

The content below is the isolated section of Distribution/Legacy Distribution operator certification content following comments received. Existing rule content text is in “normal” formatting. The annotation of underlined new content and ~~strike through~~ removed content in black font reflects the first proposed revisions that you have already seen and for which there was the public hearing in September. The new changes following comments are in track changes of additions/deletions in red.

12.8.5 Class D

1. This class of **Public** water system includes the following:

- (a) **Consecutive Public Community** water systems serving 500 3,300 people or more and that have only a distribution system. A This type of Class D system purchases its water and does not have any source or treatment associated with it; this class of systems may have storage or pumping facilities.
 - (b) **Public Community** water systems serving 500 or more people with any of the following are required to have an operator with both a treatment certification as identified above and either a “Legacy Distribution” or a Distribution certification as identified below or separate certified treatment and distribution system operator(s) or certification(s) when there are:
 - 1) multiple pressure zones within the distribution system owned or operated by the public water system; or
 - 2) fire protection through designated fire hydrants connected to the transmission or distribution system.
 - (c) **Public Non-Transient Non-Community** water systems serving 500 or more people with fire hydrants connected to the distribution system for the purpose of firefighting are required to have an operator with both a treatment certification as identified above and a “Legacy Distribution” or a Distribution certification as identified below or separate certified treatment and distribution system operator(s) or certification(s).
- 2. Public** water systems meeting the definition of 12.8.5(a), (b), or (c) above are required to obtain a certified Class D operator or the existing operator required to obtain a “Legacy Distribution” Distribution certification no later than *July 1, 2029*.

- (a) **Legacy Distribution Certification:** Operators who have passed a treatment exam prior to July 1, 2029 and can document 1.5 years of experience at a water system(s) meeting the definition of 12.8.5(a), (b), or (c); above, may attend and complete a State-provided distribution training class in lieu of taking the distribution class examination. Upon satisfactory completion of the state-provided training, these operators will be issued what will be referred to as a “Legacy Distribution” certification. This certification will apply only to the systems for which the operator has 1.5 years of experience or greater as of the time of submitting their application, no later than July 1, 2029. Should a “Legacy Distribution” operator wish to work at a system for which they previously do not have the required 1.5 years of experience, they would need to pass the Distribution exam to be granted a Distribution certificate according to this section.

(i) Legacy Distribution Certification renewal shall be linked with the respective treatment certificate and follow the 3-year renewal period assigned to the treatment classification.

(b) **Distribution Certification:** Operators who have not previously passed a treatment exam or had the required 1.5 years of experience at a water system meeting the definition of 12.8.5(a), (b), or (c) above will not be eligible to obtain a Legacy Distribution certification and instead shall meet the certification requirements for a Distribution certification as identified in this chapter including passing the certification examination and having the minimum required applicable experience. This certification must be obtained by any person seeking to become a distribution system operator after July 1, 2029.

12.9 Experience and Education

12.9.1 In determining whether an applicant has the operating experience required for certification in a particular water system class, the Secretary ~~shall~~ ~~may~~ consider the following:

- 1) the period of satisfactory experience as a system operator or OIT in the respective certification class sought; and
- 2) operating experience in the respective certification class sought accrued in another jurisdiction.

All satisfactory experience as noted above shall be considered ~~credited~~ toward the total experience required for certification in the particular class for which application is made. Operating experience is defined as time spent at a facility, plant, or system in satisfactory performance of operational duties.

12.9.2 All applicants shall have a high school diploma or a general equivalency diploma (GED). The Secretary may allow experience and relevant training to be substituted for a high school diploma or GED.

12.9.3 Table 12-1, below, contains the minimum experience requirements for certification.

Table 12-1 - OPERATOR CLASSIFICATION REQUIREMENTS

| Public Water System Class(s) | Class of Operator | Operating Experience Required (Yrs) |
|-------------------------------------|----------------------------|--|
| ALL 2, 3, 4, and D | Operator-in-Training (OIT) | NONE |
| ALL 2, 3, 4, and D | Provisional | NONE |
| 1A | Operator Class 1A | NONE |
| 1B | Operator Class 1B | NONE |
| 2 | Operator Class 2 | 1.5 |
| 3 | Operator Class 3 | 1.5 |

| | | |
|----------------|-------------------------------|--------------|
| 4A1 | Operator Class 4A1 | 2 |
| 4A | Operator Class 4A | 2 |
| 4B | Operator Class 4B | 2.5 |
| 4C | Operator Class 4C | 3 |
| D | Operator Class D | 1.5 |

12.9.4 Substitutions for Experience Requirements

- (a) Substitutions with related schooling or courses may be made for up to 50% of the required on-site experience for Classes 2, 3, ~~4A1~~, 4A, 4B, 4C, and D ~~but with the limitation that 50 percent of any stated experience requirement must be met by actual on-site operating experience in a plant, system or facility.~~
- (b) Formal Education
- (1) High School education cannot be substituted for any experience requirement.
 - (2) Approved relevant formal academic education at the post high school or college level may be substituted for experience requirement on a year for year basis, subject to the 50 percent limitation described in Subsection 12.9.4(a) above. Thirty (30) semester hours or equivalent educational hours of credit are considered to represent 1 year of formal education.
- (c) Operator Training
- (1) Specialized operator training courses, seminars, workshops or approved technical conferences may be substituted for experience requirements subject to the 50 percent limitation previously described. Continuing Education Units (CEUs) totaling 30 are considered equal to 1 year. 1 CEU equals 10 Training Contact Hours (TCH).
- (d) Partial credit toward operating experience may be given for experience in plant or system maintenance, in a laboratory, in a different certification category than that which is being applied for, and in related (allied) trades, as determined or approved by the Secretary.

12.10 Certification Renewal

- 12.10.1 A certified water system operator shall submit to the Secretary, at least 30 days before the expiration date of the certificate, a completed application on the form approved by the Secretary, including any fee due and signed statement by the operator attesting that all required credit hours have been completed for the respective renewal period and the operator meets the minimum requirements for their certification to be renewed. ~~The Secretary shall review the application and shall promptly notify the applicant of any deficiencies.~~ If the application is complete, ~~the continuing education requirements of~~

~~Section 12.11 have been fulfilled,~~ and the Secretary finds no cause under ~~Section 12.3~~ this section to deny the application, a renewed certificate shall be issued.

~~The Secretary intends to provide written notice to operators of their certification renewal date approximately 6 months prior to that date. However, t~~ The burden of certification renewal is assumed by the applicant and failure of the Secretary to provide notice shall not constitute a basis for contesting the expiration of an operator certificate. The applicant bears the burden to renew their certification. The applicant may not use the Secretary's failure to provide notice of a required renewal to contest an expired operator certificate.

12.10.2 Should an operator with enough TCH to apply to a renewal of their certification earn TCH in the calendar year of a renewal cycle, but not elect to apply those hours toward the current renewal, they may apply those hours to the next renewal period. This must be clearly stated on the renewal form.

12.10.32 Certification renewal shall occur on a schedule as shown below and shall be based on various methods of recertification depending on water system class.

Table 12 – 2 Duration of drinking water operator certificates

| Class of Certificate | Duration of Certificate, Years | Method of Certification |
|-----------------------------|---------------------------------------|---|
| 1A | 3 | Registration |
| 1B, 2, 3, 4A, 4B, 4C, and D | 3 | Satisfaction of TCH requirements Continuing Education or Retesting |
| 3 | 3 | Continuing Education or Retesting |
| 4A1,4(A,B,C) | 3 | Continuing Education or Retesting |
| D | 3 | Continuing Education or Retesting |

12.10.3 Upon receiving prior approval from the Secretary an operator may retake the certification exam for their respective class and, upon passing the exam, be allowed to renew their license without completing the required TCH for that renewal period. This option is allowed once per class, per operator.

12.10.43 Certifications issued under the Rrule may be for ~~fewer years~~ a different duration than shown above, in order to stagger the renewal dates for more efficient administration of the program at the discretion of the Secretary.

12.11 Continuing Education

12.11.1 Continuing education requirements for certification renewal are as follows, according to the training categories established in 12.11.2 and 12.11.5 below.

- (a) Water System Class 1A operators are encouraged to complete at least 3 TCH ~~attend at least 3 hours~~ of state approved seminar or other approved instruction each 3 year renewal period.
- (b) Water System Class 1B operators shall complete at least 3 TCH ~~attend at least 3 hours~~ of a state sponsored seminar or other approved instruction each 3 year renewal period.
- (b)(c) Water System Class 2 operators shall complete at least 10 TCH ~~attend at least 10 hours~~ of a state sponsored seminar or other approved instruction each 3 year renewal period.
- (d) Water System Class 3, 4, and D operators shall complete at least 20 TCH ~~attend 20 hours~~ of state sponsored seminars or other approved instruction each 3 year renewal period unless the operator is “dual” certified for both Treatment and Distribution, in which case the operator must complete training hours in accordance with 12.11.6 below.

12.11.2 For each renewal cycle, class 2, 3, and 4 operators shall obtain no less than 30% of their required TCH from topics included in Category 1 below; no less than 30% of required TCH from topics included in Category 2 below; and the remaining 40% from any training category as follows:

Table 12 -3 Training Categories for Treatment Certification

| | <u>Category 1</u> | <u>Category 2</u> | <u>Category 3</u> |
|-----------------------------------|----------------------------------|----------------------------------|---|
| <u>Topics</u> | <u>Regulatory</u> | <u>Treatment</u> | <u>All other approved training topics</u> |
| | <u>Public Health</u> | <u>Distribution</u> | |
| | <u>Management and/or Finance</u> | <u>Source Protection</u> | |
| | | <u>Operation and Maintenance</u> | |
| <u>Minimum Hours Class 2</u> | <u>3 hours per renewal</u> | <u>3 hours per renewal</u> | <u>No minimum</u> |
| <u>Minimum Hours Classes 3, 4</u> | <u>6 hours per renewal</u> | <u>6 hours per renewal</u> | <u>No minimum.</u> |

12.11.3 Assignment of Class Categories

- (a) Class offerings will be assigned a category or in some instances will cover multiple categories above. It is the obligation of the operator to identify from the possible assigned categories how they are seeking to apply each TCH to their respective certification when multiple categories apply.
- (b) Single classes providing less than 4-3 hours of TCH will not be permitted to be subdivided among multiple categories.
- (c) Single classes providing 4-3 or more hours of TCH will be permitted to be subdivided among multiple categories in half-hour increments.

12.11.32 Documentation of continuing education shall be submitted to the Secretary to account for each TCH received and being applied to the operator’s certificate for renewal. ~~be reviewed by the Secretary to determine compliance with the continuing education requirements.~~ Documentation will be provided by the applicant for renewal ~~or by the Secretary.~~ Acceptable documentation shall consist of individual course completion certificates (pre-approval of course required) or formal course sign-in sheets for pre-approved courses containing the signature of the applicant confirming attendance. The operator shall identify the respective categories for each TCH earned on a form provided by the Secretary. The Secretary will review and audit a select portion of renewal applications every renewal cycle to ensure consistency and adherence to the requirements above.

12.11.5 For each renewal cycle, class D operators shall obtain no less than 50% of their required TCH from topics included in Category 1 below; no less than 30% of required TCH from topics included in Category 2 below; and the remaining 20% from any training category as follows:

Table 12-4 Training Categories for Distribution Certification

| | <u>Category 1</u> | <u>Category 2</u> | <u>Category 3</u> |
|------------------------------|-----------------------------|--|---|
| <u>Topics</u> | <u>Regulatory</u> | <u>Treatment</u> | <u>All other approved training topics</u> |
| | <u>Public Health</u> | <u>Management and/or Finance</u> | |
| | <u>Distribution</u> | <u>Operation and Maintenance</u> | |
| | <u>Work site safety</u> | <u>Hydraulics (pumps, pressure, etc)</u> | |
| <u>Minimum Hours Class D</u> | <u>10 hours per renewal</u> | <u>6 hours per renewal</u> | <u>No minimum,</u> |

12.11.6

Certain Certified Operators who possess both a treatment classification and a distribution certification may apply a specified amount of distribution-related TCH to both the treatment classification and the distribution certification per renewal cycle, meaning a set number of hours can be treated as “dual” credits. These “dual” distribution credits amounts may be applied as follows:

1. Treatment classification 2 operators who possess a distribution certification may treat up to 5 TCH as “dual” credits per renewal cycle. The Operators must complete at least 15 total TCH. This shall consist of 10 hours under “treatment” as identified in table 12-3 and 5 hours from Category 1 or 2 in table 12-4 to apply toward “Distribution”.
2. Treatment classification 3 and 4 operators who possess a distribution certification may treat up to 10 TCH as “dual” credits per renewal cycle. The Operators must complete at least 30 total TCH. This shall consist

of 20 hours under “treatment” as identified in table 12-3 and 10 hours from Category 1 or 2 in table 12-4 to apply toward “Distribution”.—

When an operator possesses multiple certifications/is dual-certified, Training topics listed in Category 3 in Table 12-3 or 12-4 may not count toward “dual” credit and may only count toward the treatment certification. —when an operator possess multiple certifications. Operators who chose to use “dual” credit must otherwise complete the requirements specified in the tables related to their respective treatment and distribution classes.—