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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 333
OREGON HEALTH AUTHORITY
PUBLIC HEALTH DIVISION

FILED

10/28/2020 10:50 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Requiring individuals to pass an examination to earn small water system operator certification

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 11/30/2020 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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Filed By:
Brittany Hall
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 11/17/2020

TIME: 10:00 AM

OFFICER: Staff

ADDRESS: CALL-IN ONLY

Following direction from the Gov/CDC
public meetings are via conference call
Portland, OR 97232

SPECIAL INSTRUCTIONS:

Due to COVID-19, public meetings are
being held via conference call. To
provide oral testimony during this
hearing, please dial 1-877-848-7030,
Access Code: 2030826#

NEED FOR THE RULE(S):

Requiring examinations for small water system operator certification is necessary to be consistent with federal guidelines, which is necessary to preserve federal grant funding.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

OAR chapter 333, division 061 and ORS chapter 448 are available for inspection by calling the Oregon Health Authority, Drinking Water Services at 971-673-0405.

Oregon Administrative Rules and Oregon Revised Statutes are also available on the web at: OAR 333-061:
http://arcweb.sos.state.or.us/pages/rules/oars_300/oar_333/333_061.html and ORS chapter 448:

FISCAL AND ECONOMIC IMPACT:

There will be no fiscal impact to individuals that obtain this certification or to the general public for requiring small water system operator certification examinations because this certification is exempt from fees according to statute. OHA expects a small fiscal impact when adding an examination component as part of the current training process but an estimated cost cannot be determined at this time based on information available to the agency.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) The proposed rule amendments are not expected to impact regulatory officials but there may be a small cost to OHA for administration of the exams. There is no other anticipated cost of compliance impact on state agencies or units of local government. The proposed rule amendments have no direct cost to the public.

(2)(a) Some small public water systems are operated by small businesses, including mobile home parks, recreational vehicle parks, stores, and workplaces.

(b) The proposed amendments are not expected to require any additional reporting, recordkeeping or other administrative activities.

(c) The proposed amendments are not expected to require any additional equipment, supplies, labor, or administrative costs.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

The Drinking Water Advisory Committee, formed under ORS 448.153 and includes representatives for certified water system operators and privately-owned public water systems, has reviewed the proposed rules and related rulemaking documents, including this Statement of Need and Fiscal Impact form.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

AMEND: 333-061-0228

RULE SUMMARY: Proposed amendments to OAR 333-061-0228 will require individuals to pass an examination to earn certification as an operator of a small water system as classified in OAR 333-061-0220.

CHANGES TO RULE:

333-061-0228

Certification Requirements for Small Water System Operators ¶

(1) To ~~qualify for~~obtain certification as the operator of a small water system ~~classified as small as prescribed by~~as defined by OAR 333-061-0220.

0220(1), individuals must:¶

(a) Have graduated from high school or completed an approved GED program and;¶

~~(b) Have completed an Authority-approved training for small water system operations and water treatment processes; and~~

~~(b) Submit a certificate demonstrating the completion of the required trainingments specified in subsections (1)(a) and (b) and~~¶

~~(2d) Certification at the small water system level~~Beginning on August 1, 2022, obtain a score of at least 70 percent on an Authority-approved written examination for small water system operations. For individuals with certification that expires on or after July 31, three years after the training specified in subsection (1)(a) was complete person must pass the written examination to obtain a new certificate upon expiration of their existing certification.¶

~~(2) Small water system certification expires on July 31, three years after the certification was granted.~~¶

(3) Individuals certified as prescribed by OAR 333-061-0235 through 333-061-0265 at levels 1 through 4 for water distribution or water treatment are qualified to be designated in direct responsible charge of a small water system ~~classified as small as prescribed by OAR 333-061-0220(1).~~¶

(4) Small water system operator certification as prescribed by this rule is exempt from fees.¶

Note: Information regarding Authority-approved written examinations may be found at

<https://www.oregon.gov/oha/PH/HealthyEnvironments/DrinkingWater/OperatorCertification/SmallWaterSystems/Page0001.aspx>

Statutory/Other Authority: ORS 448.131, 448.450

Statutes/Other Implemented: ORS 448.450, 448.455, 448.460