

1 ENERGY AND ENVIRONMENT CABINET

2 Department of Environmental Protection

3 Division of Water

4 (Amended After Comments)

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 - 223.220~~[through 220]~~~~[223.160-220]~~,
9 224.10-100, 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 (70) 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 if~~[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.

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]~~

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~~[ef]~~ Section 3(1)(a) and (b) of this
17 administrative regulation;

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.

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
2 [https://eec.kv.gov/Environmental-Protection/Compliance-Assistance/operator-certification-](https://eec.kv.gov/Environmental-Protection/Compliance-Assistance/operator-certification-program/Pages/default.aspx)
3 [program/Pages/default.aspx](https://eec.kv.gov/Environmental-Protection/Compliance-Assistance/operator-certification-program/Pages/default.aspx).

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

7 1. Completed Application for Certification Renewal form;

8 2. Letter of mentorship; and

9 3. Completed Education and Experience Documentation form.

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

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

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

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

20 (5)(a) Prior to applying for certification renewal or to return a certificate to active status,
21 a certified operator shall complete the required number of cabinet-approved training hours as
22 established in Sections 4 and 5 of this administrative regulation.

23 (b) A certified operator holding multiple wastewater certifications issued in accordance

1 with this administrative regulation shall complete the required number of cabinet-approved
2 training hours for the highest certificate held in lieu of completing the required number of
3 continuing education hours required for each certificate.

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

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

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

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

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

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

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

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

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

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

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

23 (3) The cabinet shall:

1 (a) Notify a training provider applicant of the cabinet's[its] decision within ninety (90)
2 days of receiving the items established in subsection (2)[2] of this section: and

3 (b) Issue a provider identification number that shall be written on all training materials
4 and documentation.

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

7 (5) The principal officers and core trainers of a certified training provider shall attend a
8 cabinet training session prior to offering continuing education courses after certification has been
9 approved.

10 (6) Continuing education courses offered by a certified training provider shall be based
11 on core content[~~determined by the cabinet in consultation with the appropriate board~~].

12 (7) For each continuing education course:

13 (a) The certified training provider shall submit to the cabinet a Certified Training
14 Provider Course Submittal form.

15 (b) The cabinet shall assign a course number.

16 (c) The certified training provider shall submit a Continuing Education Activity Report
17 form at the completion of the course.

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

19 1.[~~(a)~~] A completed Application for Approval of Courses for Continuing Education
20 Credit form:

21 2.[~~(b)~~] Course learning objectives:

22 3.[~~(e)~~] Criteria for successful completion by course attendees;

23 4.[~~(d)~~] Agenda that establishes:

1 a.~~1.~~ Course instruction and break times; and

2 b.~~2.~~ Brief description of each topic;

3 5.~~(e)~~ The instructor's name and credentials;

4 6.~~(f)~~ Evaluation methods;

5 7.~~(g)~~ The completed Continuing Education Activity Report form;

6 8.~~(h)~~ A summary of participant evaluations; and

7 9.~~(i)~~ Instructional materials and references.

8 (8) Compliance.

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

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

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

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

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

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

22 (g) A certified training provider that is aggrieved by a certification limitation, denial, or
23 revocation action may file a petition for hearing with the cabinet as established in KRS 224.10-

1 420 through 224.10-470.

2 Section 5. Training Approval of Non-Certified Training Providers. (1) A training
3 provider seeking approval of certified operator training shall submit to the cabinet a completed
4 Application for Approval of Courses for Continuing Education Credit form.

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

7 (3)(e) A certified operator who has attended training that has not been submitted to the
8 cabinet for approval may apply for training approval as established in subsection
9 (1)(1)(a) of this section.

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

12 (5)(a)(7)(a) Cabinet approval of training shall expire two (2) years following the date of
13 approval.

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

16 1. The provider requests the extension on the Extension Request for Approved
17 Continuing Education Courses form; and

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

19 Section 6. Operator Disciplinary Action.

20 (1) A certified operator shall be subject to disciplinary action if ~~the cabinet, in~~
21 ~~consultation with the board, determines that~~ the certified operator has not satisfactorily
22 performed the operator's duties as established in 401 KAR 11:020.

23 (2)(a) A written complaint received by the board or cabinet regarding a certified operator,

1 unless duplicitous or frivolous, and violations of 401 KAR 11:020 that are identified by the
2 cabinet shall be evaluated by the board.

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

4 (3) The board shall make a recommendation to the cabinet regarding disciplinary action.

5 The board may recommend that disciplinary action not be taken or recommend that a
6 disciplinary action be taken if the board determines that the certified operator has not
7 satisfactorily performed operator duties in compliance with 401 KAR 11:020.

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

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

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

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

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

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

19 (d) Civil or criminal penalties; or

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

22 (6) If disciplinary action is taken, the cabinet shall notify the certified operator and the
23 operator's employer by certified mail of the action, the reasons outlined for the action, and the

1 length of time for which the disciplinary action shall apply.

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

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

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

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

10 Section 7[5]. Incorporation by Reference. (1) The following material is incorporated by
11 reference:

12 (a) "Registration Form for Exams and Training", Form DCA1100, May 2019[August
13 2009];

14 (b) "Education and Experience Documentation Form", Form DCA1110, May 2019[July
15 2009];

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

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

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

20 and

21 (f) "Application for Reciprocity and Equivalency", Form DCA1150, May 2019[July
22 2009].

23 (g) "Extension Request For Approved Continuing Education Courses", Form DCA1180,

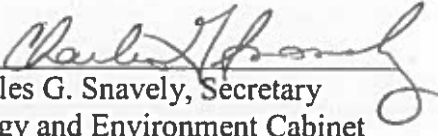
1 May 2019:

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

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

4 (2) This material may be inspected, copied, or obtained, subject to applicable copyright
5 law, at the Division of Compliance Assistance, 300 Sower Boulevard, Frankfort, Kentucky
6 40601, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available on the
7 cabinet's website at <https://eec.ky.gov/Environmental-Protection/Compliance->
8 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

8/13/2019
Date

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 amendment corrects regulatory language and paragraph numbers to conform with KRS 13A, inserts a website address for clarification, clarifies Operator In Training designation rather than certification, and clarifies that principal officers and core trainers of a certified training provider shall attend a cabinet training session.

(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, inserts a website address for clarification, clarifies Operator In Training designation rather than certification, removes language regarding consultation with the Board because the governing statutes already contain that language, and clarifies that principal officers and core trainers of a certified training provider shall attend a cabinet training session.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to correct regulatory language and paragraph numbers to conform with KRS 13A, insert a website address for clarification, clarify Operator In Training designation rather than certification, remove language regarding consultation with the Board because the governing statutes already contain that language, and clarify that principal officers and core trainers of a certified training provider shall attend a cabinet training session.

(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 correcting regulatory language and paragraph numbers to conform with KRS 13A, inserting a website address for clarification, remove language regarding consultation with the Board because the governing statutes already contain that language, clarifying Operator In Training designation rather than certification, and clarifying that principal officers and core trainers of a certified training provider shall attend a cabinet training session..

(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. This amendment corrects regulatory language and paragraph numbers to conform with KRS 13A, inserts a website address for clarification, removes language regarding consultation with the Board because the governing statutes already contain that language, clarifies Operator In Training designation rather than certification, and clarifies that principal officers and core trainers of a certified training provider shall attend a cabinet training session.

(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, inserts a website address for clarification, removes language regarding consultation with the Board because the governing statutes already contain that language, clarifies Operator In Training designation rather than certification, and clarifies that principal officers and core trainers of a certified training provider shall attend a cabinet training session.

(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. This amendment corrects regulatory language

and paragraph numbers to conform with KRS 13A, inserts a website address for clarification, removes language regarding consultation with the Board because the governing statutes already contain that language, clarifies Operator In Training designation rather than certification, and clarifies that principal officers and core trainers of a certified training provider shall attend a cabinet training session.

(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. This amendment corrects regulatory language and paragraph numbers to conform with KRS 13A, inserts a website address for clarification, removes language regarding consultation with the Board because the governing statutes already contain that language, clarifies Operator In Training designation rather than certification, and clarifies that principal officers and core trainers of a certified training provider shall attend a cabinet training session.

(b) On a continuing basis: This administrative regulation will not result in additional costs. This amendment corrects regulatory language and paragraph numbers to conform with KRS 13A, inserts a website address for clarification, removes language regarding consultation with the Board because the governing statutes already contain that language, clarifies Operator In Training designation rather than certification, and clarifies that principal officers and core trainers of a certified training provider shall attend a cabinet training session.

(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, inserts a website address for clarification, removes language regarding consultation with the Board because the governing statutes already contain that language, clarifies Operator In Training designation rather than certification, and clarifies that principal officers and core trainers of a certified training provider shall attend a cabinet training session.

(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, inserts a website address for clarification, removes language regarding consultation with the Board because the governing statutes already contain that language, clarifies Operator In Training designation rather than certification, and clarifies that principal officers and core trainers of a certified training provider shall attend a cabinet training session.

(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. This amendment corrects regulatory language and paragraph numbers to conform with KRS 13A, inserts a website

address for clarification, removes language regarding consultation with the Board because the governing statutes already contain that language, clarifies Operator In Training designation rather than certification, and clarifies that principal officers and core trainers of a certified training provider shall attend a cabinet training session.

(9) TIERING: Is tiering applied? (Explain why or why not) No. This administrative regulation establishes certification procedures. This amendment corrects regulatory language and paragraph numbers to conform with KRS 13A, inserts a website address for clarification, removes language regarding consultation with the Board because the governing statutes already contain that language, clarifies Operator In Training designation rather than certification, and clarifies that principal officers and core trainers of a certified training provider shall attend a cabinet training session.

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. This amendment corrects regulatory language and paragraph numbers to conform with KRS 13A, inserts a website address for clarification, removes language regarding consultation with the Board because the governing statutes already contain that language, clarifies Operator In Training designation rather than certification, and clarifies that principal officers and core trainers of a certified training provider shall attend a cabinet training session.

(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, inserts a website address for clarification, removes language regarding consultation with the Board because the governing statutes already contain that language, clarifies Operator In Training designation rather than certification, and clarifies that principal officers and core trainers of a certified training provider shall attend a cabinet training session.

(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, inserts a website address for clarification, removes language regarding consultation with the Board because the governing statutes already contain that language, clarifies Operator In Training designation rather than certification, and clarifies that principal officers and core trainers of a certified training provider shall attend a cabinet training session.

(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, inserts a website address for clarification, removes language regarding consultation with the Board because the governing statutes already contain that language, clarifies Operator In Training designation rather than certification, and clarifies that principal officers and core trainers of a certified training provider shall attend a cabinet training session.

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, inserts a website address for clarification, removes language regarding consultation with the Board because the governing statutes already contain that language, clarifies Operator In Training designation rather than certification, and clarifies that principal officers and core trainers of a certified training provider shall attend a cabinet training session.

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.