WATER AND WASTEWATER OPERATOR CERTIFICATION AND TRAINING: SUPPLEMENTAL 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. Comments may also be submitted through the Operator Certification website at http://dec.alaska.gov/water/opcert/18AAC74RegChanges.html.

In order to provide additional time for comments the public comment period has been extended. All comments must be received not later than 5:00 PM on July 15, 2016.

You may submit written questions relevant to the proposed action to Ken Smith by email at 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 or (907) 269-0291 or TDD Relay Service 1-800-770-8973/TTY or dial 711 not later than July12, 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 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.

This is a SUPPLEMENTAL NOTICE adding to the NOTICE OF PROPOSED CHANGES that was issued on June 1, 2016, concerning the proposed regulation revision contained in the Department of Law file number JU2015200524. This SUPPLEMENTAL NOTICE is being issued to extend the public comment period to provide additional time for comments.

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: July 6, 2016
Juneau, Alaska

Larry Hartig, Commissioner
Department of Environmental Conservation