, Alaska



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Larry Hartig, Commissioner  
Department of Environmental Conservation

WATER SYSTEM OPERATOR CERTIFICATION PROPOSED REGULATIONS  
ADDITIONAL REGULATIONS NOTICE INFORMATION

(AS 44.62.190(d))

1. Adopting agency: Alaska Department of Environmental Conservation
2. General subject of regulation: Operator Certification and Training
3. Citation of regulation (may be grouped): 18 AAC 74
4. Department of Law file number, if any JU201520024
5. Reason for the proposed action:
  - (X) compliance with federal law: Safe Drinking Water Act
  - ( ) compliance with new or changed state statute
  - ( ) compliance with federal or state court decision (identify) \_\_\_\_\_
  - ( ) development of program standards
  - (X) other: modifications to allow for evolving business practices and industry changes
6. Appropriation/Allocation: Department of Environmental Conservation, Water Division, Water and Wastewater Operator Certification Program
7. Estimated costs in the aggregate to comply with the proposed action to:
  - a. Private Persons: There will be increased costs to current water and wastewater system operators, as well as individuals who wish to pursue operator certification of approximately \$150 per exam and \$100 per application. The schedule for exams and applications will depend on the circumstances of the individual operator.
  - b. Other State Agencies: The Department of Corrections, Department of Transportation and Public Facilities, and the University of Alaska system may incur increased costs due to the additional cost of updated fees and also may have a potential for an increase to personnel costs due to the proposed revision of classification points for some system components.
  - c. Municipalities: Utilities who pay the certification and/or renewal fees for operators will also incur the additional costs of updated fees. There is a potential for an increase to personnel costs for a small subset of utilities due to the proposed revision of classification points for some system components. The system classification dictates the operator certification requirements; as a result, some systems will require operators with higher level certification while other systems may require less certification.
8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY16	Subsequent Years
Operating Cost	\$ <u>0</u>	\$ <u>0</u>
Capital Cost	\$ <u>0</u>	\$ <u>0</u>
1002 Federal receipts	\$ <u>0</u>	\$ <u>0</u>
1003 General fund match	\$ <u>0</u>	\$ <u>0</u>
1004 General fund	\$ <u>0</u>	\$ <u>0</u>
1005 General fund/program	\$ <u>0</u>	\$ <u>0</u>
1037 General fund/mental health	\$ <u>0</u>	\$ <u>0</u>
Other	\$ <u>0</u>	\$ <u>0</u>

9. The name of the contact person for the regulation:

Name: Kenneth A. Smith

Title: Environmental Program Specialist III

Address: 410 Willoughby Ave., STE 303, P.O. Box 111800, Juneau, AK 99811

Telephone: (907) 465-5136

E-mail address: ken.smith@alaska.gov

10. The origin of the proposed action

- Staff of state agency  
 Federal government  
 General Public  
 Petition for regulation change  
 Other (identify)

11: Date: June 1, 2016

Prepared by:



Name (printed): Kenneth A. Smith

Title: (printed): Environ. Program Spec. III

Telephone: (907) 465-5136