



Kentucky Operator Certification Regulation Change Overview



REGULATION CHANGES

Program Overview

As of Nov. 1 2019, new regulations governing drinking water and wastewater operator certification took effect and are being implemented by the cabinet. While the framework formerly in place worked for many years, the challenges facing the industry made it necessary for the KY Division of Water and the Kentucky Division of Compliance Assistance to review and analyze regulations to determine if changes were needed to address unnecessary obstacles to certification. The package developed and reviewed by stakeholders helps address aspects of the operator shortage while maintaining high expectations for operators in Kentucky. This fact sheet covers highlights of changes made to Title 401 KAR Chapters 5, 8 and 11.

Expansion of Education Substitution

The cabinet will now accept degrees outside of science and math for use as experience substitution. However, they will substitute at a lower rate. These degrees can substitute for no more than 25% of the experience required. The program will still accept degrees in science and math for substitution of up to 50% of the experience required for a license. All degrees must be earned through a regionally accredited institution.

Apprenticeships

The regulations address the growing need and importance for apprenticeship programs. Operators that successfully complete a state-approved apprenticeship program are eligible for substitutions for their combined work and education. The rate of substitution will depend on the program design. Information on starting an apprenticeship program and a list of active programs can be found on the Kentucky Education and Workforce Development website. Kentucky Rural Water has established a formal apprenticeship program and is currently enrolling facilities.

Operator in Training (OIT)

In order to better assist in the development of alternate staffing plans by the cabinet, the regulations governing OIT were changed. Class II-IV OITs can be in responsible charge of a facility as long as they meet the requirements otherwise spelled out in regulations governing the staffing of treatment plants. Class I OIT may not be in responsible charge of a facility. The regulation change also took out the language making OIT retest if they fell outside certain renewal time frames.

Distribution and Collection Experience

As the processes and job duties for these professions are similar, experience gained in one will substitute for the other. So, one year of experience in collections would be equal to six months of experience in distribution when applying for a license. One year of experience in distribution would equal one year of experience in collection when applying for a license.



Reciprocity and Equivalency

For operators who are certified in another state but would like to attain a license in Kentucky, the certification program will now consider experience earned along with the actual certification requirements of other states. This will not allow an operator to attain a license higher for which they have tested, however it will take into account that their test along with their years of experience may meet the requirements of same level of licensure in Kentucky.

Wastewater Continuing Education Unit (CEU) Accrual

The accrual of wastewater hours will now mirror the system used for drinking water. Instead of being good for two years after the date the CEU was earned, CEUs will now be accrued starting from the first day following the end of the previous renewal period for the wastewater license. Operators who were unaware of the pending change and have already accrued hours for their 2021 license renewal can contact the office and we will work with them on the renewal process.

Class IV Wastewater Treatment

The experience requirements for a Class IV Wastewater Treatment Operator have been changed. Previously, the regulation called for at least five years of experience. That has been reduced to three. This still establishes a solid baseline of experience, but is not excessive.

Training Approval Fees for CEU Providers

Any CEU training provided for operator renewal must be reviewed and approved through the cabinet. There is a \$50 fee for review of the first 6 hours of training per application, with a \$25 fee for each additional 6 hour block of class hours. If a two year approval is requested, at the end of the approval you can request an extension for two additional years for \$15.

Certified Training Provider

For training providers that hold conferences or provide a large number of educational events, the cabinet has established a Certified Training Provider (CTP) Program. This fee-based program allows training providers with at least two years of Cabinet approved water and wastewater educational provision in the Commonwealth to apply for certification. While the provider still has to maintain the same standards and documentation as any other provider, the pre-approval process for courses is waived. CTPs are subject to audit. The online processes required to fully implement CTP are still under development, however entities can still apply without incurring the paper based application fee. For more information, contact Veronica Roland at 502-782-6441.



Licensing Fees

Fees for certification and renewal will increase. The program has not raised fees in over 10 years so adjustments have been made to better support the program and its services. The fees are as follows:

- An online application for exam will be \$250.
- Online renewal of a license for an active operator is now \$200. The renewal is still good for two years.
- For operators who are retired and no longer actively using their license at a facility or in support of water or wastewater operations, there is inactive license renewal option of \$100. An operator holding this license does not have to seek CEUs to renew. However if they wish to go back to using their license, they will have to seek the required CEUs and pay the difference in the licensing fees to reactivate the license.
- There is a \$50 charge for any application or renewal submitted via paper when an online version is available.
- There will be a transition period from January-March 2020 as the program launches new licensing e-forms and online forms may not be available for some licenses or processes. During those times, the program will not charge the \$50 paper application fee. This will mostly impact the inactive licenses and Certified Training Provider applications. Applications for exams and renewals will be ready on January 1, 2020, so the fee waiver will not apply.

When Does This Take Effect?

All of these regulation changes are currently in effect however, there will be a period of transition in terms of processes.

- All certification applications are now being reviewed using the new standards set forth by regulation.
- The new fees will go into effect on January 1, 2020.
- Forms for Inactive Licenses and Certified Training Provider (CTP) will be in paper format until the new forms and processes are set up online. The cabinet will not charge the \$50 surcharge until an online version is available.



KY Energy & Environment Cabinet