

Operators Raise Concerns About Proposed Certification Regs

Kansas Rural Water Association has received numerous calls and emails and staff are frequently asked questions at training sessions from water and wastewater operators concerning the proposed changes in regulations for the operator certification program. The Kansas Department of Health and Environment (KDHE) recently finalized the proposed regulations which will next go to legislative committees for review and possible hearings. KRWA participated in various meetings and discussions on the regulations. For years, operators taking the certification exams complained that many of the questions did not deal with their work experience, mainly between groundwater systems and surface water treatment. KRWA requested that the exam be modified to account for those differences as operators complained those were the reasons for the high percentage of exam failures. But the proposal to address that has turned into a much broader scope and a somewhat complicated program to include establishing a new “distribution certification” for systems serving populations of 500 or more and provisional certifications for those who take an exam but are not employed by a water or wastewater utility. It is evident that if approved, these new regs will add substantial training requirements and also create a lot of additional tracking of operators by KDHE.

To put the impact of the proposed regs in perspective, KRWA looked at some specific examples of how operators would be affected. Here are four examples.

Example No. 1. This is a system serving slightly more than 1,500 people. The operator holds a Class IV certificate having attained this level of certification by studying extensively because most of the questions on the Class IV exam are surface water questions. This system is a groundwater system. This operator feels that he earned his Class IV and is not thrilled with KDHE’s proposal to reduce his certification to Class II to be consistent with his groundwater system. Even though KDHE proposes issuing a provisional Class IV

certificate that can be converted to an actual Class IV operator’s certificate with the proper experience, this operator says he passed the Class IV test and should retain his Class IV certificate. Another area he has issues with is the distribution system certification. KDHE will grandfather this Class II distribution system certificate to existing operators, but this certification requires five (5) hours training every two years. In addition to the increased training requirement from 10 to 15 hours that the Class IV provisional will require will result in at least 20 hours of training every two years, doubling his continued training requirement. Even though he agrees with the plan to separate testing for groundwater and surface water, he feels that many of the other proposed changes are unnecessary and the plan as proposed should be revisited or eliminated.

Example No. 2. This is a system serving nearly 2,600 people. This operator holds a Class III certificate allowing him to operate a surface water system. His concerns with the KDHE proposed regs include the extra training requirements for Class III operators and the distribution system certification and its training requirements. Similar to the operator in Example 1, the operator training requirements will increase from 10 to 15 hours every two years along with the five (5) hours required for the distribution certificate, resulting in a doubling of training requirements from 10 to 20 hours every two years. His question is why have the distribution system certification at all. Why not just include distribution system issues in regular operator training sessions and include distribution system questions in the operator certification exams? Also, he wonders why KDHE is adding more requirements to contract operators. This operator is a contract operator for a small system, with a population of approximately 500. He agreed to help them

comply with the certification requirements because the city could not get anyone interested in the job. He has an agreement with the city to provide certain services and does not understand why KDHE needs to get involved including the proposal to require a copy of the contract. He understands that there may be some cases where certain contract operators may take advantage. These cases though would seem to be very minimal and adding more monitoring and reporting requirements, including the

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submission of the actual contract to KDHE for approval, will likely only result in operators refusing to take on contact operations, leaving small systems in a bind.

Example No. 3. The operator in this case operates two systems: one is a small system less than 500 population that purchases treated water from a larger system and re-distributes water. The other system is a small rural water district. Both of these systems require only a small systems operator certification. This operator though holds a Class I certificate. The KDHE current proposal would likely result in the issuance of a small system certificate since neither system has the treatment necessary or the required population for a Class I certificate. Therefore, he would receive a small systems certificate and a Class I provisional certificate. He is not even remotely in favor of having his Class I operator's certificate reduced to a provisional certificate as he feels he has earned it by taking and passing the proper exam. Last, as in the previous example, the operator is performing as a contract operator for the small rural water district and as noted in the previous example, if KDHE follows through with their proposal to add more requirements for contract operators, he will likely discontinue providing this service. He feels the minimal compensation he is receiving would not be worth the effort. Again, as noted in Example No. 2, this will leave the small rural water district of less than 100 population in a bind.

Example No. 4. This is a system with a population serving slightly more than 2,100 people. This operator holds a Class III certificate to operate a surface water treatment system that would require a Class II certification. The situation here is similar to other examples noted previously. Under the proposed regs, he would receive a Class II certificate to comply with current requirements of the system and receive a Class III provisional certificate because he currently holds that certification. Again, as noted in previous examples, this operator took and passed the Class III exam; he is not in favor of having his certification reduced to a non-operational certificate, only to have it activated when he obtains experience in a Class III facility. He feels that while the KDHE might want to become more involved in these issues, operators that have taken and passed certain levels of certification should not have those levels reduced. The movement of an operator from one system to another (one certification level to another) should be a matter to be settled between the

system and the operator with the operator realizing that he/she would need to obtain the proper certification level for the system he/she is employed by. It should be up to the local system to vet the operator's experience. The distribution system certification will impact this operator as the added training requirement will increase training hours from the current 10 hours every two years for operator certification to 15 hours to retain the Class III provisional and five (5) hours for the distribution system thereby doubling the hours from 10 to 20 hours every two years.

These are only four examples showing how operators will be impacted by these proposed changes in the operator certification regulations. The situation is the same for many more operators who will find themselves having similar experiences should all these regulations be approved.

For more reading on this topic, check out the article by Delbert Zerr in the March 2021 *Kansas Lifeline*.

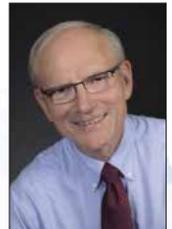
It can be found at the following link:

<https://krwa.net/portals/krwa/lifeline/2103/KDHE-Proposes-Changes.pdf>.

The proposed changes in regulations for wastewater operators are relatively minor. The only change is with mechanical treatment plants. Previously, some mechanical plants, based on population, could be Class I certified. The proposed classifications have all mechanical plants as Class II and above based on population. Small Systems are all non-discharging lagoons. Class I are all discharging lagoons.

At their August 13, 2021 meeting, KRWA directors and staff reviewed the impact of the additional training requirements and debated the much-expanded training that would be required to meet the new "Distribution Certification Classifications" that have been proposed. KRWA continues to support the separation of the operator exam questions for groundwater and surface water systems.

Elmer Ronnebaum is KRWA General Manager; he has been employed by KRWA since 1983. He served seven years on the KRWA board of directors prior to that. He also helped develop a large RWD and served for fourteen years on a water district board of directors.



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