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OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA

MEMORANDUM

TO: Gary Mendivil, Department of Environmental Conservation
FROM: Scott Meriwether, Office of the Lieutenant Governor - 465.4081 
DATE: October 28, 2016
RE: Filed Permanent Regulations: Department of Environmental Conservation

Regulations re: certification, training, and discipline of water and wastewater system operators (18 AAC 74.006 - 18 AAC 74.125; 18 AAC 74.400 - 18 AAC 74.450; 18 AAC 74.810 - 18 AAC 74.870; 18 AAC 74.900)

Attorney General File: JU2015200524
Regulation Filed: October 27, 2016
Effective Date: November 26, 2016
Print: 220, January 2017

cc with enclosures: Linda Miller, Department of Law
Dianne Blumer, Administrative Regulation Review Committee
Judy Herndon, LexisNexis

ORDER ADOPTING CHANGES TO REGULATIONS
OF DEPARTMENT OF ENVIRONMENTAL CONSERVATION

The attached 45 pages of regulations, dealing with operator certification and training, are adopted and certified to be a correct copy of the regulation changes that the Department of Environmental Conservation adopts under the authority of AS 46.03.020, AS 46.30 and AS 46.46.025 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

In considering public comments, the Department of Environmental Conservation paid special attention to the cost to private persons of the regulatory action being taken. The Department of Environmental Conservation also gave special attention to alternate practical methods in this regulatory action as required by AS 46.03.024.

The regulation changes adopted under this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.

Date: August 4, 2016



Larry Hartig, Commissioner

FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on

October 27, 2016, at 1150 m., I filed the attached regulations according to the provisions of AS 44.62.040 - 44.62.120.



Lieutenant Governor

Effective: November 26, 2016

Register: 220, January 2017

18 AAC 74.006(5) is repealed and readopted to read:

- (5) community or non-transient non-community water system that
 - (A) has fewer than 15 service connections;
 - (B) is used or intended for use by 500 or more individuals per day; and
 - (C) uses a water treatment process that uses
 - (i) coagulation;
 - (ii) chemically aided filtration;
 - (iii) membrane filtration;
 - (iv) ultraviolet light to meet a surface water treatment inactivation requirement;
 - (v) the addition of more than one chemical to accomplish multiple water treatment objectives; or
 - (vi) a combination of water treatment processes not listed in (i) – (v) of this subparagraph that, in the department’s determination, requires a high level of operator skill; in determining whether a combination of water treatment processes requires a high level of operator skill, the department will consider the advice of the board;

18 AAC 74.006(6) is repealed and readopted to read:

- (6) transient non-community water system that
 - (A) uses a surface water source or a groundwater under the direct influence of surface water source; and
 - (B) uses a water treatment process that uses

- (i) coagulation;
- (ii) chemically aided filtration;
- (iii) membrane filtration;
- (iv) ultraviolet light to meet a surface water treatment inactivation requirement;
- (v) the addition of more than one chemical to accomplish multiple water treatment objectives; or
- (vi) a combination of water treatment processes not listed in (i) – (v) of this subparagraph that, in the department’s determination, requires a high level of operator skill; in determining whether a combination of water treatment processes requires a high level of operator skill, the department will consider the advice of the board; and

(Eff. 1/18/2001, Register 157; am 12/3/2006, Register 180; am 11/21/2010, Register 196; am 11/26/2016, Register 220)

Authority: AS 46.30.040 AS 46.30.080 AS 46.30.120

18 AAC 74.010 is repealed and readopted to read:

if off-site under this paragraph, the operator shall be available by radio or telephone.

18 AAC 74.010. Certified Operator Requirements. (a) At all times, a public water system, public wastewater system, and a private wastewater system must have an operator, certified at a level equal to or greater than the classification of the system, ^{and 7(1)} on-site at the system, ^{7(2) able} or ~~available by radio or telephone with the ability~~ to be on-site at the system within one hour; ~~and~~

(b) The owner of a water system or wastewater system may establish shifts to best meet the needs of the system and to ensure public health protection, in accordance with the following

⓪

(1) a primary shift

(A) is the longest shift during a 24-hour period;

(B) is the shift in which operational decisions are made and may be implemented;

(C) ~~shall~~ ^{must} be ~~no~~ ^{not} less than six hours in duration, if more than one shift exists within a 24-hour period; and

(D) shall be supervised by an on-site operator certified at a level equal to or greater than the classification of the system;

(2) a secondary shift

(A) is a shift in which operational decisions made during the primary shift may be implemented;

(B) shall be supervised by an on-site operator certified at a level no less than one level below the level equal to the classification of the system; and

(C) ~~shall~~ ^{may} not occur more than two times in a seven-day period without a corresponding primary shift on that same day;

(3) a reduced operations shift

(A) is a shift of short duration;

(B) is a shift in which an operator may conduct system checks to ensure the system is operating within ^{established} parameters, but no operational changes are made ^{at a} ^{equal to or greater than the classification} unless directed by an operator certified ~~to the level~~ of the system; and

(C) shall be conducted by an on-site operator ~~certified at~~

(i) ~~no~~ ^{certified at not} less than a provisional level in the same system type as the

system under that operator's control; and

who possesses

(ii) ~~shall possess~~ adequate training to conduct the duties assigned.

(c) An individual may provide first response services for a public water system, public wastewater system, or a private wastewater system ~~so long as~~ the individual, if at a minimum,

(1) is adequately trained to identify issues and contact the supervising operator

for further direction, and

(2) holds a Provisional or higher level certificate if providing response to a Class

lowercase #class#
1-4
System.
lowercase

1-4 Water Treatment, Water Distribution, Wastewater Collection or Wastewater Treatment

(d) Department approval is required for a method of system supervision other than that

described in (b) and (c) of this section. The department will approve, with terms and conditions,

or will deny a request under this subsection after considering recommendations of the board. The

department may provide interim approval of a request made under this subsection until the next

regularly scheduled meeting of the board. (Eff. 8/21/78, Register 67; am 8/24/85, Register 95;

am 5/29/93, Register 126; am 1/18/2001, Register 157; am 12/3/06, Register 180; am 11/26/2016,

Register 220)

Authority: AS 46.30.040 AS 46.30.080 AS 46.30.120

18 AAC 74.020 is repealed and readopted to read:

18 AAC 74.020. Certification requirements. (a) An applicant seeking certification under 18 AAC 74.005 – 18 AAC 74.120 must submit a completed application to the department, for the level of certification sought

(1) on a form provided by the department; and

(2) accompanied by the fee required by 18 AAC 74.870.

Except as provided in (d) - (g) of this section, the

(b) The department will certify an applicant who meets the

- (1) examination requirements of 18 AAC 74.040;
- (2) experience and education requirements of 18 AAC 74.050; and
- (3) fee requirements of 18 AAC 74.870.

(c) An applicant must All applicants shall be required to disclose past or pending disciplinary action by another certifying agency.

(d) When considering an applicant's application for certification, the department may consider past or pending disciplinary action that another certifying agency imposed on the applicant in the applicant's capacity as an operator ~~by another certifying agency.~~

(e) The department may deny certification to an applicant whose certification has been revoked by another certifying agency.

(f) The department may deny certification to an applicant determined to have falsified or withheld information on the applicant's application. (Eff. 8/21/78, Register 67; am 8/24/85, Register 95; am 1/18/2001, Register 157; am 11/21/2010, Register 196; am 1/26/2016, Register 220)

Authority: AS 46.30.060 AS 46.30.080

(g) When acting under (d) - (f) of this section, the department will consider the factors set out in 18 AAC 74.830(b).

18 AAC 74.040(a) is amended to read:

(a) To be certified to operate a water or wastewater system classified as class 1 [I] – class 4 [IV] under 18 AAC 74.120, or a wastewater treatment system classified as a wastewater stabilization pond system under 18 AAC 74.120(b)(1), an applicant must pass an approved and validated **written** examination that demonstrates the applicant's skills, knowledge, ability, and judgment to operate a system of that classification.

18 AAC 74.040(b) is amended to read:

(b) To be eligible to take a level 2 – level 4 ^{examination,} exam, the examinee must hold a valid ^{examination} passing score in the same system type at one level lower. A passing ^{examination} exam score is valid for ^{examination} three years from January 1 of the year the exam was taken, or for as long as the examinee holds active certification in the same system type. [TO BE ELIGIBLE TO TAKE AN EXAMINATION, THE APPLICANT MUST MEET THE EDUCATION AND EXPERIENCE REQUIREMENTS OF 18 AAC 74.050 OR HOLD A VALID CERTIFICATE IN THE SAME SYSTEM TYPE AT ONE LEVEL LOWER. THE DEPARTMENT WILL NOTIFY THE APPLICANT OF ELIGIBILITY FOR AN EXAMINATION.] Examinations will be held at least annually, at the time and place announced by the department. The examinee [APPLICANT] shall pay the examination fee required by 18 AAC 74.870(b) [18 AAC 74.870(c)] when submitting a request for examination [AT THE TIME OF THE EXAMINATION].

18 AAC 74.040(d) is amended to read:

(d) The department will grade each examination administered under this section and notify each examinee [APPLICANT] of the results within 60 days after the examination. The department will not provide the completed, graded examination to the examinee [APPLICANT]. The examinee [APPLICANT] may review ^{the examinee's} ~~their~~ [THE] [APPLICANT'S] examination results with the department.

18 AAC 74.040(e) is repealed:

(e) Repealed 11/26/2016. (Eff. 8/21/78, Register 67; am 8/24/85, Register 95; am 1/23/86,

Register 97; am 5/29/93, Register 126; am 1/18/2001, Register 157; am 12/3/2006, Register 180; am 11/21/2010, Register 196; am 1/26/2016, Register 220)

Authority: AS 46.30.050 AS 46.30.080

18 AAC 74.050(a)(1) is amended to read:

(1) set out in (i) – (k) of this section to evaluate an **individual's** [OPERATOR'S] qualifications to operate a wastewater treatment system classified as a wastewater stabilization pond system under 18 AAC 74.120(b)(1);

18 AAC 74.050(a)(2) is amended to read:

(2) set out in Table A of this section, except as provided in (g) of this section, to evaluate an **individual's** [OPERATOR'S] qualifications to operate a water or wastewater system classified under 18 AAC 74.120, other than a wastewater stabilization pond system.

18 AAC 74.050 Table A is amended to read:

TABLE A

GENERAL OPERATOR EDUCATION AND EXPERIENCE REQUIREMENTS*

(((bold)))
 (in years)

	Operator Level				
	<i>(((bold)))</i> Provisional	<i>(((bold)))</i> ↓ <u>1</u> [I]	<i>(((bold)))</i> ↓ <u>2</u> [II]	<i>(((bold)))</i> ↓ <u>3</u> [III]	<i>(((bold)))</i> ↓ <u>4</u> [IV]

System Type	Ed.	Op. Exp.	Ed.	Op. Exp.	Ed.	Op. Exp.	Ed.	Op. Exp.	Ed.	Op. Exp.
Wastewater Collection	12	**	12	1	12	3	13	4	13	6
Wastewater Treatment	12	**	12	1	12	3	14	4	16	4
Water Distribution	12	**	12	1	12	3	13	4	13	6
Water Treatment	12	**	12	1	12	3	14	4	16	4

Notes: Required periods of education and experience are reflected in years. Twelve years of education represents ² high school diploma or general educational development (GED) diploma. The department will waive the minimum education requirement for the provisional level and level ⁽¹¹⁾ 1 in accordance with (e)(6) of this section.

*Additional experience and education criteria and substitution requirements are set out in (b) - (g) of this section.

**Three months of operating experience or the completion of a department-approved training course, as described in (c)(1) of this section is required.

Abbreviations:

Ed. - Education Op. Exp. - Operator Experience

The introductory language of

18 AAC 74.050(b) is amended to read:

(b) Additional experience criteria referred to in Table A of this section and used by the department to evaluate qualifications of **individuals** [OPERATORS] are subject to the following provisions:

...

18 AAC 74.050(b)(1) is amended to read:

(1) [IF AN INDIVIDUAL IS EMPLOYED AS AN OPERATOR AT THE TIME OF APPLICATION, THAT EMPLOYMENT EXPERIENCE MUST BE VERIFIED BY THE EMPLOYER'S SIGNATURE ON THE APPLICATION;] the **applicant** [OPERATOR] is responsible for providing verification of **current and** past experience; the department may contact the **applicant's current and** [OPERATOR'S] previous employers;

18 AAC 74.050(b)(2) is amended to read:

(2) at least 50 percent of the operating experience must be obtained in the same system type at ^{not} ~~no~~ more than one class lower than the level of certification requested, and the department will not allow substitution of education or substitution of operating experience gained in another system type to meet the requirement of this paragraph ⁹ [, EXCEPT ⁹

(A) AN APPLICANT WITH 10 YEARS OR MORE OF OPERATING

← (credit carries over from previous page)
~~18 AAC 74.050(b)(2)(A) is repealed:~~
~~(A) repealed~~ 1/1
~~18 AAC 74.050(b)(2)(B) is repealed:~~
~~(B) repealed~~ 1/1 ⁹

EXPERIENCE IN A CLASS I SYSTEM MEETS THE EXPERIENCE REQUIREMENTS FOR LEVEL III CERTIFICATION IN THE SAME SYSTEM TYPE; AND
(B) AN APPLICANT WITH 10 YEARS OR MORE OF OPERATING EXPERIENCE IN A CLASS II SYSTEM MEETS THE EXPERIENCE REQUIREMENTS FOR LEVEL IV CERTIFICATION IN THE SAME SYSTEM TYPE];

18 AAC 74.050(c)(5) is amended to read:

(5) postsecondary education as described in (d) of this section may be substituted for up to 50 percent of the required operating experience for levels 2 [II], 3 [III], and 4 [IV]; the rate of exchange of education for experience is one year of experience for each year of department-approved, full-time postsecondary education successfully completed that meets the requirements of this section;

(The introductory language of)
18 AAC 74.050(d) is amended to read:

(d) Additional education criteria referred to in Table A of this section and used by the department to evaluate qualifications of **individuals** [OPERATORS] are subject to the following provisions:

18 AAC 74.050(d)(1) is amended to read:

(1) the **applicant** [OPERATOR] must provide a transcript, a certificate of completion, or similar verification approved by the department to document education used for certification requirements;

18 AAC 74.050(d)(2) is amended to read:

(2) 45 continuing education units (CEUs) in specialized operator training or education approved by the department will be counted as one year of post[-]secondary education toward the certification requirements; 10 hours of coursework approved by the department equals one CEU; the department will approve specialized training or education coursework if it is [DIRECTLY] related to, or can be applied to, the operation, maintenance, or management of a water supply or wastewater system; the department will consider the advice and recommendations of the board in approving this specialized training or coursework;

18 AAC 74.050(e)(1) is amended to read:

(1) two years of accrued excess water treatment or wastewater treatment experience at a class 2 [II] or higher water treatment or wastewater treatment facility may be used to satisfy a maximum of one year of the postsecondary education requirement for level 3 [III] water treatment or wastewater treatment certification;

18 AAC 74.050(e)(2) is amended to read:

(2) four years of accrued excess water treatment or wastewater treatment experience at a class 3 [III] or higher water treatment or wastewater treatment facility may be used to satisfy a maximum of two years of the postsecondary education requirement for level 4 [IV] water treatment or wastewater treatment certification;

18 AAC 74.050(e)(3) is amended to read:

(3) one year of accrued excess water distribution or wastewater collection

experience at a class 2 [II] water distribution or wastewater collection system may be used to satisfy a maximum of six months of the postsecondary education requirement for level 3 [III] water distribution or wastewater collection certification;

18 AAC 74.050(e)(6) is amended to read:

(6) for certification of an **individual** [OPERATOR] at the provisional level and level 1 [I] certification, the department will waive the minimum education requirements for an applicant who passes a written examination and a practical evaluation.

18 AAC 74.050(f) is amended to read:

EXAMINATIONS

(f) [THE DEPARTMENT WILL ADMINISTER LEVEL I EXAMS TO APPLICANTS WHO MEET THE REQUIREMENTS FOR THE PROVISIONAL LEVEL CERTIFICATE.]

Provisional **level** certificates will be upgraded to level 1 [I] certificates upon satisfactory fulfillment of the certification requirements of level 1 [I] certification and approval of a completed application. Applications for upgrade of provisional **level** certificates will be reviewed at least annually.

18 AAC 74.050(g)(4)(A) is amended to read:

(A) 12 months of simultaneous supervising and operating experience toward level 1 [I] certification, even if the total number of hours worked during that period of 12 months is less than 1,950 hours;

18 AAC 74.050(g)(4)(B) is amended to read:

(B) 36 months of simultaneous supervising and operating experience toward level 2 [II] certification, even if the total number of hours worked during that period of 36 months is less than 5,850 hours;

18 AAC 74.050(g)(4)(C) is amended to read:

(C) 48 months of simultaneous supervising and operating experience toward level 3 [III] certification, even if the total number of hours worked during that period of 48 months is less than 7,800 hours;

18 AAC 74.050(g)(4)(D) is amended to read:

(D) 48 months of simultaneous supervising and operating experience toward level 4 [IV] water treatment and wastewater treatment certification, even if the total number of hours worked during that period of 48 months is less than 7,800 hours;

18 AAC 74.050(g)(4)(E) is amended to read:

(E) 72 months of simultaneous supervising and operating experience toward level 4 [IV] water distribution and wastewater collection certification, even if the total number of hours worked during that period of 72 months is less than 11,700 hours;

18 AAC 74.050 (h) is amended to read:

(h) A certificate that is issued based on a waiver granted in (g) of this section applies only to the system the operator is operating **at the time of application** [WHEN EXAMINED].

When an operator certified under (g) of this section submits an application and meets the experience requirements of (a) – (e) of this section, the department may upgrade the certificate to one that is transferable.

The introductory language of
18 AAC 74.050(i) is amended to read:

(i) To be eligible to [TAKE AN EXAMINATION AND] receive certification to operate a wastewater treatment system classified as a wastewater stabilization pond system under 18 AAC 74.120(b)(1), an applicant must have at least
...
(Eff. 8/21/78, Register 67; am 8/24/85, Register 95; am 5/29/93, Register 126; am 1/18/2001, Register 157; am 12/3/2006, Register 180; am 11/21/2010, Register 196; am 11/26/2016, Register 220)

Authority: AS 46.30.080

18 AAC 74.120(a)(1)(A) is amended to read:

(A) systems with 15 to 500 service connections are classified as class 1
[I];

18 AAC 74.120(a)(1)(B) is amended to read:

(B) systems with 501 to 5,000 service connections are classified as
class 2 [II];

18 AAC 74.120(a)(1)(C) is amended to read:

(C) systems with 5,001 to 15,000 service connections are classified as class 3 [III];

18 AAC 74.120(a)(1)(D) is amended to read:

(D) systems with more than 15,000 service connections are classified as class 4 [IV];

18 AAC 74.120(a)(3)(A) is amended to read:

(A) wastewater collection systems where gravity is the only means of wastewater flow will be classified as class 1 [I] systems, regardless of the number of service connections;

18 AAC 74.120(b) Table B is amended to read:

TABLE B

CLASSIFICATION RATING SYSTEM:

TREATMENT SYSTEMS

System Type	(By Range of Points)			
	<u>1</u> [I]	<u>2</u> [II]	<u>3</u> [III]	<u>4</u> [IV]
Wastewater Treatment System	1-30	31-55	56-75	76 and above

Water Treatment

System	1-30	31-55	56-75	76 and above
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18 AAC 74.120(d)(1) is amended to read:

(d) To classify wastewater treatment systems under (b) of this section,

(1) the department will use the following point system:

Item	Points
<p>Size</p> <p>Peak Day Design Capacity, gallons per day:</p> <p style="margin-left: 40px;"> <i>“lowercase”</i> </p>	
less than 10,000	1
10,000 – 50,000	2
50,001 – 100,000	4
100,001 – 500,000	9
500,001 – 1,000,000	12
1,000,001 – 5,000,000	16
5,000,001 – 10,000,000	20
10,000,001 – 50,000,000	25
greater than 50,000,000	30

Pretreatment

Influent pumping	2
Flow equalization basin	1
Manually cleaned screens	1

Mechanically cleaned screens.....	2
Fine screens, including microscreens	3
Comminutor, barminutor, grinders	2
Grit removal.....	2
Primary Treatment	
Primary clarifiers	4
Primary clarifiers with chemical addition.....	7
Imhoff tank, or other method of combined sedimentation and digestion, other than a septic tank.....	3
Dissolved air flotation.....	16
Secondary Treatment	
Trickling filter without recirculation	5
Trickling filter with recirculation	8
Activated sludge:	
Oxidation ditch	8
Diffused or dispersed aeration	10
Pure oxygen	15
Sequencing batch reactor (SBR), intermittent cycle extended aeration system (ICEAS), or other batch treatment method	20
Additional points if an activated sludge plant is operated in high rate mode or contact stabilization mode.....	2

Rotating biological contactor.....	10
Activated bio-filter with aeration.....	10
Activated bio-filter without aeration	8
Stabilization ponds without aeration	5
Aerated lagoon.....	8
Secondary clarifiers	4
Secondary clarifiers with chemical addition.....	7

Advanced Waste Treatment

Polishing pond or effluent flow equalization.....	2
Chemical and physical treatment without secondary treatment	20
Chemical and physical treatment following secondary treatment.....	15
Ion exchange.....	4
Granular media filtration	8
Membrane filtration, including reverse osmosis, <u>microfiltration, ultrafiltration</u> <u>or nanofiltration</u>	8 [10]
<u>Membrane filtration, integrated system.....</u>	12
Electrodialysis, electrodialysis reversal.....	10 [20]
Biological or combined chemical and biological nutrient removal.....	12
Nitrification by extended aeration only	2
Chemical precipitation of phosphorous.....	3
pH adjustment.....	3
Activated carbon columns or beds.....	8

In-plant Odor Control (maximum of 6 points in any combination)

Biofilter	3
Adsorption with activated carbon or equal adsorbent	3
Wet Scrubber <i>(a Reverse))</i>	<u>3</u> [6]
Thermal deactivation with catalytic process.....	6
Odor-reducing sprays.....	2

Sludge Thickening and Dewatering

Sludge decant tank	2
Gravity thickener basin.....	3
Gravity belt thickener	4
Screw press	5
Centrifuge	6
Belt filter press, plate-and-frame press, or vacuum filter	8
Sludge bagger	3
Evaporative sludge drying by means of drying beds.....	2
Additional points if a polymer is added to sludge before the sludge is put in drying beds.....	3

Sludge Stabilization and Conditioning

Unheated anaerobic digestion.....	8
Heated anaerobic digestion.....	10
Aerobic digestion.....	5
Wet oxidation.....	10
Chemical stabilization with lime	3
In-vessel composting, if controlled and operated by	

the operator as part of routine systems operations.....10

Static pile composting, if controlled and operated by the
operator as part of routine system operations5

Solids Disposal

Incineration, if controlled and operated by the operator
as part of routine system operations12

Land application, if controlled and operated by the
operator as part of routine system operations5

Sludge lagoon3

Off-site disposal.....1

Disinfection

Liquid and powdered hypochlorites3

Additional points if hypochlorites are generated on-site.....2

Gas chlorine12

(lowercase))
↓
Chlor-Alkali on-site generation..... 12

Chlorination using tablets.....1

Ultraviolet light.....3

Ozonation **without pure oxygen**..... **3** [10]

Ozonation with pure liquefied oxygen..... 4

Ozonation with on-site generation of pure oxygen..... 5

Dechlorination with gas10

Dechlorination with chemical dechlorination agents other than gas3

Dechlorination using tablets.....1

Effluent Discharge

Plant pumping of effluent2
 Effluent aeration2

18 AAC 74.120(d)(2) is amended to read:

(2) for purposes of this subsection, community septic tanks will be considered part of the wastewater collection system, not a primary treatment method; and

18 AAC 74.120(e)(1) is amended to read:

(e) To classify water treatment ^[DISTRIBUTION] systems under (b) of this section,

(1) the department will use the following point system:

Item	Points
Size	
Peak day design capacity, gallons per day:	
less than 10,000	1
10,000 – 50,000	2
50,001 – 100,000	4
100,001 – 500,000	9
500,001 – 1,000,000	12
1,000,001 – 5,000,000	16
5,000,001 – 10,000,000	20
10,000,001 – 50,000,000	25
greater than 50,000,000	30

Water Supply Source

Groundwater2

Groundwater under the direct influence of surface water4

Surface water6

Surface water maintaining filtration avoidance criteria
 under 18 AAC 80.6208

Seawater.....10

Purchased treated water0

Raw water storage tank.....3 [4]

Pretreatment

Presedimentation basin4

Hydrocyclone or similar sand separator device.....2

Microscreen3

Roughing filter:

 Cartridge filter2

 Non-backwashable strainer or filter.....2

 Gravel or rock filter4

 Backwashable granular media filter8

Add-heat system to heat raw water.....2

Adjustment and Corrosion Control

pH adjustment.....3

Corrosion inhibitor.....3

Limestone or calcite contactor.....2

Sequestration.....3

Treatments

Aeration:

In-line venturi-type 1

Mechanical or diffused3

Degasification3

Ion exchange4

Non-regenerated sorption processes, including activated alumina,
 modified activated alumina, and iron based sorbents3

On-site regeneration of sorption process media 10

Activated carbon, if not included as a bed layer in another filter:

Activated carbon cartridge or bag filter2

Powdered activated carbon treatment4

Granular activated carbon contactors [FILTERS]..... 4 [8]

On-site regeneration of activated carbon 16

Chemical oxidation:

Hypochlorite solution3

Gas chlorine 12

Potassium permanganate4

Hydrogen peroxide5

Ozonation without pure oxygen..... 3 [10]

Ozonation with pure liquefied oxygen..... 4

Ozonation with on-site generation of pure oxygen..... 5

Coagulation:

Primary coagulant.....	5
Coagulant aid, flocculent, or filter aid	3 points for each chemical added, up to a maximum of 12 points

Rapid mix units:

Mechanical mixers.....	5
Injection mixers	3
In-line blender mixers.....	2
In-line static mixers	0 [1]

Flocculation tanks:

Hydraulic flocculator	4
Mechanical flocculator	8

Sedimentation or clarification:

Tube settlers.....	2
Inclined-plate, Lamella-type or equivalent.....	2
Horizontal flow conventional clarifier.....	4
<u>Batch sedimentation.....</u>	2
Adsorption clarifier.....	6
Up-flow solids contact.....	10
Dissolved air flotation.....	16
Combined rapid mix-coagulation-flocculation-sedimentation unit.....	20

Filtration:

Cartridge or bag filter – single unit.....	2
Cartridge or bag filters – staged, multiple units	4
Slow sand.....	4
Granular media	8
Membrane <u>filtration, including reverse osmosis, microfiltration,</u>	
<u>ultrafiltration or nanofiltration</u> [, ALL TYPES]	8 [10]
<u>Membrane filtration, integrated system.....</u>	12
Diatomaceous earth	12
Electrodialysis, electrodialysis reversal, distillation.....	10
Lime softening	16
Recarbonation	8
Fluoridation:	
Sodium fluoride saturator	2
Sodium silicofluoride.....	3
Hydrofluorosilicic acid	5
Disinfection:	
Liquid and powdered hypochlorites	3
Additional points if hypochlorites are generated on-site.....	2
Gas chlorine.....	12
Chlorination using tablets	1
Ammonia addition for chloramination:	
using liquid ammonia solution.....	3
using ammonia gas	12

Chlorine dioxide	8
<i>(lowercase)</i> Chlor-Alkali on-site generation	12
Ozonation <u>without pure oxygen</u>	<u>3</u> [10]
Ozonation with pure liquefied oxygen	4
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Ultraviolet light.....	<u>2</u> [3]
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Finished water storage tank, if the system serves fewer than 500 <i>individuals</i> people or 100 service connections, and	
the tank has a capacity of <u>1,000,000</u> one million gallons or more	3
the tank has a capacity <u>of</u> between 50,000 <u>-</u> and 999,999 gallons	2
the tank has a capacity of less than 50,000 gallons	1
Pressure tanks	0
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Discharge to sewer or other off-site treatment	0
Discharge to on-site pond, septic tank, or lagoon.....	2
Mechanical dewatering	6
Filter backwash water or sludge supernatant recycling	
groundwater source	2
surface water source	3

18 AAC 74.120(e)(2) is amended to read:

(2) for purposes of the point system set out in (1) of this subsection, the department will assign a point value to ozonation only once, even if ozonation is used to accomplish multiple water treatment objectives; [.]

18 AAC 74.120(e) is amended by adding a new paragraph to read:

(3) for purposes of the point system set out in (1) of this subsection, a system with a water storage tank for the purpose of achieving contact time and with a water storage tank for the purpose of storing finished water will only be assigned a point value for the water storage tank used for the purpose of achieving contact time. (Eff. 8/21/78, Register 67; am 8/24/85, Register 95; am 1/18/2001, Register 157; am 12/3/2006, Register 180; am 11/21/2010, Register 196; am 1/26/2016, Register 220)

Authority: AS 46.30.010 AS 46.30.080 AS 46.30.090

18 AAC 74.125(a) is amended to read:

18 AAC 74.125. Transition for systems increasing in classification. (a) If as required under 18 AAC 74.010(a) a supervising operator of ²primary operating shift of a water or wastewater system was certified at a level equal to the classification on or before {effective date of regulation} ²⁰¹⁶ [NOVEMBER 21, 2010] of the system under that operator's control, and that system increased in classification under 18 AAC 74.120 on {effective date of regulation} ^{November 26, 2016} [NOVEMBER 21, 2010], that supervising operator of the primary [OPERATING] shift must be certified on or before {effective date of regulation plus 2 years} ^{November 26, 2018} [NOVEMBER 21, 2012] at a level equal to or greater than the higher classification.

18 AAC 74.125(b) is amended to read:

(b) If as required under 18 AAC 74.010(a) a supervising operator of a secondary operating shift of a water or wastewater system was certified at no less than one level below the level equal to the classification on or before November 26, 2016 {effective date of regulation} [NOVEMBER 21, 2010] of the system under that operator's control, and that system increased in classification under 18 AAC 74.120 on November 26, 2016 {effective date of regulation} [NOVEMBER 21, 2010], that supervising operator of the secondary [OPERATING] shift must be certified on or before November 26, 2018 {effective date of regulation plus 2 years} [NOVEMBER 21, 2012] at a level no less than one level below the higher classification.

18 AAC 74.125(c) is repealed:

(c) Repealed 11/26/2016.

18 AAC 74.125(d) is repealed:

(d) Repealed 11/26/2016. (Eff. 12/3/2006, Register 180; am 11/21/2010, Register 196; ~~am~~ 11/21/2010, Register ~~196~~²; am 11/26/2016, Register 220)

Authority: AS 46.30.010 AS 46.30.080 AS 46.30.090

18 AAC 74.400 is amended to read:

18 AAC 74.400. Applicability. The requirements of 18 AAC 74.410 – 18 AAC 74.440 [18 AAC 74.410 – 18 AAC 74.450] apply to a

- (1) community or non-transient non-community water system that
 - (A) has fewer than 100 service connections;

(B) is used or intended for use by fewer than 500 individuals per day; and

(C) has been classified as a small, untreated or small, treated water system under **18 AAC 74.405** [18 AAC 74.450];

(2) community or non-transient non-community water system that

(A) has fewer than 15 service connections;

(B) is used or intended for use by 500 or more individuals per day; and

(C) has been classified as a small, untreated or small, treated water system under **18 AAC 74.405** [18 AAC 74.450]; and

(3) transient non-community water system that

(A) uses a surface water source or a groundwater under the direct influence of surface water source; and

(B) has been classified as a small, treated water system under **18 AAC 74.405** [18 AAC 74.450]. (Eff. 1/18/2001, Register 157; am 12/3/2006, Register 180; am 11/21/2010, Register 196; am 11/26/2016, Register 220)

Authority: AS 46.30.010 AS 46.30.080

18 AAC 74 ^{Article 2} is amended ^{by adding} to add a new section to read:

18 AAC 74.405. Classification of small, untreated or small, treated water systems.

(a) Except as provided in 18 AAC 74.006, the department will classify a community or non-transient non-community water system with fewer than 100 service connections that is used or intended for use by fewer than 500 individuals per day, a community or non-transient non-community water system with fewer than 15 service connections that is used or intended for use by more than 500 individuals per day, and a transient non-community water system that uses a

surface water source or groundwater under the direct influence of surface water source, as follows:

- (1) a water system that does not add chemicals to the water will be classified as a small, untreated water system;
- (2) a water system that adds a single chemical to the water will be classified as a small, treated water system;
- (3) for purposes of this section, the use of ultraviolet light to meet an inactivation requirement will be considered the equivalent of the addition of a single chemical.

(Eff. 11/26/2016, Register 220)

Authority: AS 46.30.010 AS 46.30.080

Editor's note; The subject matter of 18 AAC 74.405 was formerly located at 18 AAC 74.450. The history note for 18 AAC 74.405 does not reflect the history of the earlier section.
18 AAC 74.410 is repealed and readopted to read:

18 AAC 74.410. Certified operator requirements for small, untreated and small, treated water systems. At all times, a public water system described in 18 AAC 74.400 must have an operator, certified at a level equal to or greater than the classification of the system, ^{and §(1)} on-site at the system ^{§(2) able} or ~~available by radio or telephone with the ability to be on-site at the system~~ within three hours. ^{§; if off-site under this paragraph, the operator shall be available by radio or telephone}

(Eff. 1/18/2001, Register 157; am 11/26/2016, Register 220)

Authority: AS 46.30.010 AS 46.30.080

18 AAC 74 Article ² is amended ^{by adding} to add a new section to read:

18 AAC 74.415. Contract operations. (a) The department may approve a plan for supervision of a water system described in 18 AAC 74.400 by a certified operator who

supervises more than one water system. The department will include in its approval any terms and conditions that the department considers necessary to protect human health, safety, and welfare. The system owner must submit a request for approval under this subsection on a form provided by the department. The department will approve a request under this subsection if

(1) the supervising operator is certified at a level equal to or greater than the classification of the water system;

(2) the department determines that the supervising operator will oversee the system in compliance with the requirements of this chapter and 18 AAC 80; and

(3) the department determines that human health, safety, and welfare will be adequately protected.

(b) In approving or denying a request, or revoking an approval under (a) of this section, the department will consider

(1) the complexity of the system;

(2) the proposed frequency of routine visits by the certified operator;

(3) system accessibility;

(4) plans for response when emergency action is needed;

(5) ^{the} total number of systems the certified operator supervises;

(6) ^{the} compliance history of other systems under the supervision of the certified

operator; and

(7) other factors relevant to system oversight or to the protection of human

health, safety, and welfare.↑

← (Eff. 11/26/2016, Register 220)

Authority: AS 46.30.010 AS 46.30.080

18 AAC 74.420 is repealed and readopted to read:

18 AAC 74.420. Certification requirements for operators of small, untreated or small, treated water systems. (a) An individual seeking certification under 18 AAC 74.400 – 18 AAC 74.440 must submit a completed application to the department, for the level of certification sought

(1) on a form provided by the department;

(2) accompanied by the fee required by 18 AAC 74.870.

Except as provided in (d) - (g) of this section, the

(b) ~~The~~ department will certify an applicant who meets the

(1) examination requirements of 18 AAC 74.430;

(2) experience and education requirements of 18 AAC 74.440; and

(3) fee requirements of 18 AAC 74.870.

An applicant must

(c) ~~All applicants shall be required to~~ disclose past or pending disciplinary action by another certifying agency.

(d) When considering an individual's application for certification, the department may consider past or pending disciplinary action imposed on the applicant in their capacity as an operator by another certifying agency. that another certifying agency the applicant's

(e) The department may deny certification to an applicant whose certification has been revoked by another certifying agency.

(f) The department may deny certification to an applicant determined to have falsified or withheld information on their application. the applicant's (Eff. 1/18/2001, Register 157; am 12/3/2006, Register

180; am 11/26/2016, Register 220)

Authority: AS 46.30.010 AS 46.30.060 AS 46.30.080

¶(g) When acting under (d) - (f) of this section, the department will consider the factors set out in 18 AAC 74.830(b).

18 AAC 74.430(a) is amended to read:

18 AAC 74.430. Examination requirements for operators of small, untreated or small, treated water systems. (a) To be certified to operate a water system classified as a small, untreated system or small, treated system under **18 AAC 74.405** [18 AAC 74.450], an **individual** [APPLICANT] must pass an approved and validated **written** examination that demonstrates the **individual's** [APPLICANT'S] skills, knowledge, ability, and judgment to operate a system of that classification in compliance with the requirements of this chapter and 18 AAC 80.

18 AAC 74.430(b) is repealed:

(b) Repealed 11/26/2016

18 AAC 74.430(c) is amended to read:

(c) A written validated examination will be held at least annually, at a time and place announced by the department. The **individual** [APPLICANT] shall pay the examination fee required by **18 AAC 74.870(b) when submitting a request for examination** [18 AAC 74.870(c) AT THE TIME OF THE WRITTEN EXAMINATION].

18 AAC 74.430(f) is amended to read:

(f) The department will grade each examination administered under this section and notify each **examinee** [APPLICANT] of the results within 60 days after the examination. The department will not provide the completed, graded examination to the **examinee** [APPLICANT].

the examinee's

The examinee [APPLICANT] may review their [THE [APPLICANT'S]] examination results with the department.

18 AAC 74.430(g) is repealed:

(g) Repealed 11/26/2016. (Eff. 1/18/2001, Register 157; am 12/3/2006, Register 180; am 11/26/2016, Register 220)

Authority: AS 46.30.010 AS 46.30.050 AS 46.03.080

18 AAC 74.440(a) is amended to read:

18 AAC 74.440. Experience and education requirements for operators of small, untreated or small, treated water systems. (a) The department will use the minimum education and experience requirements and substitution provisions of this section to evaluate an applicant's qualifications to operate a water system classified as a small, untreated or small, treated water system under **18 AAC 74.405** [18 AAC 74.450].

The introductory language of

18 AAC 74.440(b) is amended to read:

(b) To be eligible to [TAKE AN EXAMINATION AND] receive certification, an applicant for certification to operate a small, untreated water system must have at least

The introductory language of

18 AAC 74.440(c) is amended to read:

(c) To be eligible to [TAKE AN EXAMINATION AND] receive certification, an applicant for certification to operate a small, treated water system must have at least

(Eff. 1/18/2001, Register 157; am 11/26/2016, Register 220)

Authority: AS 46.30.010 AS 46.30.080

18 AAC 74.450 is repealed:

18 AAC 74.450. Classification of small, untreated or small, treated water systems.

Repealed. (Eff. 1/18/2001, Register 157; am 12/3/2006, Register 180; am 11/21/2010, Register 196; repealed 11/26/2016, Register 220)

Editor's note: The subject matter of 18 AAC 74.450 has been relocated to 18 AAC 74.403.

18 AAC 74.810(b) is amended to read:

(b) The department will send each certificate holder a renewal notice at least 60 days before the certificate **expires** [LAPSES]. Notice will be mailed to the last address of record. The operator shall keep the department informed of the operator's current mailing address. Failure to receive notice does not relieve the holder of the responsibility to renew the certificate.

18 AAC 74.810(c)(1) is amended to read:

(1) for a small, untreated water system certification, an operator must complete approved courses equal to 0.5 **drinking water core** continuing education units (CEUs);

18 AAC 74.810(c)(2) is amended to read:

(2) for a small, treated water system certification, an operator must complete approved courses equal to one **drinking water core** CEU;

18 AAC 74.810(c)(3) is amended to read:

(3) for certification as an operator at the provisional level or level **1** [I] – level **4** [IV] certification, an operator must complete approved courses equal to three CEUs **of which two CEUs must be core and one CEU may be non-core.**

18 AAC 74.810(c)(4) is amended to read:

(4) for certification to operate a wastewater treatment system classified as a wastewater stabilization pond system under 18 AAC 74.120(b)(1), an operator must complete approved courses equal to 0.5 core CEUs.

18 AAC 74.810(d) is amended to read:

(d) An operator holding more than one certificate at the provisional level or level 1 [I] – level 4 [IV] need complete only the courses required to satisfy renewal requirements for one of the certificates, but must complete the required courses at least every three years.

18 AAC 74.810(e) is amended to read:

(e) The department will renew a certificate if an operator pays the fee required by 18 AAC 74.870(e) [18 AAC 74.870(d)], and is otherwise in compliance with this chapter.

18 AAC 74.810(f) is amended to read:

(f) For purposes of this section, 10 [ten] hours of approved training equals one CEU. For applicable college courses one semester hour is equivalent to 1.5 CEUs and one quarter hour is equivalent to one CEU. The department will approve training if that training is [DIRECTLY] related to, or can be applied to, the operation, maintenance, or management of a water or wastewater system as follows:

(1) drinking water core CEUs are those directly related to the drinking water industry or those integral to the operation and maintenance of a drinking water system;

(2) core CEUs are those directly related to the water or wastewater industry or those integral to the operation and maintenance of water or wastewater systems;

(3) non-core CEUs are those still relevant to the water or wastewater industry but indirectly related or peripheral to the industry;

(4) drinking water core and core CEUs may be repeated one time, ^{not earlier} no less than three years following the original course completion, for half CEU credit;

(5) non-core CEUs may not be repeated for credit;

(6) wastewater stabilization pond courses may be repeated, ^{not earlier} no less than three years following the original course completion, for full CEU credit for the renewal of wastewater stabilization pond certificates.

↳ (no bold or underline for the period; use normal font))

18 AAC 74.810(g) is repealed

(g) Repealed 11/26/2016. (Eff. 1/18/2001, Register 157, am 12/3/2006, Register 180; am 11/21/2010, Register 196; am 11/26/2016, Register 220)

Authority: AS 46.30.060 AS 46.30.080

18 AAC 74.820 is repealed and readopted to read:

18 AAC 74.820. Expired certificates. (a) An individual who seeks renewal of an expired certificate must submit a request for renewal to the department within 365 days after the certificate expires. The department will renew an expired certificate upon receipt of a request for renewal that includes proof of compliance with 18 AAC 74.810 and the expired certificate renewal fee required by 18 AAC 74.870. An individual with an expired certificate is not certified.

(b) The department will not renew a certificate that has expired by more than one year.

An individual with a certificate that has expired by more than one year must seek recertification under 18 AAC 74.020 or 18 AAC 74.420. (Eff. 1/18/2001, Register 157;

am 11/26/2016, Register 220)

Authority: AS 46.30.080

18 AAC 74.830 is repealed and readopted to read:

18 AAC 74.830. Disciplinary action. (a) The department may enter into a consent agreement with an operator, issue a letter of reprimand to an operator, or suspend or revoke a certificate, upon a determination that one or more of the following acts of misconduct occurred:

- (1) fraud or deceit in obtaining the certificate;
- (2) fraud or deceit in plant record keeping;
- (3) gross negligence in the operation of a system;
- (4) a substantial violation of the requirements of this chapter or 18 AAC 80.

(b) When considering whether to enter into a consent agreement with an operator, issue a to the operator letter of reprimand, or ~~whether to~~ suspend or revoke a certificate, the department will consider the potential threat to human health or the environment, the severity of the act of misconduct, and any previous acts of misconduct.

(c) The department will consider board recommendations in deciding whether to enter into a consent agreement with an operator, issue a letter of reprimand to an operator, or suspend or revoke a certificate. Not later than 30 before will to the operator shall issue a notice to the operator, including a description of the allegations, date, time, and location of the board meeting, and how the operator can participate in the meeting. If the alleged act of misconduct

poses a clear and immediate threat to public health or environment, the department may waive the 30 day notice in order to hold an immediate meeting of the board, while still providing appropriate notice to the operator. Not later than after Within 10 days following the meeting, the board shall issue a recommendation to the department based on a presentation of facts, including the testimony of the operator. The department will not later than after shall issue a decision within 30 days of receiving the board's recommendation.

(d) An operator whose certificate has been suspended may shall not be the supervising operator of a system type that is the same as the system type for which was originally issued the certificate that has been suspended.

(e) An operator whose certificate has been suspended if may have the certificate reinstated at the end of the suspension period if provided the certificate renewal requirements of 18 AAC 74.810 are met. The operator shall pay the certificate reinstatement fee required by 18 AAC 74.870(i) at the time of certificate reinstatement.

(f) An operator whose certificate has been revoked will shall not be issued future certification and shall forfeit all other valid certificates indefinitely. An operator whose certificate has been revoked may not serve as an operator at any water or wastewater system.

(g) If an operator's certificate has been suspended, the operator may not use operating experience gained during suspension ~~may not be used~~ to satisfy the experience requirements of 18 AAC 74.050 or 18 AAC 74.440.

(h) A lowercase) Disciplinary actions is a are department decisions, that is which are subject to review under 18 AAC 74.860; therefore, the commissioner will may not participate in a decision made under this section. Cap.)

74.440; (Eff. 1/18/2001, Register 157; am 11/26/2016, Register 220)

Authority: AS 46.30.030
AS 46.30.060 AS 46.30.080 AS 46.30.090

18 AAC 74.840 is amended to read:

18 AAC 74.840. Temporary certification. In compliance with AS 46.30.110, the department will issue a temporary certificate unless the department determines that human health, safety, and welfare would not adequately be protected. The temporary certificate is valid until the earliest date when the operator may be examined and certified under this chapter. A temporary certificate applies only to the system that the applicant is operating at the time of application, and will not be renewed. The ~~fees~~ ^{fee [FEES]} [FEE] required by **18 AAC 74.870(h)** [18 AAC 74.870(e)] must be paid before a temporary certificate will be issued. (Eff. 1/18/2001, Register 157; am 11/26/2016, Register 220)

Authority: AS 46.30.080 AS 46.30.110

18 AAC 74.850(2) is amended to read:

(2) review qualifications of applicants for [EXAMINATION AND] certification in cooperation with the department or at the applicant's request;

18 AAC 74.850(4) is amended to read:

^{to an operator} (4) make recommendations to the department as the department issues **a letter of reprimand, or suspends** [, CANCELS, INVALIDATES,] or revokes a certificate;

(Eff. 1/18/2001, Register 157; am 11/26/2016, Register 220)

Authority: As 46.30.020 AS 46.30.030 AS 46.30.060

18 AAC 74.860(c) is amended to read:

(c) Within 60 days ^{after} ~~of~~ ^{grants} ~~of~~ **the director or designee granting a review of a decision, the**

board shall hold a meeting to review the original decision, consider any additional information provided and develop a recommendation. ^(Not later than 30) ^(before) Thirty days prior to the board meeting, the department ^(will) shall issue a notice to the requestor of the review, including the date, time and location of the board meeting and how ^(the requestor) he/she can participate. Within 10 ^(after) days following the board meeting, the board shall issue a recommendation to the director or designee. The commissioner will not participate in the board meeting or development of the board's recommendation. [IF A REVIEW IS GRANTED, THE DIRECTOR OR

DESIGNEE MAY REQUEST ADDITIONAL INFORMATION OF THE APPLICANT OR OTHER REQUESTOR. ^(E) THE DIRECTOR OR DESIGNEE SHALL PROVIDE THE BOARD WITH COPIES OF THE REQUEST FOR REVIEW AND ANY ADDITIONAL INFORMATION. THE DIRECTOR OR DESIGNEE MAY HOLD A HEARING WITH THE BOARD ATTENDING. THE COMMISSIONER WILL NOT ATTEND OR PARTICIPATE IN ANY HEARING UNDER THIS SUBSECTION. THE BOARD SHALL ISSUE A RECOMMENDATION TO THE DIRECTOR OR THE DIRECTOR'S DESIGNEE REGARDING A DECISION ON THE REQUEST FOR REVIEW. THE COMMISSIONER WILL NOT TAKE PART IN THE BOARD'S DEVELOPMENT OF THAT RECOMMENDATION.]

(Eff. 1/18/2001, Register 157; am 11/26/2016, Register 220)

Authority: AS 46.03.020 AS 46.30.080 [AS 46.35.090(e)]

18 AAC 74.870 is repealed and readopted to read:

18 AAC 74.870. Fees. (a) ^(A) All fees ^(is) listed in this section ^{(m) of this section.} are nonrefundable except as provided in sections (c) and (n).

- (b) The fee for each examination to be taken is \$150.
- (c) If the department is notified in writing at least two weeks before a written examination date that an applicant cannot take a scheduled examination and wishes to be rescheduled, the examination fee paid by the applicant will be applied to the next examination cycle without a new reregistration.
- (d) The fee to apply for certification is \$100.
- (e) The fee to renew an active certificate is \$100.
- (f) The fee to renew an expired certificate ^{not later than} within 90 days after the certificate expires is \$150.
later than 90 days but not later than
- (g) The fee to renew an expired certificate ^{later than 90 days but not later than} within ~~91~~ to 365 days after the certificate expires is \$300.
- (h) The fee to apply for a temporary certificate is \$100.
- (i) The fee to reinstate a suspended certificate is \$300.
- (j) The fee to apply for reciprocity, as described in AS 46.30.100, is \$300.
- (k) The fee for a replacement certificate is \$50.
- (l) The fee for a department-sponsored operator training classroom course is \$150 per day. The fee is nonrefundable, except as provided in (m) of this section.
- (m) The department will cancel an operator training classroom course with fewer than 10 students registered. If the department cancels a course, the fee paid under (l) of this section will be refunded.
- (n) The fee for a department-sponsored correspondence course providing continuing education unit (CEU) credits, is \$20 per CEU plus the cost of course materials. (Eff. 1/18/2001, Register 157; am 12/3/2006, Register 180; am 11/21/2010, Register 196; am

11/26/2016, Register 220)

Authority: AS 44.46.025 AS 46.30.060 AS 46.30.100
AS 46.30.030 AS 46.30.080 AS 46.30.110
AS 46.30.050

18 AAC 74.900(8) is amended to read:

(8) “director” means the director of the department’s division in which the
Operator Certification Program resides [ASSIGNED TO FACILITY CONSTRUCTION
AND OPERATION];

(lowercase) →
(lowercase) → under AS 46.30

18 AAC 74.900(14) is repealed:

(14) repealed 11/26/2016;

18 AAC 74.900(16) is repealed:

(16) repealed 11/26/2016;

18 AAC 74.900(27) is amended to read:

(27) “water distribution system” means post-treatment storage facilities, conduits, mains, lines, pumping stations, or other devices used to carry water to the consumer [, AND INCLUDES A GROUNDWATER SUPPLY TREATED ONLY WITH CHLORINE];

18 AAC 74.900(29) is amended to read:

(29) “water treatment system” means devices, structures, and equipment used to

condition, purify, or refine water for human consumption; [, AND DOES NOT INCLUDE A GROUNDWATER SUPPLY TREATED ONLY WITH CHLORINE.]

paragraphs

18 AAC 74.900 is amended by adding new definition to read:

examination.

(31)
~~(30)~~

"examinee" means an individual who has registered for a certification exam.

(Eff. 8/21/78, Register 67; am 2/21/81, Register 77; am 8/24/85, Register 95; am 5/29/93,

2006,

Register 126; am 1/18/2001, Register 157; am 12/3/06, Register 180; am 11/26/2016, Register 220)

Authority: AS 46.30.080

(30) "community septic tank" means a septic tank that serves
(A) one or more multi-family dwellings;
(B) a mobile home park, a trailer park, or a recreational vehicle park;
(C) two or more
(i) private residences; in this sub-subparagraph, "private residence" has the meaning given in 18 AAC 72.990;
(ii) commercial establishments;
(iii) industrial establishments; or
(iv) institutions; or
(D) a combination of two or more of the structures listed in (C)(i) - (iv) of this paragraph;

MEMORANDUM


State of Alaska
Department of Law

To: Hon. Byron Mallott
Lieutenant Governor

Date: October 24, 2016

File No.: JU2015200524

Tel. No.: 465-3600

From: Steven C. Weaver 
Sr. Assistant Attorney General
and Assistant Regulations Attorney
Legislation and Regulations Section

Re: Regulations re: certification, training,
and discipline of water and wastewater
system operators (18 AAC 74.006 -
18 AAC 74.125; 18 AAC 74.400 -
18 AAC 74.450; 18 AAC 74.810 -
18 AAC 74.870; 18 AAC 74.900)

We have reviewed the attached regulations from the Department of Environmental Conservation against the statutory standards of the Administrative Procedure Act. I have reviewed this project under a specific delegation dated October 24, 2016 from the Regulations Attorney. The regulations update procedures and requirements regarding the certification, training, and discipline of water and wastewater system operators.

We find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations.

The June 3, 2016 public notice, the July 8, 2016 supplemental public notice, and the August 4, 2016 adoption order all state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

Please note that 18 AAC 74.125 contains placeholders for dates that are timed to the effective date of the regulations, or to the effective date of the regulations plus two years. Once the regulations are filed and the effective date thus established under AS 44.62.180, we request that your office make handwritten edits to substitute the correct date for the placeholder text. I have confirmed with the department that, in calculating the effective date plus two years, the department means the ordinary calculation in which the date is this year's effective date two calendar years later: for example, if the effective date were December 1, 2016, the effective date plus two years would be December 1, 2018.

Hon. Byron Mallott, Lieutenant Governor
Our file: JU2015200524

October 24, 2016
Page 2

We have made some technical corrections to conform the regulations in accordance with AS 44.62.125. The corrections are shown on the attached copy of the regulations.

SCW

cc w/enc: (via email)

Hon. Larry Hartig, Commissioner
Department of Environmental Conservation

Gary Mendivil, Regulations Contact
Department of Environmental Conservation

Michelle Hale, Director
Division of Water
Department of Environmental Conservation

Kenneth A. Smith
Division of Water
Department of Environmental Conservation

Chris Peloso, Assistant Attorney General
Environmental Section

MEMORANDUM

State of Alaska Department of Law

TO: Hon. Byron Mallott
Lieutenant Governor

DATE: October 24, 2016

FILE NO.: JU2015200524

TELEPHONE NO.: 465-3600

FROM: Susan R. Pollard *SRP*
Chief Assistant Attorney General
& Regulations Attorney
Legislation/Regulations Section—Juneau

SUBJECT: Specific delegation of authority regarding regulations review on Department of Environmental Conservation regulations re: certification, training, and discipline of water and wastewater system operators (18 AAC 74.006 - 18 AAC 74.125; 18 AAC 74.400 - 18 AAC 74.450; 18 AAC 74.810 - 18 AAC 74.870; 18 AAC 74.900)

By this memorandum, I am delegating my authority as Regulations Attorney under AS 44.62 to Assistant Attorney General Steven C. Weaver for the above-referenced regulations project. Under this delegation of authority, Steven Weaver has my full authority under AS 44.62 to conduct the legal review under AS 44.62 and take necessary actions on this regulations project.

If you have questions, please let me know.

SCW

cc w/enc: Scott C. Meriwether, AAC Coordinator
Office of the Lieutenant Governor

Steven C. Weaver
Sr. Assistant Attorney General &
Assistant Regulations Attorney
Legislation/Regulations Section

AFFIDAVIT OF NOTICE OF PROPOSED REGULATION
AND FURNISHING OF ADDITIONAL INFORMATION

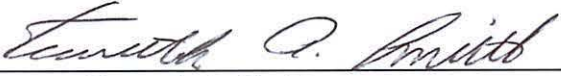
I, Kenneth A Smith, Environmental Program Specialist III, of the Alaska Department of Environmental Conservation being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to the Water and Wastewater Operators Certification regulations has been given by being

- (1) published in a newspaper or trade publication;
- (2) furnished to interested persons;
- (3) furnished to appropriate state officials;
- (4) furnished to the Department of Law, along with a copy of the proposed regulation;
- (5) furnished electronically to incumbent State of Alaska legislators;
- (6) furnished to the Legislative Affairs Agency, Division of Legal and Research Services;
- (7) posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1);
- (8) furnished electronically, along with a copy of the proposed regulation, to the Legislative Affairs Agency, the chair of the Resource Committee of the Alaska Senate and House of Representatives, the Administrative Regulation Review Committee, and the legislative council.

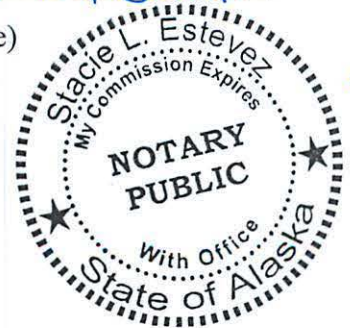
As required by AS 44.62.190, additional regulation notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulation notice information also has been posted on the Alaska Online Public Notice System.


Date: 8/15/16



Kenneth A. Smith

Subscribed and sworn to before me at Juneau, Alaska on August 15, 2016 (date)





Notary Public in and for the State of Alaska

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT

I, Ken Smith, Environmental Program Specialist III for the Department of Environmental Conservation, being duly sworn, state the following:

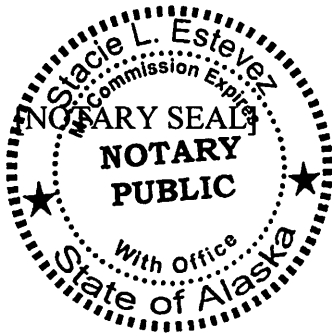
In compliance with AS 44.62.215, the Department of Environmental Conservation has kept a record of its use or rejection of factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Department of Environmental Conservation regulation on operator certification and training.

Date: 8/4/16

Ken Smith
Ken Smith, Environmental Program Specialist III

Subscribed and sworn to before me at Juneau, Alaska on
8-4-2016
(date)

Stacie L. Estevez
Notary Public in and for the State of Alaska



**WATER AND WASTEWATER OPERATOR CERTIFICATION AND TRAINING:
SUPPLEMENTAL NOTICE OF PROPOSED CHANGES TO THE
REGULATIONS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL
CONSERVATION**

BRIEF DESCRIPTION

The Alaska Department of Environmental Conservation (ADEC), Division of Water proposes to adopt amendments to the water and wastewater operator certification and training regulations to correct minor errors and update obsolete information contained in the chapter. Additionally, modifications will be made to accommodate updated business practices and changes within the industry, clarify portions of the existing language, and increase fees.

The Alaska Department of Environmental Conservation proposes to adopt regulation changes in Title 18, Chapter 74 (18 AAC 74) of the Alaska Administrative Code, dealing with certification and training of water and wastewater operators, including the following:

- (1) Amend 18 AAC 74 to make minor administrative corrections throughout the chapter.
- (2) Amend 18 AAC 74 to utilize Arabic numerals rather than Roman numerals when referring to operator certification levels and system classification.
- (3) Amend 18 AAC 74.006 and add 18 AAC 74.405 as a new section to address water systems that use ultraviolet light as a treatment process to meet inactivation requirements.
- (4) Amend 18 AAC 74.010 to clarify the requirement for an operator, certified to the level of the system, to be available at all times; establish certification requirements for shift operations; and allow for interim approval of an alternate method of system supervision until the next meeting of the Governor's Water/Wastewater Works Advisory Board.
- (5) Amend 18 AAC 74.020 and 18 AAC 74.420 to allow the Department to consider disciplinary action by another certifying agency toward an applicant when considering eligibility for certification, and to deny certification if an applicant provides inaccurate information on an application.
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- (7) Amend 18 AAC 74.020, 18 AAC 74.040, 18 AAC 74.420, 18 AAC 74.430 and 18 AAC 74.440 to remove the application process prior to certification exam administration, allowing operators to sit for exams, in numerical order, and then apply for certification once a passing score has been achieved.
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allowed the operator of a class I or class II system to use 10 years or more of operating experience to meet the experience criteria for level III or level IV certification, respectively.

- (9) Amend 18 AAC 74.120 to revise system classification points and amend 18 AAC 74.125 to allow for a compliance transition period for those systems affected by the change in classification.
- (10) Amend 18 AAC 74.410 and add 18 AAC 74.415 as a new section to clarify the certified operator requirements for small water systems, and the allowance for small water systems to be supervised through contract operations.
- (11) Amend 18 AAC 74.810 to differentiate between core and non-core Continuing Education Credit and clarify the certificate renewal requirements.
- (12) Amend 18 AAC 74.820 to extend the renewal period for an expired certificate up to 365 days.
- (13) Amend 18 AAC 74.830 to offer disciplinary options, other than certification revocation.
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You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Ken Smith at 410 Willoughby, Suite 303, P.O. Box 111800, Juneau, AK 99811-1800. Additionally, the ADEC will accept comments by facsimile at (907) 465-5177 and by electronic mail at ken.smith@alaska.gov. Comments may also be submitted through the Operator Certification website at <http://dec.alaska.gov/water/opcert/18AAC74RegChanges.html>.

In order to provide additional time for comments the public comment period has been extended. All comments must be received not later than 5:00 PM on July 15, 2016.

You may submit written questions relevant to the proposed action to Ken Smith by email at ken.smith@alaska.gov or by mail at 410 Willoughby, Suite 303, P.O. Box 111800, Juneau, AK 99811-1800. Questions may also be submitted through the Operator Certification website at <http://dec.alaska.gov/water/opcert/18AAC74RegChanges.html>. The questions must be received at least 10 days before the end of the public comment period. The ADEC will aggregate its response to substantially similar questions and make the questions and responses available on the Operator Certification website at <http://dec.alaska.gov/water/opcert/18AAC74RegChanges.html>.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Natalie Wolfe at Natalie.Wolfe@alaska.gov or (907) 269-0291 or TDD Relay Service 1-800-770-8973/TTY or dial 711 not later than July 12, 2016 to ensure that any necessary accommodations can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System, available at <http://dec.alaska.gov/water/opcert/18AAC74RegChanges.html>, or by contacting Ken Smith at ken.smith@alaska.gov or (907) 465-5136.

After the public comment period ends, the ADEC will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulation may be different from that of the proposed regulation. **YOU SHOULD COMMENT DURING THE TIME ALLOWED IF YOUR INTERESTS COULD BE AFFECTED.** Written comments received are public records and are subject to public inspection.

This is a SUPPLEMENTAL NOTICE adding to the NOTICE OF PROPOSED CHANGES that was issued on June 1, 2016, concerning the proposed regulation revision contained in the Department of Law file number JU2015200524. This SUPPLEMENTAL NOTICE is being issued to extend the public comment period to provide additional time for comments.

Statutory authority: AS 44.46.025; AS 46.30.010; AS 46.30.060; AS 46.30.080; AS 46.30.090; AS 46.30.120

Statutes being implemented, interpreted, or made specific: AS 46.30.010; AS 46.30.030; AS 46.30.040; AS 46.30.050; AS 46.30.060; AS 46.30.120

Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

Date: July 6, 2016
Juneau, Alaska



Larry Hartig, Commissioner
Department of Environmental Conservation

312019
0001389202
\$819.23

AFFIDAVIT OF PUBLICATION

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Emma Dunlap
being first duly sworn on oath deposes and says that he/she is a representative of the Alaska Dispatch News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on

July 08, 2016

and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed Emma Dunlap

Subscribed and sworn to before me this 8th day of July, 2016
Britney Thompson

Notary Public in and for
The State of Alaska.
Third Division
Anchorage, Alaska
MY COMMISSION EXPIRES

2/23/2019
Notary Public
BRITNEY L. THOMPSON
State of Alaska
My Commission Expires Feb 23, 2019

WATER AND WASTEWATER OPERATOR CERTIFICATION AND TRAINING: SUPPLEMENTAL NOTICE OF PROPOSED CHANGES TO THE REGULATIONS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION

BRIEF DESCRIPTION

The Alaska Department of Environmental Conservation (ADEC), Division of Water proposes to adopt amendments to the water and wastewater operator certification and training regulations to correct minor errors and update obsolete information contained in the chapter. Additionally, modifications will be made to accommodate updated business practices and changes within the industry, clarify portions of the existing language, and increase fees.

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Published: July 8, 2016

Invitation to Bid
Dena Ina Wellness Center -
Kenai, AK

The Kenai Indian tribe invites qualified firms to submit a firm price for Campus Parking Lot Upgrades located at the Dena Ina Wellness Center in Kenai, AK. A bid package, including RFP, Addendum A, and detailed plans may be downloaded at: <https://www.kenaitze.org/about/procurement/>

It is the respondent's responsibility to thoroughly review the RFP and plan documents. Instructions for contacting the tribe are included in the RFP. Vendors must separate pricing for paving services and to place on notice a proposal to United Utilities, Inc. (UUI) would like to place on notice a proposal to

ENVIRONMENTAL NOTICE OF EXISTING TELECOMMUNICATIONS TOWER

Published: July 8, 2016

www.matsolutions.com
state 1-800-478-3211
Website:
Highway, 745-3211; Palmer: 480
Commercial Drive, 745-3211. In-
Highway, 4401 E Palmer-Wasilla
1 and 4401 E Palmer-Wasilla
located at the Dena Ina Wellness
Center in Kenai, AK. A bid package,
including RFP, Addendum A, and
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You may submit written questions relevant to the proposed action to Ken Smith by email at ken.smith@alaska.gov or by mail at 410 Willoughby, Suite 303, P.O. Box 111800, Juneau, AK 99811-1800. Questions may also be submitted through the Operator Certification website at

<http://dec.alaska.gov/water/opcert/18AAC74RegChanges.html>. The questions must be received at least 10 days before the end of the public comment period. The ADEC will aggregate its response to substantially similar questions and make the questions and responses available on the Operator Certification website at <http://dec.alaska.gov/water/opcert/18AAC74RegChanges.html>.

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Statutory authority: AS 44.46.025; AS 46.30.010; AS 46.30.060; AS 46.30.080; AS 46.30.090; AS 46.30.120

Statutes being implemented, interpreted, or made specific: AS 46.30.010; AS 46.30.030; AS 46.30.040; AS 46.30.050; AS 46.30.060; AS 46.30.120

Fiscal information: The proposed regulation changes are not expected to require an increased appropriation.

Date: June 1, 2016
Anchorage, Alaska



Larry Hartig, Commissioner
Department of Environmental Conservation

**WATER SYSTEM OPERATOR CERTIFICATION PROPOSED REGULATIONS
ADDITIONAL REGULATIONS NOTICE INFORMATION**

(AS 44.62.190(d))

1. Adopting agency: Alaska Department of Environmental Conservation
2. General subject of regulation: Operator Certification and Training
3. Citation of regulation (may be grouped): 18 AAC 74
4. Department of Law file number, if any JU201520024
5. Reason for the proposed action:
 - (X) compliance with federal law: Safe Drinking Water Act
 - () compliance with new or changed state statute
 - () compliance with federal or state court decision (identify) _____
 - () development of program standards
 - (X) other: modifications to allow for evolving business practices and industry changes
6. Appropriation/Allocation: Department of Environmental Conservation, Water Division, Water and Wastewater Operator Certification Program
7. Estimated costs in the aggregate to comply with the proposed action to:
 - a. Private Persons: There will be increased costs to current water and wastewater system operators, as well as individuals who wish to pursue operator certification of approximately \$150 per exam and \$100 per application. The schedule for exams and applications will depend on the circumstances of the individual operator.
 - b. Other State Agencies: The Department of Corrections, Department of Transportation and Public Facilities, and the University of Alaska system may incur increased costs due to the additional cost of updated fees and also may have a potential for an increase to personnel costs due to the proposed revision of classification points for some system components.
 - c. Municipalities: Utilities who pay the certification and/or renewal fees for operators will also incur the additional costs of updated fees. There is a potential for an increase to personnel costs for a small subset of utilities due to the proposed revision of classification points for some system components. The system classification dictates the operator certification requirements; as a result, some systems will require operators with higher level certification while other systems may require less certification.
8. Cost of implementation to the state agency and available funding (in thousands of dollars):

	Initial Year FY16	Subsequent Years
Operating Cost	\$ 0	\$ 0
Capital Cost	\$ 0	\$ 0
1002 Federal receipts	\$ 0	\$ 0
1003 General fund match	\$ 0	\$ 0
1004 General fund	\$ 0	\$ 0
1005 General fund/program	\$ 0	\$ 0
1037 General fund/mental health	\$ 0	\$ 0
Other	\$ 0	\$ 0

9. The name of the contact person for the regulation:

Name: Kenneth A. Smith

Title: Environmental Program Specialist III

Address: 410 Willoughby Ave., STE 303, P.O. Box 111800, Juneau, AK 99811


Telephone: (907) 465-5136

E-mail address: ken.smith@alaska.gov

10. The origin of the proposed action

- Staff of state agency
 Federal government
 General Public
 Petition for regulation change
 Other (identify)

11: Date: June 1, 2016

Prepared by: 
Name (printed): Kenneth A. Smith
Title (printed): Environ. Program Spec. III
Telephone: (907) 465-5136

312019
0001387294
\$774.41

AFFIDAVIT OF PUBLICATION

STATE OF ALASKA
THIRD JUDICIAL DISTRICT

Emma Dunlap
being first duly sworn on oath deposes and says that he/she is a representative of the Alaska Dispatch News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on

June 03, 2016

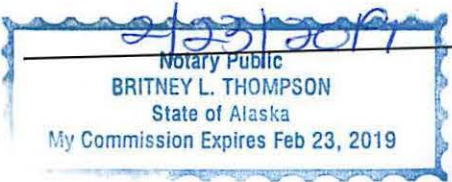
and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed Emma Dunlap

Subscribed and sworn to before me this 3rd day of June, 2016

Britney L. Thompson

Notary Public in and for
The State of Alaska.
Third Division
Anchorage, Alaska
MY COMMISSION EXPIRES



WATER AND WASTEWATER OPERATOR CERTIFICATION AND TRAINING: NOTICE OF PROPOSED CHANGES TO THE REGULATIONS OF THE ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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- (16) Amend 18 AAC 74.900 to revise the definitions of Water Treatment and Water Distribution systems to clarify that a ground water system adding chlorine is a Water Treatment system.
- (17) Amend 18 AAC 74.900 and 18 AAC 74.810 to reflect that the Operator Certification and Training Program is housed within the Division of Water rather than the Division of Facility Construction and Operation and that the Operator-in-Training certification no longer exists.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Ken Smith at 410 Willoughby, Suite 303, P.O. Box 111800, Juneau, AK 99811-1800. Additionally, the ADEC will accept comments by facsimile at (907) 465-5177 and by electronic mail at ken.smith@alaska.gov. Comments may also be submitted through the Operator Certification website at <http://dec.alaska.gov/water/opcert/18AAC74RegChanges.html>. The comments must be received not later than 4:30 PM, Alaska Standard Time on July 6, 2016.

You may submit written questions relevant to the proposed action to Ken Smith at 410 Willoughby, Suite 303, P.O. Box 111800, Juneau, AK 99811-1800. Questions may also be submitted through the Operator Certification website at <http://dec.alaska.gov/water/opcert/18AAC74RegChanges.html>. Questions must be received not later than 4:30 PM, Alaska Standard Time on July 6, 2016.

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