

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY WATER)	
AND WASTEWATER OPERATORS)	
ASSOCIATION FOR APPROVAL OF)	CASE NO.
COMMISSIONER TRAINING AND)	2018-00083
CONTINUING EDUCATION CREDIT)	

ORDER

On February 26, 2018, the Kentucky Water and Wastewater Operators Association (“KWWOA”) requested approval and accreditation for a training program it intends to offer between April 9, 2018, and April 11, 2018 (hereinafter the “Training Program”). Having carefully considered KWWOA’s request, the Commission approves the program to satisfy the six hours of training described by KRS 74.020(6) and KRS 74.020(7). However, the Training Program is not approved to satisfy any of the 12 hours of initial training for water district commissioners required by KRS 74.020(8).

DESCRIPTION OF TRAINING PROGRAM

As described by KWWOA, the Training Program will consist of 74 hours of concurrent technical sessions to take place over a three-day period. Participants will be given a sheet allowing them to claim credit for any hour-long session which they attend in full. The sessions offered as part of the Training Program are technical in nature and are largely designed to educate water and wastewater system operators as to their responsibilities. KWWOA divided the sessions into five categories, including General Technical Sessions, Laboratory Technical Sessions, Wastewater Collection Sessions,

Industrial Wastewater Sessions, and a Wastewater Plant Tour. Each of the courses is taught by an individual with technical knowledge in the area, including the Commissioner for the Kentucky Department of Environmental Protection, the Executive Director of the Kentucky Infrastructure Authority, experienced operators, an environmental scientist with the Kentucky Division of Water, and a number of licensed physical engineers with relevant experience in the area of water and wastewater plant operations among others.¹

Examples of sessions to be offered are:

1. Kentucky's Infrastructure Needs and the Role Operators Play: The instructor for the session is Aaron Keatley, Commissioner for the Department of Environmental Protection. He will discuss areas the department is evaluating related to Kentucky's infrastructure and the challenges facing operators in the future, including maintenance, capacity, reliability, redundancy, and quality.
2. How Operators Can Work Better with State Inspectors: The instructor for the sessions is Josh Pedigo, the former operator of the city of Elizabethtown's water and wastewater facilities. The session will cover various issues regarding what to expect and how to handle a state inspection.
3. Culture Trumps Strategy: The instructor for the session is Jeff Eger, National Stormwater Business Class Director for HDR Engineers, who is identified as a nationally recognized leader in utility management. The session will discuss how the culture of an organization may affect its success and its ability to achieve its goals.
4. Geospatial Tools for Improved As-Built: The instructor for the session is David Carter, P.E. & PLS, who is the co-founder of CDP Engineering and currently serves as its president and CEO. The session will cover how new 3D technology, combined with GIS and mobile devices, can benefit creating improved "As-Builts" and enhance overall asset management efforts.
5. 40 CFR 136 CWA Method Update: The instructor for the sessions is Shannon Pratt, who holds a Grade 4 Wastewater certification in the State of TN and is Quality Manager for LabtronX. The session will cover the Clean

¹ KRS 74.407 authorizes water districts to operate wastewater treatment and collection facilities such that wastewater operations are relevant.

Water Analytical Methods and provide an update regarding the methods promulgated by the EPA in 2016.

All sessions are described in greater detail in the materials submitted by KWWOA.

DISCUSSION

KRS 74.010 *et. seq.* authorizes the creation of water districts for the purpose of operating drinking water facilities and wastewater treatment and collection facilities. Water districts organized under KRS 74.010, *et. seq.* must be administered by a board of commissioners which shall control and manage the affairs of the district.² KRS 74.020(8) requires each newly appointed water district commissioner to complete 12 instructional hours of training regarding the laws governing the management and operation of water districts, and other subjects as determined appropriate by the Commission within 12 months of the commissioners' initial appointment.³ KRS 74.020 (6) and (7) encourage water district commissioners who are not serving in their first year to complete six instructional hours of "water district management training approved by the Public Service Commission" in each additional year by allowing the commissioners to receive increased compensation if they complete that training each year.

KWWOA does not state whether it is seeking to have its Training Program approved to satisfy the initial training requirements of KRS 74.020(8) or to satisfy the training requirements of KRS 74.020 (6) and (7). However, "to ensure the adequacy and consistency of training for newly appointed water district commissioners, the Commission has determined that water district commissioners may no longer satisfy their initial training obligations by taking training courses offered by third parties," but

² See KRS 74.020(1).

³ KRS 74.020(8)(b) (discussing the training requirements for new water district commissioners).

rather, must complete the initial training offered by the Commission.⁴ Moreover, the Commission is only permitted to approve a program to satisfy the initial water district training requirements if it deems the program “equivalent to its program of instruction,” which is “intended to train newly appointed commissioners in the laws governing the management and operation of water districts and other subjects [the Commission] deems appropriate.”⁵ KWWOA’s Training Program, which is designed for operators and therefore largely focuses on the technical matters, is not equivalent to the Commission’s program of instruction.⁶ Thus, the Commission is not able to approve KWWOA’s Training Program to satisfy the initial training requirements for water district commissioners as set forth in KRS 74.020(8).

The Commission has discretion in approving “water district management training” offered by third parties to satisfy the six hours of subsequent training described in KRS 74.020 (6) and (7). However, consistent with 807 KAR 5:070, Section 1, third parties applying for approval of a proposed water district commissioner training program must file the following documents and information 30 days prior to the first date on which the course is to be offered:

- (1) The name and address of the applicant;
- (2) The name and sponsor of the program and the subject matter covered by the program.

⁴ Case No. 2018-00085, *Review of Training Required and Authorized by KRS 74.020 for the Commissioners of Water Districts* (Ky. PSC Mar. 15, 2018), Order at 3 (“Water Training Order”); *see also* Water Training Order at 5 (“To satisfy his or her training obligations set forth in KRS 74.020(8), every newly appointed water district commissioner must complete, within the first 12 months following the water district commissioner’s appointment, each and every core course described in the Appendix attached hereto, each of which will be offered at each of the Commission’s seminars.”).

⁵ *See* KRS 74.020(8)(a).

⁶ *See* Water Training Order at 5, Appendix (describing the Commission’s program).

- (3) A summary of the content of the program in detail sufficient to describe how the program will enhance the management, operation, and maintenance of water treatment and distribution systems;
- (4) The number of credit hours requested for the program;
- (5) The name and relevant qualifications and credentials of each instructor presenting the program.
- (6) A copy of written materials given to water commissioners attending the program; and
- (7) If the program has been certified by an organization that provides training to persons associated with the water industry, the name of the certifying organization and a statement that the certification remains valid.

Moreover, the Commission expects written materials to be provided to water district commissioners, as indicated 807 KAR 5:070, Section 1(6), and that those materials will be provided to the Commission for review as part of the request for approval.⁷

The Commission finds that KWWOA's Training Program will provide water district commissioners relevant and useful knowledge that will enhance the quality, management, operation or maintenance of a water system. KWWOA did not provide any of the materials to be distributed to participants in the Training Program; the Commission notes that KWWOA filed this application long before the Commission's March 14, 2018 Order imposing that requirement. Therefore, because the proposed training as described by KWWOA appears to be high quality, the Commission will grant approval of KWWOA's training for the purposes described above. The Commission emphasizes that in the future it will approve third-party training only when materials will be provided to attendees for their continued use, and only when those materials are submitted to the Commission with the application for approval of the training. KWWOA should submit such written materials when making future requests for approval.

⁷ Water Training Order 4-5; 807 KAR 5:070, Section 1.

IT IS THEREFORE ORDERED that:

1. KWWOA's Training Program scheduled to take place between April 9, 2018, and April 11, 2018, is hereby conditionally approved and accredited for six hours of water district management training for water district commissioners seeking to satisfy the training requirements set forth in KRS 74.020 (6) and (7).

2. KWWOA's Training Program may not be used by water district commissioners seeking to satisfy any portion of the initial training requirement for water district commissioners required by KRS 74.020(8).

3. KWWOA shall retain a record of all water district commissioners attending the Training Program.

4. No Later than 30 days after the scheduled training program, KWWOA shall file with the Commission:

a. A sworn statement attesting that the accredited instruction was performed;

b. A description of any changes in the presenters or purposed curriculum that occurred after the application;

c. The name of each attending water district commissioner, his or her water district, and the number of hours that he or she attended; and

d. A copy of any written material given to water district commissioners attending the presentations.

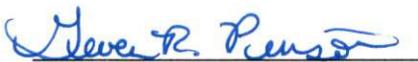
5. Upon receipt of the materials identified in Paragraph No. 4 and provided that there are no material changes to the program, the Commission shall issue a final order approving and accrediting the Training Program.

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By the Commission



ATTEST:


Executive Director

Case No. 2018-00083

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