

STATE OF COLORADO

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Dedicated to protecting and improving the health and environment of the people of Colorado

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Colorado Department
of Public Health
and Environment

NOTICE OF PUBLIC RULEMAKING HEARING BEFORE THE WATER AND WASTEWATER FACILITY OPERATORS CERTIFICATION BOARD

SUBJECT:

For consideration of proposed revisions to Regulation No. 100, "Water and Wastewater Facility Operators Certification Requirements" (5 CCR 1003-2) to accommodate sequential testing. The revisions to Regulation No. 100 proposed by the Water Quality Control Division, along with proposed Statement of Basis, Statutory Authority and Purpose, are attached to this notice as Exhibit 1.

HEARING SCHEDULE:

DATE: Tuesday, November 29, 2011
TIME: 10:00 a.m.
PLACE: Sabin Conference Room
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South
Denver, Colorado 80246

WRITTEN AND ORAL COMMENTS:

The Operators Certification Board encourages all interested persons to provide their opinions or recommendations regarding the matters to be addressed in this rulemaking hearing. Oral comments on the proposed rule will be received at the hearing. Depending on the number of people wishing to speak, a time limit for oral comments may be established.

In order to enhance the Board members' ability to review and consider public comments on the proposal, the submission of written comments in advance of the hearing is strongly encouraged. Written comments are due in the Board Office by November 16, 2011. The Board requests that 20 copies of all written statements be submitted. Anyone for whom the expense of providing these copies presents an economic hardship should contact the Board Office to make alternative arrangements. This will provide an opportunity for comments to be distributed to and reviewed by Board members prior to the hearing.

SPECIFIC STATUTORY AUTHORITY:

The provisions of C.R.S. 25-9-101 through 25-9-110 provide the specific statutory authority for consideration of the regulatory provisions proposed by this notice. Should the Operators Certification Board adopt the regulatory language as proposed in this notice or alternative provisions, it will also adopt, in compliance with section 24-4-103(4) C.R.S., an appropriate Statement of Basis, Specific Statutory Authority, and Purpose.

Dated this 30th day of August 2011 at Denver, Colorado.

WATER AND WASTEWATER FACILITY OPERATORS CERTIFICATION BOARD

Paul D. Frohardt, Administrator

EXHIBIT 1
WATER QUALITY CONTROL DIVISION

COLORADO DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
WATER AND WASTEWATER FACILITY OPERATORS CERTIFICATION
REQUIREMENTS

REGULATION NO. 100

5 CCR 1003-2

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100.9 QUALIFICATIONS AND CLASSIFICATIONS FOR CERTIFICATION OF OPERATORS

100.9.1(a) Operators certified under the previous system of classification and certification, including distribution and collection system operators who passed the voluntary examination, shall be deemed compliant with this provision and fully capable of operating facilities as described herein.

(b) Operators holding Class 3 water distribution or wastewater collection certifications issued prior to January 1, 2008 shall be deemed to have met the requirements for the Class 4 certification and shall be issued Class 4 certifications.

100.9.2 Applicants shall be examined by the Board or its designee as to education, experience, and knowledge related to the classification level for which the applicant seeks to be certified. Applicants must have a high school diploma or a general equivalency diploma (GED).

100.9.3 Experience and relevant training may substitute for a high school diploma or GED. Applicants substituting experience and relevant training for the high school diploma or GED shall have an additional six months of qualifying experience and shall demonstrate the completion of 1.0 training units in a course approved as a substitute for entry-level experience requirements.

100.9.4 Once specific experience or relevant training is credited toward the satisfaction of either the experience or education requirements of this section, that same experience and/or training may not be further credited to meet other requirements of this section.

100.9.5 In evaluating experience of operators the Board will be guided by whether the experience required some technical knowledge of the work and whether or not responsible charge of work was included.

100.9.6 Operators shall be classified according to the type of facility they are certified to operate. An applicant must pass a validated examination designated for the type and level of facility that he or she seeks to be certified to operate. Except as provided in subsection

100.9.9, 100.9.8, to qualify to sit for an examination, an applicant must have the required minimum experience or cross-experience and meet the prior certification requirements as set forth in sections 100.9.7 and 100.9.8 as designated in the table below. Small system water or wastewater operator requirements are the same as for Class D and Class 1 below. There is no minimum experience requirement for certification as a Transient Non-community Water System Operator as described in section 100.19.2. For purposes of this section, domestic and industrial wastewater treatment facility experience shall be considered interchangeable.

100.9.7 Prior Certification Requirements. To qualify to sit for an examination, an applicant must hold a certification for the same certification category (water treatment facility, domestic or industrial wastewater treatment facility, distribution system or collection system) and in the class immediately below the class for which application is being made. Prior certification requirements are shown in the table below.

100.9.78 Prior Certification and Experience Requirements for Operators Certification Table

<u>Certification Class</u>	<u>Prior Certification Required*</u>	<u>Minimum Experience Required*</u>
<u>Class TNC</u>	<u>None</u>	<u>No minimum experience requirement</u>
<u>Class D, 1, Small Water, or Small Wastewater</u>	<u>None</u>	<u>1 Month</u>
<u>Class C</u>	<u>Class D or Small Water or Small Wastewater</u>	<u>2 Years</u>
<u>Class 2</u>	<u>Class 1 or Small Water or Small Wastewater</u>	<u>2 Years</u>
<u>Class B</u>	<u>Class C</u>	<u>3 Years</u>
<u>Class 3</u>	<u>Class 2</u>	<u>3 Years</u>
<u>Class A</u>	<u>Class B</u>	<u>4 Years</u>
<u>Class 4</u>	<u>Class 3</u>	<u>4 Years</u>

*(1) Prior certification must be for the same certification category as that of the examination being applied for.

100.9.7 EXPERIENCE REQUIREMENTS FOR OPERATORS TABLE

<u>Classification of Water or Wastewater Facility Operator</u>	<u>Minimum Experience Required</u>
<u>Class D</u>	<u>1 Month</u>
<u>Class C</u>	<u>2 Years</u>
<u>Class B</u>	<u>3 Years</u>
<u>Class A</u>	<u>4 Years</u>
<u>Classification of Distribution or Collection System Operator</u>	<u>Minimum Experience Required</u>
<u>Class 1</u>	<u>1 Month</u>
<u>Class 2</u>	<u>2 Years</u>
<u>Class 3</u>	<u>3 Years</u>
<u>Class 4</u>	<u>4 Years</u>

100.9.8-9 Special rules for satisfying the minimum experience requirements of this regulation:

- (a) Class D Operators:

- (i) Applicants for certification as Class D Operators of water or wastewater treatment facilities may take the Class D examination before accruing the necessary experience for the issuance of a certificate.
 - (ii) The Class D certificate will then only be issued upon a showing of satisfactory experience to the Board or its designee, as well as passage of the Class D examination.
 - (iii) The required experience may be accrued under the supervision of a certified operator, through on the job training with a certified operator, or through an apprenticeship with a contract operator who is certified. The required experience may also be accrued through the successful completion of an on-site or correspondence training course, approved by the Board or its designee, which is designed to prepare the Class D Operator to operate Class D facilities.
 - (iv) Any education courses used to satisfy the basic experience requirement for a Class D Operator certification may not be used to satisfy the certification renewal requirements for that same certification.
- (b) Class 1 Operators:
- (i) Applicants for certification as Class 1 Operators of water distribution or wastewater collection systems may take the Class 1 examination before accruing the necessary experience for the issuance of a certificate.
 - (ii) The Class 1 certificate will then only be issued upon a showing of satisfactory experience to the Board or its designee, as well as passage of the Class 1 examination.
 - (iii) The required experience may be accrued under the supervision of a certified operator, through on the job training with a certified operator, or through an apprenticeship with a contract operator who is certified. The required experience may also be accrued through the successful completion of an on-site or correspondence training course, approved by the Board or its designee, which is designed to prepare the Class 1 Operator to operate a Class 1 system.
 - (iv) Any education courses used to satisfy the basic experience requirement for a Class 1 Operator certification may not be used to satisfy the certification renewal requirements for that same certification.

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WQCD PROPOSED

100.48 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE: NOVEMBER 2011 RULEMAKING ADOPTED NOVEMBER 29, 2011; EFFECTIVE JANUARY 30, 2012

Provisions of section 25-9-108, C.R.S., provide the specific statutory authority for the adoption of these amendments to the established regulatory provisions of Regulation 100 (5 CCR 1003-2). The Board also adopted, in compliance with section 24-4-103(4), C.R.S., the following statement of basis and purpose.

BASIS AND PURPOSE

The Board determined that it was necessary to revise Regulation 100 to reflect a change in its testing policy which, before this hearing, consisted of requiring operators to take standard “multiple entry” exams to acquire certification for the various classes within the certification categories. The material on such exams covers the lower levels or classes within a certification category up to the certification level sought. The Board is now changing to a “sequential” testing scheme; each test focuses on the material for a particular class/level of certification within each certification category. Operators will now be required to hold a certification in the class immediately below the class for which the application is being made, and thus the operators will not be able to “skip” any classes of certification in progressing to the higher classes. The Board has determined that it is prudent to make this change in policy for the following reasons.

The Board agrees with recent findings by the Association of Boards of Certification (ABC) that there are certain deficiencies with the multiple entry exam approach. For example, operators who passed the Class 4 Distribution exam by doing very well with the lower level exam questions could actually do very poorly on the questions specific to Class 4. This indicates that the multiple entry approach may not provide an accurate indication of proficiency in the skills required of a Class 4 Distribution operator. For this reason, ABC is no longer developing standardized multiple entry exams for their clients.

Additionally, the Board was persuaded by the results of an analysis by a psychometrician hired by its Contractors to evaluate knowledge required of Colorado’s operators for the various certification categories and the classes within each. Exam blue prints have been developed which support the use of sequential testing because some areas of knowledge are tested more thoroughly at a lower level than at an upper level. The Board also considered the issue of reciprocity, as there will be very few, if any, states using multiple entry exams by the end of 2011. The Contractors’ reciprocity committees will benefit from a sequential testing scheme because it will allow an equal comparison of Colorado’s testing requirements with those of other states.

Accordingly, the Board added new section 100.9.7 to include the new requirement that in order to qualify to sit for an exam, an applicant must hold a certification for the same category and in the class immediately below the class for which the application is being made. The Board also revised the corresponding “Prior Certification and Experience Requirements” table in section 100.9.8 to consolidate and simplify the explanation of the experience requirements for the various certification categories and classes within each. Minor revisions were also made to section 100.9.6 for consistency with the other changes.

The Board agrees with the Contractors’ assessment that relatively few operators will be impacted by this change in testing policy, as most operators already gain the required experience and take examinations with the intent to advance sequentially through a particular certification category. For those few operators who currently have the requisite experience to bypass lower level exams and may wish to skip to higher class of certification, they should be able to obtain their desired level of certification in an expeditious manner. The Contractors have indicated to the Board that, beginning in 2012, they will be expanding from

their current offering of two examination cycles per year to three cycles. This added exam cycle will allow operators who meet higher level experience requirements to go through the sequential testing process more quickly in order to obtain their desired level of certification.