

FILED WITH ARC
TIME: 10 AM
AUG 14, 2009
Emily B Caudill
REGULATIONS COMPILER

1 ENERGY AND ENVIRONMENT CABINET

2 Department for Environmental Protection

3 Division of Water

4 (Amended After Comments)

5 401 KAR 11:060. Operator and training provider certification fees.

6 RELATES TO: KRS 223.160 -[through] 223.220, 224.10-110, 224.73-110

7 STATUTORY AUTHORITY: KRS 224.10-100, 224.10-110, 224.73-110

8 NECESSITY, FUNCTION, AND CONFORMITY: KRS 223.160 through 223.220

9 authorizes the cabinet to promulgate administrative regulations and establish fees for the
10 certification of water operators. KRS 224.73-110[224.10-110] authorizes the cabinet to
11 promulgate administrative regulations and establish fees for[concerning] the certification of
12 wastewater operators. This administrative regulation establishes a fee schedule for water and
13 wastewater operator certification and for training of[wastewater] operators that is provided or
14 approved by the cabinet.

15 Section 1. Operator Certification Fees. (1) Fees for certification of water and wastewater
16 operators shall be as established in this subsection.[:]

17 (a) Certification application fee: \$250[\$100].

18 (b) Renewal application fee: \$200

19 [~~1. Fifty (50) dollars if renewed through the cabinet Web site.~~

20 ~~2. \$100 if not renewed through the cabinet Web site].~~

1 (c) Renewal late fee: \$250.

2 (d) Reciprocity and equivalency fee: \$500.

3 (e) Inactive fee: \$100.

4 (2) Initial, renewal, equivalency, inactive, and reciprocal certification application fees
5 that are not submitted through the cabinet's Web site[website] shall incur a surcharge of fifty
6 (50) dollars in addition to the fees established in subsection (1)[1] of this section.

7 (3) Fees established in this section shall be[are] nonrefundable.

8 Section 2. Training Fees. (1)[(2)] Each year the cabinet, in consultation with the board,
9 shall set fees for operator training conducted by the cabinet.

10 ~~[(3)(a) The fees in subsection (1) of this section of this administrative regulation are~~
11 ~~nonrefundable.]~~

12 (2) If an operator cancels registration at least two (2) business days prior to the beginning
13 of a training event, the operator shall:

14 1. Have one (1) calendar year to reschedule attendance at another training event without
15 being required to submit an additional fee; and

16 2. Not receive a fee refund for canceled registration.

17 (3) The fees established in this section shall be fully refunded only if the training event is
18 canceled by the cabinet.

19 ~~[(b) Fifty (50) percent of the fees in subsection (2) of this section are refundable if~~
20 ~~registration is canceled at least two (2) business days prior to the beginning of the training event.~~

21 ~~(c) The fees in subsection (2) of this section shall be fully refunded if the training event is~~
22 ~~canceled by the cabinet.]~~

23 Section 3. Training Provider and Continuing Education Approval Fees.

- 1 (1) Certified training provider annual fee: \$2000.
- 2 (2) Cabinet approval of individual continuing education credit hours for non-certified
3 training providers:
- 4 (a) Fifty (50) dollars for the first six (6) continuing education credit hours; and
5 (b) Twenty-five (25) dollars for each additional six (6) continuing education credit hours.
6 (3)[Continuing Education Activity Report entry fee: Fifty (50) dollars.
7 (4) Extension Request for Approved Continuing Education: Fifteen (15) dollars.
8 (4)[5] Continuing education and training provider documents and fees that are not
9 submitted through the cabinet's Web site[website] shall incur a surcharge of fifty (50) dollars in
10 addition to the fees established in this section.

401 KAR 11:060 Operator and training provider certification fees is approved for filing.



Charles G. Snavely, Secretary
Energy and Environment Cabinet

8/13/2019

Date

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

401 KAR 11:060

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 fees for operator and training provider certification.

(b) The necessity of this administrative regulation: This regulation is necessary to establish fees for operator and training provider certification.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 223.160 through 223.220 authorizes the cabinet to promulgate administrative regulations and establish fees for the certification of water operators. KRS 224.73-110 authorizes the cabinet to promulgate administrative regulations and establish fees for the certification of wastewater operators. This administrative regulation establishes a fee schedule for water and wastewater operator certification and for training of operators that is provided or approved by the cabinet.

(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, and clarifies that continuing education and training provider documents that are sent to the cabinet for manual entry shall incur a charge of fifty (50) dollars.

(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, and clarifies that continuing education and training provider documents that are sent to the cabinet for manual entry shall incur a charge of fifty (50) dollars.

(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation is necessary to correct regulatory language and paragraph numbers to conform with KRS 13A, and clarify that continuing education and training provider documents that are sent to the cabinet for manual entry shall incur a charge of fifty (50) dollars.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 223.160 through 223.220 authorizes the cabinet to promulgate administrative regulations and establish fees for the certification of water operators. KRS 224.73-110 authorizes the cabinet to promulgate administrative regulations and establish fees for the certification of

wastewater operators. This administrative regulation establishes a fee schedule for water and wastewater operator and training provider certification, and for operator training offered by non-certified providers.

(d) How the amendment will assist in the effective administration of the statutes: The amendment to this administrative regulation corrects regulatory language and paragraph numbers to conform with KRS 13A, and clarifies that continuing education and training provider documents that are sent to the cabinet for manual entry shall incur a charge of fifty (50) dollars.

(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 and local governments that operate drinking water or wastewater facilities if they pay employee certification fees, will be affected by the amendment to this administrative regulation. There are approximately 4,234 operators currently certified by the program.

(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 further action to comply with this amendment. This amendment corrects regulatory language and paragraph numbers to conform with KRS 13A, and clarifies that continuing education and training provider documents that are sent to the cabinet for manual entry shall incur a charge of fifty (50) dollars.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): This amendment will not result in additional costs. This amendment corrects regulatory language and paragraph numbers to conform with KRS 13A, and clarifies that continuing education and training provider documents that are sent to the cabinet for manual entry shall incur a charge of fifty (50) dollars.

(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, and clarifies that continuing education and training provider documents that are sent to the cabinet for manual entry shall incur a charge of fifty (50) dollars.

(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, and clarifies that continuing education and training provider documents that are sent to the cabinet for manual entry shall incur a charge of fifty (50) dollars.

(b) On a continuing basis: This amendment corrects regulatory language and paragraph numbers to conform with KRS 13A, and clarifies that continuing education and training provider documents that are sent to the cabinet for manual entry shall incur a charge of fifty (50) dollars.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Certification, training provider, and exam fees and Division of Water State Revolving Funds.

(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: This amendment will not result in additional fees other than those proposed in the original amended regulation. This amendment corrects regulatory language and paragraph numbers to conform with KRS 13A, and clarifies that continuing education and training provider documents that are sent to the cabinet for manual entry shall incur a charge of fifty (50) dollars.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This amendment establishes fees for water and wastewater operator and training provider certification, and for approval of continuing education courses offered by non-certified training providers. This amendment corrects regulatory language and paragraph numbers to conform with KRS 13A, and clarifies that continuing education and training provider documents that are sent to the cabinet for manual entry shall incur a charge of fifty (50) dollars.

(9) TIERING: Is tiering applied? (Explain why or why not) Yes, tiering is applied. Fees are dependent on the type of operator certification requested. Fees for cabinet approval of continuing education units offered by non-certified training providers fees are tiered based on the number of hours submitted for approval. This amendment corrects regulatory language and paragraph numbers to conform with KRS 13A, and clarifies that continuing education and training provider documents that are sent to the cabinet for manual entry shall incur a charge of fifty (50) dollars.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

401 KAR 11:060

Contact Person:

Carole J. Catalfo

Phone: (502) 782-6914

Email: water@ky.gov (Subject Line: Chapter 11 regulation)

(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 223.160 through 223.220, 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 amendment will not generate additional revenue apart from the original proposed amendment. This amendment corrects regulatory language and paragraph numbers to conform with KRS 13A, and clarifies that continuing education and training provider documents that are sent to the cabinet for manual entry shall incur a charge of fifty (50) dollars.

(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 amendment will not generate additional revenue apart from the original proposed amendment. This amendment corrects regulatory language and paragraph numbers to conform with KRS 13A, and clarifies that continuing education and training provider documents that are sent to the cabinet for manual entry shall incur a charge of fifty (50) dollars.

(c) How much will it cost to administer this program for the first year? The cost of administering the program is approximately \$847,700 annually. This amendment will not generate additional revenue apart from the original proposed amendment. This amendment corrects regulatory language and paragraph numbers to conform with KRS 13A, and clarifies that continuing education and training provider documents that are sent to the cabinet for manual entry shall incur a charge of fifty (50) dollars.

(d) How much will it cost to administer this program for subsequent years? The cost of administering the program is approximately \$847,700 annually. This amendment will not generate additional revenue apart from the original proposed amendment. This amendment

corrects regulatory language and paragraph numbers to conform with KRS 13A, and clarifies that continuing education and training provider documents that are sent to the cabinet for manual entry shall incur a charge of fifty (50) dollars.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: This amendment will not result in additional revenues or expenditures other than those included in the original proposed amendment. This amendment will not generate additional revenue apart from the original proposed amendment. This amendment corrects regulatory language and paragraph numbers to conform with KRS 13A, and clarifies that continuing education and training provider documents that are sent to the cabinet for manual entry shall incur a charge of fifty (50) dollars.

FEDERAL MANDATE ANALYSIS COMPARISON

401 KAR 11:060

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 mandate for operator certification fees, although 40 C.F.R. 142 requires these activities to occur as a condition of primacy to implement the federal Safe Drinking Water Act.

2. State compliance standards. KRS 223.160 through 223.220, and 224.73-110.

3. Minimum or uniform standards contained in the federal mandate. 40 C.F.R. Part 141 and 142.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements than those required by the federal mandate? No. This amendment will not generate additional revenue apart from the original proposed amendment. This amendment corrects regulatory language and paragraph numbers to conform with KRS 13A, and clarifies that continuing education and training provider documents that are sent to the cabinet for manual entry shall incur a charge of fifty (50) dollars.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. KRS 223.160 through 223, and 224.73-110. The cabinet uses the fees to partially recover the cost of providing operator certification programs. This amendment will not generate additional revenue apart from the original proposed amendment. This amendment corrects regulatory language and paragraph numbers to conform with KRS 13A, and clarifies that continuing education and training provider documents that are sent to the cabinet for manual entry shall incur a charge of fifty (50) dollars.