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REGULATIONS COMPILER

1 ENERGY AND ENVIRONMENT CABINET

2 Department for Environmental Protection

3 Division of Water

4 (Amended After Comments)

5 401 KAR 11:040. Water treatment and distribution system operators; classification and  
6 qualifications.

7 RELATES TO: KRS 223.160 -[through] 223.220~~[223.160-220]~~, 224.10-100, 224.10-  
8 110~~[, EO 2009-538]~~

9 STATUTORY AUTHORITY: KRS 223.160 -[through] 223.220~~[223.160-220]~~,  
10 224.10-100, 224.10-110~~[, EO 2009-538]~~

11 NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100 authorizes~~[and~~  
12 ~~224.10-110 authorize]~~ the cabinet to promulgate administrative regulations concerning the  
13 certification of water operators. KRS 224.10-110 requires the cabinet to establish programs and  
14 enforce cabinet administrative regulations for the certification of water plant operators. KRS  
15 223.160 through 223.220 authorizes the cabinet to establish qualifications and examinations,  
16 and issue certificates for water plant operators~~[EO 2009-538, effective June 12, 2009,~~  
17 ~~establishes the new Energy and Environment Cabinet].~~ This administrative regulation  
18 establishes classification of water treatment and distribution operator certifications and  
19 establishes the qualifications for certification.

20 Section 1. Classification of Water Operator Certifications. (1) Water treatment

1 certifications.

2 (a) Limited certification.~~[As provided in KRS 223.160(2),]~~ An operator issued a limited  
3 certificate may have primary responsibility for a water treatment facility for a school and for a  
4 semipublic water supply as established in KRS 223.160.

5 (b) Class IA-D treatment certification.

6 ~~[1.]~~ A Class IA-D treatment operator;

7 1. May be in direct responsible charge for a Class IA-D or Class IB-D water treatment  
8 plant as established in 401 KAR 8:030; ~~and[, Section 2.]~~

9 ~~2.[A Class IA-D treatment operator]~~ Shall not be in direct responsible charge for a  
10 water treatment plant with a larger design capacity.

11 (c) Class IB-D treatment certification.

12 ~~[1.]~~ A Class IB-D treatment operator;

13 1. May be in direct responsible charge for a Class IB-D water treatment plant~~[,]~~ as  
14 established in 401 KAR 8:030; ~~and[, Section 2.]~~

15 ~~2.[A Class IB-D treatment operator]~~ Shall not be in direct responsible charge for a water  
16 treatment plant with a larger design capacity.

17 (d) Class IIA treatment certification.

18 ~~[1.]~~ A Class IIA treatment operator;

19 1. May be in direct responsible charge for a Class IIA water treatment plant or a  
20 Subclass A or B water treatment plant of an equal to or smaller design capacity~~[,]~~ as established  
21 in 401 KAR 8:030; ~~and[, Section 2.]~~

22 ~~2.[A Class IIA treatment operator]~~ Shall not be in direct responsible charge for a water  
23 treatment plant with a larger design capacity.

1 (e) Class IIB-D treatment certification.

2 [~~1.~~] A Class IIB-D treatment operator;

3 1. May be in direct responsible charge for a Class IIB-D water treatment plant or a  
4 Subclass B water treatment plant of a smaller design capacity[;] as established in 401 KAR  
5 8:030; and[;Section 2.]

6 2.[~~A Class IIB-D treatment operator~~] Shall not be in direct responsible charge for a  
7 water treatment plant with a larger design capacity.

8 (f) Class IIIA treatment certification.

9 [~~1.~~] A Class IIIA treatment operator;

10 1. May be in direct responsible charge for a Class IIIA water treatment plant or a  
11 Subclass A or B water treatment plant of an equal to or smaller design capacity[;] as established  
12 in 401 KAR 8:030; and[;Section 2.]

13 2.[~~A Class IIIA treatment operator~~] Shall not be in direct responsible charge for a water  
14 treatment plant with a larger design capacity.

15 (g) Class IIIB treatment certification.

16 [~~1.~~] A Class IIIB treatment operator;

17 1. May be in direct responsible charge for a Class IIIB water treatment plant or a  
18 Subclass B water treatment plant of a smaller design capacity[;] as established in 401 KAR  
19 8:030; and[;Section 2.]

20 2.[~~A Class IIIB treatment operator~~] Shall not be in direct responsible charge for a water  
21 treatment plant with a larger design capacity.

22 (h) Class IVA treatment certification. [~~1.~~]A Class IVA treatment operator may be in  
23 direct responsible charge of any Subclass A or B water treatment plant[;] as established in 401

1 KAR 8:030~~[, Section 2]~~.

2 (i) Class IVB treatment certification. A Class IVB treatment operator may be in direct  
3 responsible charge of any Subclass B water treatment plant, as established in 401 KAR 8:030~~[, Section 2]~~.  
4

5 (2) Water distribution certifications.

6 (a) Class ID distribution certification.

7 ~~[1.]~~ A Class ID distribution operator:

8 1. May be in direct responsible charge for a Class ID water distribution system~~[,]~~ as  
9 established in 401 KAR 8:030; ~~and[, Section 2.]~~

10 ~~2.[A Class ID distribution operator]~~ Shall not be in direct responsible charge for a water  
11 distribution system serving a larger population.

12 (b) Class IID distribution certification.

13 ~~[1.]~~ A Class IID distribution operator:

14 1. May be in direct responsible charge for a Class IID~~[IID]~~ water distribution system~~[,]~~  
15 as established in 401 KAR 8:030; ~~and[, Section 2.]~~

16 ~~2.[A Class IID distribution operator]~~ Shall not be in direct responsible charge for a  
17 water distribution system serving a larger population.

18 (c) Class IIID distribution certification.

19 ~~[1.]~~ A Class IIID distribution operator:

20 1. May be in direct responsible charge for a Class IIID water distribution system~~[,]~~ as  
21 established in 401 KAR 8:030; ~~and[, Section 2.]~~

22 ~~2.[A Class IIID distribution operator]~~ Shall not be in direct responsible charge for a  
23 water distribution system serving a larger population.

1 (d) Class IVD distribution certification.~~[1-]~~ A Class IVD distribution operator may be in  
2 direct responsible charge of any water distribution system.

3 (3) Bottled water certification. A bottled water operator may be in direct responsible  
4 charge for a bottled water system that bottles water for sale.

5 (4) Operator in Training designations~~[certifications]~~.

6 (a)~~[Except as provided in paragraph (c) of this subsection,]~~ A certified operator with an  
7 Operator in Training designation shall not be in direct responsible charge of a water treatment  
8 plant or distribution system as established in this subsection and in 401 KAR 8:030.

9 (b) A Class I Operator In Training shall not be in direct responsible charge of a water  
10 treatment, distribution, or bottled water system except as established in 401 KAR 8:030 and  
11 paragraph (d) of this section.

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 direct responsible charge of the facility.

17 (d) An Operator In Training may have direct responsible charge for a water treatment or  
18 distribution system for which the operator holds an active Class II through Class IV certification  
19 required for the system as established in 401 KAR 8:030~~[(c)-If a certified operator also has been~~  
20 ~~issued a water treatment, distribution, or bottled water certification without an Operator in~~  
21 ~~Training designation, the operator may serve in direct responsible charge a water treatment plant,~~  
22 ~~distribution system or bottled water system as provided by this Section for the certifications that~~  
23 ~~do not have an Operator in Training designation].~~

1 Section 2. Water Operator Qualifications: Experience, Education, and Equivalencies. An  
2 individual desiring to become a certified operator shall meet the~~following~~ minimum education  
3 and experience requirements established in this section~~qualifications~~ prior to the cabinet  
4 approving the individual to take a certification examination as established in 401 KAR 11:050.

5 (1) The minimum education and experience requirement for each class of water  
6 treatment certification~~certifications~~ shall be as established in this subsection.~~follows:~~

7 (a) Limited certification The cabinet may issue a limited certificate as established in  
8 KRS 223.160 if the applicant demonstrates the knowledge and experience required to properly  
9 operate the particular water treatment facility for which the applicant is responsible.~~:~~

10 ~~1. Education. A minimum level of education shall not be required.~~

11 ~~2. Experience. A minimum level of experience shall not be required.~~

12 (b) Class IA-D treatment certification.~~:~~

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

15 2.~~Experience.~~ One (1) year of~~acceptable~~ operation of a Subclass A public water  
16 system with any design capacity~~:~~ as established in 401 KAR 8:030~~, Section 2, with any~~  
17 ~~design capacity~~.

18 (c) Class IB-D treatment certification.~~:~~

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

21 2.~~Experience.~~ One (1) year of~~acceptable~~ operation of a Subclass A or B public water  
22 system with any design capacity~~:~~ as established in 401 KAR 8:030~~, Section 2, with any~~  
23 ~~design capacity shall be required~~.

1 (d) Class IIA 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 water treatment plant, with  
5 six (6) months in a Class IIA, IIIA, or IVA water treatment plant, as established in 401 KAR  
6 8:030[~~, Section 2, shall be required~~].

7 (e) Class IIB-D treatment certification.[:]

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

10 2.[~~Experience.~~] Two (2) years of[~~acceptable~~] operation of a public water system, with  
11 six (6) months in a Class IA-D, II B-D, or higher water treatment plant[~~plan~~], as established in  
12 401 KAR 8:030[~~, Section 2, shall be required~~].

13 (f) Class IIIA treatment certification.[:]

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

16 2.[~~Experience.~~] Three (3) years of[~~acceptable~~] operation of a public water treatment  
17 plant with one (1) year in a Class IIA, IIIA, or IVA water treatment plant, as established in 401  
18 KAR 8:030, Section 2[~~, shall be required~~].

19 (g) Class IIIB treatment certification.[:]

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

22 2.[~~Experience.~~] Three (3) years of[~~acceptable~~] operation of a public water treatment  
23 plant with one (1) year in a Class IIA, IIB-D, IIIA, IIIB, IVA, or IVB water treatment plant, as

1 established in 401 KAR 8:030, Section 2~~[, shall be required]~~.

2 (h) Class IVA treatment certification~~.[:]~~

3 1.~~[Education:]~~ A baccalaureate degree from a regionally accredited college or  
4 university in engineering, or biological, environmental, physical, or chemical science, or  
5 equivalent~~[shall be required]~~; and

6 2.~~[Experience:]~~ One (1) year of~~[acceptable]~~ operation of a Class IIIA or IVA public  
7 water treatment plant~~[,]~~ as established in 401 KAR 8:030, Section 2~~[, shall be required]~~.

8 (i) Class IVB treatment certification~~.[:]~~

9 1.~~[Education:]~~ A baccalaureate degree from a regionally accredited college or  
10 university in engineering, or biological, environmental, physical or chemical science, or  
11 equivalent~~[shall be required]~~; and

12 2.~~[Experience:]~~ One (1) year of~~[acceptable]~~ operation of a Class IIIA, IIIB, IVA, or  
13 IVB[IV] public water treatment plant~~[shall be required]~~.

14 (2) The educational and experience requirements[qualifications] for water distribution  
15 certifications shall be as established in this subsection.[as follows:]

16 (a) Class ID distribution certification~~.[:]~~ .

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

19 2.~~[Experience:]~~ One (1) year of~~[acceptable]~~ operation of a water distribution  
20 system~~[shall be required]~~.

21 (b) Class IID distribution certification~~.[:]~~

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



1           2. a.~~[Experience.]~~ Two (2) years of~~[acceptable]~~ operation of a water distribution system;  
2     ~~and[shall be required.]~~

3           b. Six (6) months of the required experience shall be in a water distribution system  
4     serving a population greater than or equal to 1,500.

5           (c) Class IIID distribution certification.~~[:]~~

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

8           2. a.~~[Experience.]~~ Three (3) years of~~[acceptable]~~ operation of a water distribution  
9     system: ~~and[shall be required].~~

10          b. One (1) year of the required experience shall be in a water distribution system serving  
11     a population greater than or equal to 1,500.

12          (d) Class IVD distribution certification.~~[:]~~

13          1.~~[Education.]~~ A baccalaureate degree **from a regionally accredited college or**  
14     **university** in engineering, or biological, environmental, physical, or chemical science, or  
15     equivalent~~[shall be required];~~ and

16          2.~~[Experience.]~~ One (1) year of~~[acceptable]~~ operation of a water distribution system  
17     serving a population greater than or equal to 15,000~~[shall be required].~~

18          (3) Bottled water certification. The educational and experience  
19     requirements[qualifications] for bottled water certifications shall be~~[as follows]:~~

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

22          (b)~~[Experience.]~~ One (1) year of~~[acceptable]~~ operation of a bottled water system~~[shall~~  
23     ~~be required].~~

1 (4) The educational and experience requirements~~[qualifications]~~ for Operator in  
2 Training designations shall be as established in this subsection.~~[as follows]:~~

3 (a) Class IA-D Treatment, Class IB-D Treatment, Class ID Distribution, and Bottled  
4 Water certifications.

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

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

8 (b) All other applicants for the classifications established~~[identified]~~ in subsections  
9 1(1) and 1(2) of this administrative regulation:~~;~~

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

13 2. Shall not have been subject to disciplinary action as established in~~[provided by]~~ 401  
14 KAR 11:050, Section 4.

15 (5) Substitutions. The cabinet shall allow~~[the following]~~ substitutions as established in  
16 this subsection for education and experience requirements as~~[the qualifications]~~ established in  
17 subsections (1), (2), and (3) of this section.~~;~~

18 (a) Education from a regionally accredited college or university in~~[environmental]~~  
19 engineering,~~;~~~~environmental technology;~~ and or biological, environmental, physical, or  
20 chemical science~~[sciences]~~, or equivalent shall be substituted if the substitution does not exceed  
21 fifty (50) percent of the required experience.

22 1. An associate degree shall be considered equivalent to two (2) years of experience.

23 2. A baccalaureate degree shall be considered equivalent to four (4) years of experience.

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

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

6           **(b)[3.] Education from a regionally accredited college or university that did not result**  
7 **in a degree in engineering or biological, environmental, physical, or chemical science, or**  
8 **equivalent[a related field] may be substituted if the substitution does not exceed twenty-five**  
9 **(25) percent of the required experience.[for the required experience as follows:**

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

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

12           3. Ten (10) contact hours, one (1) Continuing Education Unit, or one (1) post-secondary  
13 education quarter hour in any subject with a passing grade of C or higher shall be considered  
14 equivalent to 0.011[0.022] years of experience.

15           4.[b:] One (1) postsecondary education semester hour with a passing grade of C or  
16 higher in any subject shall be considered equivalent to 0.016[0.033] years of experience.

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

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

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

3           (d)[(b)] Treatment and distribution experience may be substituted for the educational  
4 requirement as established in this paragraph.[~~follows:~~]

5           1. One (1) year of operational experience at a water system may substitute for one (1)  
6 year of education.

7           2. a. The cabinet may allow partial substitution of the education requirement by  
8 experience in:

9           (i)[i] Maintenance;<sub>;</sub>[~~;~~]

10           (ii)[ii] Laboratory analysis;<sub>;</sub>[~~;~~] or

11           (iii)[iii] Other work related to the collection, treatment, or distribution of drinking  
12 water or wastewater.

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

15           (i)[i] Technical knowledge needed to perform the work; and[~~the degree of~~]

16           (ii)[ii] Responsibility the applicant had in the operation of the system.

17           3. Experience applied to the education requirement established[~~specified~~] in  
18 subsections (1) and (2) of this section shall not be applied to the experience requirement.

19           (e)[(c)] Water treatment,<sub>[and]</sub> distribution and collection experience may be substituted  
20 as established in this paragraph.[~~follows:~~]

21           1. Two (2) years of distribution system experience may[~~shall~~] be considered equivalent  
22 to one (1) year of treatment experience.

23           2. One (1) year of treatment experience may[~~shall~~] be considered equivalent to one (1)

1 year of distribution system experience.

2 3. One (1) year of collection experience may be considered equivalent to six (6) months  
3 of distribution experience.

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

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

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

10 2. Two (2) years of experience in the construction trades, construction management,  
11 engineering, plumbing, or electronics may be considered equivalent to one (1) year of  
12 distribution experience or six (6) months of treatment experience.

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

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

17 (i)|i:] Technical knowledge needed to perform the work; and

18 (ii)|ii:] Responsibility the applicant had in performing the work.

19 4. Substitutions under this paragraph shall not account for more than fifty (50) percent of  
20 the experience required by this administrative regulation.

21 (6) Apprenticeships. An applicant who completes a state-approved treatment or  
22 distribution apprenticeship program as established in 401 KAR 11:050 may be eligible for  
23 treatment or distribution certification if the applicant also achieves a passing score of seventy

1 (70) percent(~~70%~~) or above on a cabinet-administered examination.

2 (7) Equivalency. An operator who has received water operator certification in a state,  
3 territory, or possession of the United States may be given an equivalent certification in  
4 Kentucky based on the:

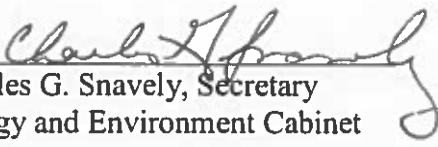
5 1. Level of certification obtained in the other state, territory, or possession of the United  
6 States;

7 2. Number of years of water operator experience obtained while holding valid  
8 certification from another state, territory, or possession of the United States; and

9 3. Type, size, and capacity of the water plant or plants at which the certified operator  
10 obtained experience.

11 (8) Reciprocity. The cabinet may establish a reciprocal agreement for operator  
12 certification with any other state, territory, or possession of the United States if the cabinet  
13 determines that operator certification requirements of the other state are at least as stringent as  
14 those established in this administrative regulation.

401 KAR 11:040 Water treatment and distribution system operators; classification and qualifications is approved for filing.

  
\_\_\_\_\_  
Charles G. Snavely, Secretary  
Energy and Environment Cabinet

8/13/2019  
Date

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

401 KAR 11:040

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 water treatment and distribution system operators.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to protect public health by ensuring that water treatment and distribution system operators have and maintain adequate education, experience, and training.

(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 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 education, experience, and training qualifications and criteria for operators of water treatment and distribution 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: This amendment corrects regulatory language and paragraph numbers to conform with KRS 13A, clarifies Operator In Training "designations" rather than "certifications", and clarifies that education being applied towards operator certification must be obtained at a regionally accredited college or university.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to clarify education and training requirements for drinking water operators.

(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 corrects regulatory language and paragraph numbers to conform with KRS 13A, clarifies Operator In Training “designations” rather than “certifications”, and clarifies that education being applied towards operator certification must be obtained at a regionally accredited college or university.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Certified drinking water operators, operator-candidates, and state or local governments that operate drinking water 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. This amendment corrects regulatory language and paragraph numbers to conform with KRS 13A, clarifies Operator In Training “designations” rather than “certifications”, and clarifies that education being applied towards operator certification must be obtained at a regionally accredited college or university.

(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. This amendment corrects regulatory language and paragraph numbers to conform with KRS 13A, clarifies Operator In Training “designations” rather than “certifications”, and clarifies that education being applied towards operator certification must be obtained at a regionally accredited college or university.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This amendment corrects regulatory language and paragraph numbers to conform with KRS 13A, clarifies Operator In Training “designations” rather than “certifications”, and clarifies that education being applied towards operator certification must be obtained at a regionally accredited college or university.

(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. This amendment corrects regulatory language and paragraph numbers to conform with KRS 13A, clarifies Operator In Training “designations” rather than “certifications”, and clarifies that education being applied towards operator certification must be obtained at a regionally accredited college or university.

(b) On a continuing basis: This amendment will not result in additional costs. This amendment corrects regulatory language and paragraph numbers to conform with KRS 13A, clarifies Operator In Training “designations” rather than “certifications”, and clarifies that education being applied towards operator certification must be obtained at a regionally accredited college or university.

(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. This amendment corrects regulatory language and paragraph numbers to conform with KRS 13A, clarifies Operator In Training “designations” rather than “certifications”, and clarifies that education being applied towards operator certification must be obtained at a regionally accredited college or university.

(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. This amendment corrects regulatory language and paragraph numbers to conform with KRS 13A, clarifies Operator In Training “designations” rather than “certifications”, and clarifies that education being applied towards operator certification must be obtained at a regionally accredited college or university.

(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. This amendment corrects regulatory language and paragraph numbers to conform with KRS 13A, clarifies Operator In Training “designations” rather than “certifications”, and clarifies that education being applied towards operator certification must be obtained at a regionally accredited college or university.

(9) TIERING: Is tiering applied? (Explain why or why not) Yes, tiering is applied in this administrative regulation. Drinking water operator education, training, and experience differ depending on the type and size of the system the operator is responsible for. Larger systems require a more extensive combination of education, training, and experience.

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

401 KAR 11:040

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, 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. This amendment corrects regulatory language and paragraph numbers to conform with KRS 13A, clarifies Operator In Training "designations" rather than "certifications", and clarifies that education being applied towards operator certification must be obtained at a regionally accredited college or university.

(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. This amendment corrects regulatory language and paragraph numbers to conform with KRS 13A, clarifies Operator In Training "designations" rather than "certifications", and clarifies that education being applied towards operator certification must be obtained at a regionally accredited college or university.

(c) How much will it cost to administer this program for the first year? This administrative regulation will not result in additional costs. This amendment corrects regulatory language and paragraph numbers to conform with KRS 13A, clarifies Operator In Training "designations" rather than "certifications", and clarifies that education being applied towards operator certification must be obtained at a regionally accredited college or university.

(d) How much will it cost to administer this program for subsequent years? This administrative regulation will not result in additional costs. This amendment corrects regulatory language and paragraph numbers to conform with KRS 13A, clarifies Operator In Training "designations" rather than "certifications", and clarifies that education being applied towards

operator certification must be obtained at a regionally accredited college or university.

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. This amendment corrects regulatory language and paragraph numbers to conform with KRS 13A, clarifies Operator In Training “designations” rather than “certifications”, and clarifies that education being applied towards operator certification must be obtained at a regionally accredited college or university.

## FEDERAL MANDATE ANALYSIS COMPARISON

401 KAR 11:040

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 that mandates certified operators, however, state drinking water revolving funds can be withheld by the federal government if the state does not have an acceptable certified operator program.
2. State compliance standards. KRS 224.10-100, 224.10-110, 224.73-110
3. Minimum or uniform standards contained in the federal mandate. There are federal guidelines, but no minimum or uniform federal standards, for certified 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 operators.
5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. There is no federal mandate for certified operators.