

# STATE OF COLORADO

John W. Hickenlooper, Governor  
Christopher E. Urbina, MD, MPH  
Executive Director and Chief Medical Officer

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

4300 Cherry Creek Dr. S. Laboratory Services Division  
Denver, Colorado 80246-1530 8100 Lowry Blvd.  
Phone (303) 692-2000 Denver, Colorado 80230-6928  
Located in Glendale, Colorado (303) 692-3090

<http://www.cdphe.state.co.us>



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). 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, February 14, 2012  
TIME: 12:00 Noon  
PLACE: Crowne Plaza Hotel  
2886 South Circle Drive  
Colorado Springs, CO 80906

#### 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 February 1, 2012. 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 9<sup>th</sup> day of December 2011 at Denver, Colorado.

WATER AND WASTEWATER FACILITY OPERATORS CERTIFICATION BOARD

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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**

**100.1 AUTHORITY AND PURPOSE**

100.1.1 Authority

This regulation is promulgated pursuant to the sections 25-9-101 through 110, C.R.S. and in particular section 25-9-101, C.R.S.

100.1.2 Article 9 of Title 25, C.R.S., requires that every water treatment facility, domestic or industrial wastewater treatment facility, wastewater collection system and water distribution system be under the supervision of a certified operator, holding a certificate in a class equal to or higher than the class of the facility or system.

~~100.1.2~~ Certification under this statute is available to all persons who meet the minimum qualifications of a given classification as described in section 100.9. ~~Each operator is~~ Operators are encouraged to apply for certification in the highest classification consistent with their qualifications.

**100.2 DEFINITIONS**

- (1) "BAG OR CARTRIDGE FILTRATION" means a filtration system consisting of a fixed filter housing into which flexible (bag) or rigid (cartridge) filters are inserted. Both bag and cartridge filters are disposable and cannot be backwashed or re-used.
- (2) "BOARD" means the Colorado Water and Wastewater Facility Operators Certification Board or its designee.
- (3) "CERTIFICATE" means the written document issued by the Board or its designee stating that the person named thereon has met the requirements for operating the specified class of facility or system.
- (4) "CERTIFIED OPERATOR" means the person who has responsibility for the operation of any water and wastewater facility and is certified in accordance with the provisions of this regulation. For purposes of this regulation, "responsibility for the operation" means making process control and/or system integrity decisions about water quality or quantity that may affect public health or the environment.

- (5) “CLASSIFICATION OF A WATER OR WASTEWATER FACILITY” means the level of operational complexity and/or size of a water or wastewater facility as determined by the Division.
- (6) “COLORADO DISCHARGE PERMIT SYSTEM REGULATION (5 CCR 1002-61)” means the regulation promulgated by the Colorado Water Quality Control Commission in order to ensure the implementation of the Colorado Water Quality Control Act (Title 25, Article 5, sections 501 through 505, Colorado Revised Statutes) which are designated to be in conformity with that act and with the federal Clean Water Act.
- (7) “COLORADO PRIMARY DRINKING WATER REGULATIONS (5 CCR 1003-1)” means the regulation promulgated by the Colorado Water Quality Control commission in order to ensure the safety of public drinking water supplies and to enable the State of Colorado to assume responsibility for enforcing the standards established by the federal Safe Drinking Water Act as amended.
- (68) “COMMUNITY WATER SYSTEM” means a public water system which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.
- (79) “CONVENTIONAL FILTRATION TREATMENT” means a series of processes including coagulation, flocculation, sedimentation, and filtration resulting in substantial particulate removal.
- (810) “DEPARTMENT” means the Colorado Department of Public Health and Environment.
- (911) “DIRECT FILTRATION TREATMENT” means a series of processes including coagulation and filtration, but excluding sedimentation, resulting in substantial particulate removal.
- (4012) “DIVISION” means the Water Quality Control Division, within the Colorado Department of Public Health and Environment.
- (4413) “DOMESTIC WASTEWATER TREATMENT FACILITY” means any facility or group of units used for the treatment of domestic wastewater or for the reduction and handling of solids and gases removed from such wastes, whether or not such facility or group of units is discharging into state waters. “Domestic wastewater treatment facility” specifically excludes individual sewage disposal systems.
- (4214) “INDUSTRIAL WASTEWATER TREATMENT FACILITY” means any facility or group of units used for the pretreatment, treatment, or handling of industrial waters, wastewater, reuse water, and wastes that are discharged into state waters. “Industrial wastewater treatment facility” includes facilities that clean up contaminated ground water or spills; except that such term does not include facilities designed to operate for less than one year or facilities with in-situ discharge.
- (4315) “NON-COMMUNITY WATER SYSTEM” means a public water system that is not a community water system.
- (4416) “NON-TRANSIENT NON-COMMUNITY WATER SYSTEM” means a public water system that is not a community water system and that regularly serves at least 25 of the same individuals for over 6 months per year.
- (4517) “OPERATOR” means any person who performs or supervises activities and/or tasks pertinent to controlling the operation of a water or wastewater facility, ~~such as:~~

- ~~(A) —controlling the selection of or flow from a source to a water or wastewater facility and controlling the selection of or flow from a water or wastewater facility to a receiving body or system;~~
- ~~(B) —controlling the processing of raw and/or treated and/or finished water/wastewater;~~
- ~~(C) —preparing and/or controlling chemical addition for water or wastewater treatment;~~
- ~~(D) —observing and taking necessary actions in response to variations in operating conditions;~~
- ~~(E) —interpreting meter and/or gauge readings and adjusting facility processes based on such interpretations;~~
- ~~(F) —operating valves and/or gates either manually or by remote control;~~
- ~~(G) —maintaining logs and/or records;~~
- ~~(H) —collecting and/or analyzing process control samples;~~
- ~~(I) —ensuring proper inspection and testing of new, modified or repaired facilities prior to permitting these facilities to be put into or returned to service;~~
- ~~(J) —developing and implementing preventative maintenance programs and performing routine maintenance functions for facilities; or~~
- ~~(K) —overseeing compliance with laws and regulations and reporting as appropriate to facility owners and the Department.~~

(~~16~~18) “OPERATOR IN RESPONSIBLE CHARGE” means the person designated by the owner of the water or wastewater facility to be the certified operator(s) who has ultimate responsibility for decisions regarding the daily operational activities of the facility that will directly impact the quality and/or quantity of drinking water, treated wastewater, or treated effluent.

(~~17~~19) “PASSIVE WASTEWATER TREATMENT” means treatment in which chemical, mechanical, or biological treatment techniques are not utilized.

(~~18~~20) “PLANT DESIGN FLOW” means the maximum flow rate (water) or the hydraulic capacity (wastewater) approved for a water or wastewater treatment facility by the Division.

(~~19~~21) “PRIMARY DRINKING WATER REQUIREMENT” means any of the set of enforceable Maximum Contaminant Levels for drinking water regulated under the Colorado Primary Drinking Water Regulations (5 CCR 1003-1).

(~~20~~22) “PUBLIC WATER SYSTEM” means a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has at least fifteen service connections or regularly serves an average of at least twenty-five individuals, at least 60 days out of the year. Such term includes:

- (A) Any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such systems, and

- (B) Any collection or pretreatment storage facilities not under such control which are used primarily in connection with such systems.

Such term does not include any "special irrigation district." A public water system is either a "community water system" or a "non-community water system."

- (2423) "RESPONSIBLE PERSON" means an individual, designated by the owner of a Class 2 industrial wastewater facility, who is specifically responsible for overseeing the facility's operation and for ensuring compliance with the facility's discharge permit and who receives relevant annual training with respect to these duties including, as appropriate, specific measures used to meet effluent limits, monitoring, inspection, planning, reporting, and documentation requirements.
- (2224) "SECONDARY DRINKING WATER STANDARD" means any of the set of Secondary Contaminant Level guidelines for drinking water regulated under the Colorado Primary Drinking Water Regulations (5 CCR 1003-1).
- (2325) "SMALL SYSTEM" means a water or wastewater facility that serves a population of 3300 or less and that would be classified as a class "D" treatment facility and as a class "1" distribution or collection system under the provisions of this regulation.
- (2426) "TRAINING UNIT" means the credit given for an increment of training approved as applicable to the fulfillment of certification renewal requirements.
- ~~(25) "TRANSIENT NON-COMMUNITY CERTIFICATION" means the certification available to those Transient Non-Community water systems which meet the conditions in subsection 100.19.2 of this regulation.~~
- (2627) "TRANSIENT NON-COMMUNITY WATER SYSTEM" means a non-community public water system that does not regularly serve at least 25 of the same individuals for over six months per year.
- (2728) "VALIDATED EXAMINATION" means an examination that is independently reviewed by subject matter experts to ensure that the examination is based on a job analysis and is related to the classification of the system or facility.
- (2829) "WASTEWATER COLLECTION SYSTEM" means a system of pipes, conduits, and associated appurtenances that transports domestic wastewater from the point of entry to a domestic wastewater treatment facility. The term does not include collection systems that are within the property of the owner of the facility.
- (2930) "WASTEWATER TREATMENT FACILITY" means either a domestic wastewater treatment facility or an industrial wastewater treatment facility.
- (3031) "WATER AND/OR WASTEWATER FACILITY" means a water treatment facility, domestic wastewater treatment facility, industrial wastewater treatment facility, water distribution system, or wastewater collection system.
- (3132) "WATER DISTRIBUTION SYSTEM" means any combination of pipes, tanks, pumps, or other facilities that delivers water from a source or treatment facility to a consumer.
- (3233) "WATER TREATMENT FACILITY" means the facility or facilities ~~upstream of, within, or downstream of~~ the water distribution system that can alter the physical, chemical, or bacteriological quality of the water ~~by the application of physical, chemical or bacteriological means.~~

### 100.3 ADMINISTRATIVE FUNCTIONS

100.3.1 In carrying out its responsibilities to administer the operator certification program pursuant to Article 9 of Title 25, C.R.S., the Board or its designee may carry out any of the following duties, including but not limited to:

- (a) ~~Administration of administering~~ the operator certification program;
- (b) ~~Collection of collecting~~ program fees for administration of the operator certification program;
- (c) ~~Administration of administering~~ validated examinations for operator certification;
- (d) ~~M~~aintaining records of certified operators;
- (e) ~~M~~aintaining records of water and wastewater facilities;
- (f) ~~N~~otifying operators of expiration of certification;
- (g) ~~P~~roviding information on accredited training programs and training requirements;
- (h) ~~P~~reparing and/or furnishing validated examinations and related materials;
- (i) ~~C~~ollecting fees for examinations and administration of examinations;
- (j) ~~S~~etting times, dates, and places for holding examinations;
- (k) ~~ensuring the accurate and unbiased~~ ~~G~~radings of examinations;
- (l) ~~E~~valuating work experience of applicants;
- (m) ~~E~~valuating and approving training units for renewal of certification;
- (n) ~~E~~valuating and approving requests for certification based upon reciprocity;
- (o) ~~R~~ecording results of examinations;
- (p) ~~N~~otifying applicants of their examination results;
- (q) ~~R~~ecommending issuance of certificates or issuing certificates in accordance with Board criteria;
- (r) ~~C~~onducting failed exam reviews; or
- (s) ~~P~~reparing and distributing annual reports.

### 100.4 WATER TREATMENT FACILITY CLASSIFICATION

100.4.1 Water treatment facilities shall be classified by the Division in accordance with the following ~~six~~ four classes; ~~Transient Non-community Water System, Small Water System, Class D, Class C, Class B, or Class A. Small Water Systems are described in section 100.19.1(a). Transient Non-community Water Systems are described in section 100.19.2. For the other classifications, Class A is the highest level of classification and Class D is the lowest level of classification. The Division may make changes in~~

classification in accordance with the needs created by particular complexities of any specific water treatment facility based on consideration of facility specific factors, including, but not limited to:

- (a) special features of design;
- (b) source of supply which make operation more difficult than normal; or
- (c) a combination of such conditions.

**100.4.2 WATER TREATMENT FACILITY CLASSIFICATION TABLE** Table – Criteria for Water Treatment Facility Classes A, B, C, and D

<u>Description of the Facility</u>	<u>Plant Design Flow (in MGD)</u>			
<u>Description of the Facility</u>	<u>Plant Design Flow (in MGD)</u>			
Community Water Systems, Non-Transient Non-Community Water systems, and Transient Non-Community Water Systems <sup>4</sup> -	Below 2	2 – 5	5.01 – 9.99	10 or more
<u>Ground Water Systems</u>	.	.	.	.
(a) Ground water source with no treatment or with no additional treatment beyond chlorine disinfection.	D	D	C	B
(b) Ground water source with ultraviolet or ozone disinfection.	D	C	C	B
(c) Ground water source utilizing chemical addition and/or a treatment technology (for example, ion exchange, reverse osmosis, membrane filters, or activated carbon) for the specific purpose of meeting secondary drinking water standards.	C	C	B	B
<u>All Water Systems</u>	.	.	.	.
(d) Any source utilizing bag or cartridge filtration to comply with primary drinking water requirements.	D			
(e) Any source utilizing a treatment technology (for example, slow sand, diatomaceous earth, membrane filtration, ion exchange, activated carbon filtration, reverse osmosis) with disinfection to comply with primary drinking water requirements and which is not listed in sections 100.4.2(d) or 100.4.2(f) of this regulation.	C	B	B	A
(f) Any source utilizing conventional or direct filtration with disinfection to comply with primary drinking water requirements.	B	A	A	A



<u>Chemical Addition</u>	.	.	.	.
(g) Any source utilizing chemical treatment for the specific purpose of complying with secondary drinking water standards.	C	C	B	B
(h) Any source utilizing additional chemical treatment, with the exception of corrosion control in the distribution system and disinfection for the specific purpose of complying with primary drinking water requirements.	B	B	A	A
(i) Any source utilizing chemical treatment for the specific purpose of controlling corrosion (i.e., lead and copper) in the distribution system.	C	C	B	B
(j) Any source utilizing fluoridation.	C	C	C	B
<u>Other</u>	.	.	.	.
(k) Water Vending Machines connected to a public water system that does not currently meet primary drinking water requirements.	.	C (all sizes)	.	.

<sup>4</sup> These classifications apply to systems other than the Transient Non-community Water Systems addressed in section 100.19.2.

100.4.3 The classification of any water treatment facility may be changed at the discretion of the Division by reason of changes in any condition or circumstance on which the classification was predicated.

100.4.4 Any drinking water treatment facility that utilizes a combination of two or more of the treatment processes described in section 100.4.2 of this regulation shall be classified in accordance with the highest level of treatment process utilized.

## **100.5 DOMESTIC WASTEWATER TREATMENT FACILITY CLASSIFICATION**

100.5.1 Domestic wastewater treatment facilities shall be classified by the Division in accordance with the following ~~five~~ four classes: ~~Small Wastewater System, Class D, Class C, Class B, or Class A. Small Wastewater Systems are described in section 100.19.1(b). For the other classifications, Class A is the highest level of classification and Class D is the lowest level of classification. The Division may make changes in classification in accordance with the needs created by particular complexities of any specific domestic wastewater treatment facility based on consideration of facility specific factors, including, but not limited to:~~

- (a) design features or other characteristics that make the facility more difficult to operate than usual;
- (b) facility design flow;
- (c) the character and volume of wastes to be treated;
- (d) the facility's design being approved under the Department's variance procedure;

- (e) a waste unusually difficult to treat;
- (f) flow conditions, use classifications and/or water quality standards assigned to the waters receiving the treated effluent that require an unusually high degree of plant operational control in order to meet permit conditions; or
- (g) combinations of such conditions or circumstances.

100.5.2 Table – Criteria for Domestic Wastewater Treatment Facility Classes A, B, C, and D  
**DOMESTIC WASTEWATER TREATMENT FACILITY CLASSIFICATION TABLE**

<u>Description of the Facility</u>	<u>Plant Design Flow (in MGD)</u>				
	<u>Below 0.5</u>	<u>0.5-1.00</u>	<u>1.01-2.00</u>	<u>2.01-4.00</u>	<u>Above 4.00</u>
(a) Waste stabilization ponds, including aerated and non-aerated types	D	C	C	B	B
(b) Trickling filter or rotating biological contactor	C	C	B	B	A
(c) Extended aeration process sequencing batch reactors designed to operate in the extended aeration loading range.	C	B	B	B	A
(d) All other activated sludge processes and extended aeration where used beyond secondary treatment (i.e., nitrification) and chemical and/or physical processes providing a high degree of treatment other than polishing ponds.	B	B	B	B	A
(e) Recirculating sand filtration	D	C	C	C	C
(f) Wetlands used as a part of the water treatment process	Will be classified in alignment with the last treatment process prior to release of the effluent into the wetland for further treatment.				

100.5.3 The classification of any domestic wastewater treatment facility may be changed at the discretion of the Division by reason of changes in any condition or circumstance on which the classification was predicated.

100.5.4 Any domestic wastewater treatment facility that utilizes a combination of two or more of the treatment processes described in section 100.5.2 of this regulation shall be classified in accordance with the highest level of treatment process utilized.

## **100.6 INDUSTRIAL WASTEWATER TREATMENT FACILITY CLASSIFICATION**

### **100.6.1 Classification**

- (a) Pursuant to section 25-9-104(4), C.R.S., industrial wastewater treatment facilities shall be classified by the Board as Class 1 or Class 2 facilities. Class 2 facilities shall be exempt from the requirement to operate under the supervision of a certified operator. Facilities not classified by the Board as Class 2 facilities shall be classified as Class 1 facilities.
- (b) Class 2 Facilities
  - (i) Class 2 facilities shall include facilities:
    - (A) which discharge only pursuant to an industrial stormwater permit, a construction stormwater permit, or a municipal stormwater permit,
    - ~~(B) which discharge pursuant to Colorado Discharge System general industrial permit COG-380000, Treated Water Distribution System Wastewater Discharge, provided that the permitted distribution system is under the supervision of a properly certified water distribution system operator who is specifically responsible for overseeing the system's operation and for ensuring compliance with the system's discharge permit, including monitoring and reporting requirements, or~~
    - (CB) which discharge pursuant to a Colorado Discharge Permit System general industrial permit ~~COG-644000~~for Water Treatment Plant Wastewater Discharge, provided that the permitted water treatment facility is under the supervision of a properly certified water treatment facility operator who is specifically responsible for overseeing the facility's operation and for ensuring compliance with the facility's discharge permit, including monitoring and reporting requirements; or
    - (C) which discharge pursuant to a Colorado Discharge Permit System general industrial permit for the following: Construction Dewatering Activities; Aquatic Animal Production with Continuous an Intermittent Discharge; Sand and Gravel Process Water and Stormwater; Minimal Industrial Discharge; Subterranean Dewatering and Well Development; Hydrostatic Testing of Pipelines, Tanks and Similar Vessels; Non-Contact Cooling Water; or Commercial Washing of Outdoor Structures that meet both of the following conditions:
      - (I) the quality of the wastewater discharged is such that discharge permit limits can be met utilizing only passive treatment or no treatment; and
      - (II) the facility has designated a responsible person who is specifically responsible for overseeing the facility's operation and for ensuring compliance with the facility's discharge permit, including monitoring and reporting requirements.
  - (ii) If at any time the facility does not meet the conditions of section 100.6.1(b)(i), the facility must notify the Division, in writing, and begin operating under the supervision of an appropriately certified operator within 30 days of the change in operations.
  - ~~(ii) Facilities which discharge pursuant to one of the following Colorado Discharge Permit System general industrial wastewater permits are eligible for classification as class 2 facilities:~~

~~COG-070000 Construction Dewatering Activities,~~

~~COG-130000 Aquatic Animal Production with Continuous and Intermittent Discharge,~~

~~COG-500000 Sand and Gravel Process Water and Stormwater Combined,~~

~~COG-600000 Minimal Industrial Discharge~~

~~COG-603000 Subterranean Dewatering and Well Development,~~

~~COG-604000 Hydrostatic Testing of Pipelines, Tanks and Similar Vessels,~~

~~COG-605000 Non-Contact Cooling Water, and~~

~~COG-607000 Commercial Washing of Outdoor Structures.~~

~~(A) Such a facility shall be classified as a class 2 facility following verification by the Division of the facility's written certification that:~~

~~(I) the quality of the wastewater discharged is such that discharge permit limits can be met utilizing only passive treatment or no treatment, and~~

~~(II) the facility has designated a responsible person who is specifically responsible for overseeing the facility's operation and for ensuring compliance with the facility's discharge permit, including monitoring and reporting requirements.~~

~~(B) The Division shall notify the facility in writing of its classification determination.~~

~~(C) Each facility classified as a class 2 facility under the authority of this subsection shall re-certify in writing, by December 31st of each year, that the conditions in part (A) of this subsection continue to be met.~~

~~(D)(iii)~~ The Board has the authority to reclassify any facility if the facility fails to comply with the requirements of its discharge permit or if the facility's operational practices result in a direct, negative impact on the public health or the environment.

~~(iii)(v)~~ A facility which discharges pursuant to either an individual industrial wastewater discharge permit or a general industrial permit not listed in 100.6.1(b)(iii) above may request classification by the Board as a class 2 facility.

(A) Considering the criteria in sections 25-9-104(4)(a) through (d), C.R.S., the Board may approve class 2 classification for such a facility where it determines that the facility has demonstrated that:

(I) the quality of the wastewater discharged is such that discharge permit limits can be met utilizing only passive treatment or no treatment, and

- (II) the facility has designated a responsible person who is specifically responsible for overseeing the facility's operation and for ensuring compliance with the facility's discharge permit, including monitoring and reporting requirements.
  - (B) The Division shall evaluate a written request from the facility and shall provide the Board with a classification recommendation based upon the criteria in part (A) of this subsection and upon the criteria listed in sections 25-9-104(4)(a) through (d), C.R.S.
  - (C) The Board shall approve or deny such classification requests at an adjudicatory hearing to be held at a regularly scheduled Board meeting.
  - (D) Each facility classified as a class 2 facility under the authority of this subsection shall re-certify in writing, by December 31st of each year, that the conditions in part (A) of this subsection continue to be met.
  - (E) The Board has the authority to reclassify any facility if the facility fails to comply with the requirements of its discharge permit or if the facility's operational practices result in a direct, negative impact on the public health or the environment.
- (c) Class 1 Industrial Wastewater Treatment Facilities.
- Class 1 industrial wastewater treatment facilities shall be further classified by the Division in accordance with the following four classes: Class D, Class C, Class B, or Class A. Class A is the highest level of classification and Class D is the lowest level of classification. The Division may make changes in classification in accordance with the needs created by particular complexities of any specific industrial wastewater treatment facility based on consideration of facility specific factors, including, but not limited to:
- (a) design features or other characteristics that make the plant more difficult to operate;
  - (b) treatment of a waste that is unusually difficult to process adequately;
  - (c) flow conditions, use classifications and/or water quality standards assigned to the waters receiving the treated effluent requiring an unusually high degree of plant operation control in order to meet permit conditions; or
  - (d) any combination of the above conditions or circumstances.

100.6.2 Table – Criteria for Industrial Wastewater Treatment Facility Classes A, B, C, and D  
(under the "Class 1" Category) ~~INDUSTRIAL WASTEWATER TREATMENT FACILITY~~  
CLASSIFICATION TABLE

CLASSIFICATION	TREATMENT PROCESS <sup>1</sup>
Class A	Chemical conversion (e.g., cyanide destruction, hexavalent chromium reduction); Ion exchange; Electrolytic conversion; Filtration by reverse osmosis.

Class B	Chemical coagulation and flocculation adsorptive processes (e.g., activated carbon); Ultrafiltration; Microfiltration; Chemical precipitation; Suspended, fixed, or a combination of biological processes (e.g., activated sludge, trickling filters, rotating biological contactors).
Class C	Standard clarification (including waste ponds for settling that regularly utilize chemical addition); Filtration (e.g., mixed media, pressure); Neutralization; Solids Dewatering (e.g., sand or surfaced drying beds, mechanical); Airstripping; Sludge Digestion.
Class D	Particulate settling ponds; Simple gravity flow filtration without chemical addition; Physical water/gas separation without chemical addition; Cooling water discharge without chemical addition.

Note: <sup>1</sup> Treatment processes are listed as examples and are not all inclusive.

100.6.3 The classification of any Class 1 industrial wastewater treatment facility may be changed at the discretion of the Division by reason of changes in any condition or circumstances on which the classification was predicated.

100.6.4 Any Class 1 industrial wastewater treatment facility that regularly utilizes a combination of two or more of the treatment processes described in section 100.6.21(d) of this regulation (Table) shall be classified in accordance with the highest level of treatment process utilized.

## 100.7 WATER DISTRIBUTION SYSTEM CLASSIFICATION

100.7.1 Water distribution systems shall be classified by the Division in accordance with the following ~~six~~ four classes: ~~Transient Non-community Water System, Small Water System,~~ Class 1, Class 2, Class 3 or Class 4. ~~Small Water Systems are described in section 100.19.1(a). Transient Non-community Water Systems are described in section 100.19.2.~~ For the other classifications, Class 4 is the highest level of classification and Class 1 is the lowest level of classification. The Division may make changes in classification in accordance with the needs created by particular complexities of any specific water distribution system based on consideration of system specific factors, including, but not limited to:

- (a) unusual factors affecting the complexity of transmission, mixing of sources, or potential public health hazards;
- (b) size and/or length of the system's water mains;
- (c) whether or not there are automatic control valves, including but not limited to, pressure reducing or altitude valves;
- (d) number and/or size and/or types of meters;

- (e) existence of storage tanks in the system;
- (f) existence of multiple pressure zones;
- (g) maximum pressure in the system;
- (h) existence of booster stations;
- (i) number of service connections; or
- (j) quantity of water distributed.

**100.7.2 Table – Criteria for Water Distribution System Classes 1, 2, 3, and 4**  
**WATER DISTRIBUTION SYSTEM CLASSIFICATION TABLE**

~~The Small Water System classification is addressed separately in section 100.19.1 and the Transient Non-community Water System classification is addressed separately in section 100.19.2. For all other distribution systems:~~

<u>CLASS</u>	<u>POPULATION SERVED</u>
Class 1	3,300 or Less
Class 2	3,301 - 25,000
Class 3	25,001 – 100,000
Class 4	Over 100,000

100.7.3 The classification of any water distribution system may be changed at the discretion of the Division by reason of changes in any condition or circumstances on which the classification was predicated.

100.7.4 Section 100.7 only applies to distribution systems that serve a public water system.

**100.8 WASTEWATER COLLECTION SYSTEM CLASSIFICATION**

100.8.1 Wastewater collection systems shall be classified by the Division in accordance with the following ~~five~~ four classes: ~~Small Wastewater System, Class 1, Class 2, Class 3 or Class 4. Small Wastewater Systems are described in section 100.19.1(b). For the other classifications, Class 4 is the highest level of classification and Class 1 is the lowest level of classification. Except that the~~ The Division may make changes in classification in accordance with the needs created by particular complexities of any specific wastewater collection system based on consideration of facility specific factors, including, but not limited to:

- (a) any unusual factors affecting the complexity of collection;
- (b) whether there is the potential for mixing of sources; or
- (c) the presence of any potential public health hazards.

**100.8.2 Table – Criteria for Wastewater Collection System Classes 1, 2, 3, and 4**

CLASS	POPULATION SERVED
Class 1	3,300 or Less
Class 2	3,301 - 25,000
Class 3	25,001 – 100,000
Class 4	Over 100,000

100.8.23 The classification of any wastewater collection system may be changed at the discretion of the Division ~~by reason of~~ for changes in any condition or circumstances on which the classification was predicated.

## 100.9 **QUALIFICATIONS AND CLASSIFICATIONS FOR CERTIFICATION OF OPERATORS**

### 100.9.1 Continuity of Certification

- (a) Operators certified under the ~~previous~~ system of classification and certification in place prior to January 30, 2001, including distribution and collection system operators who passed the voluntary examination administered by the Colorado Water Distribution and Wastewater Collection Certification Council, 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 Basic Requirements for Certification by Examination

- (a) Applicants shall be ~~examined~~ evaluated 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).
- (b) An applicant must pass a validated examination designated for the type and level of facility for which application is being made.
- (c) To qualify to sit for an examination, an applicant must meet the minimum education requirements, the minimum experience or cross-experience requirements, and the prior certification requirements as set forth in section 100.9.8.
- (d) Class T certification is only valid for operating facilities that meet all of the following criteria:
  - (i) are classified as transient non-community public water systems;
  - (ii) that draw water from ground water sources not under the direct influence of surface water;
  - (iii) serve fewer than 100 individuals per day;



- (iv) utilize treatment consisting only of non-gaseous chlorine disinfection; and
- (v) would be classified as a Class "D" water treatment facility and as a Class "1" water distribution system under the provisions of this regulation.
- (e) Class S Water certification is only valid for operating facilities that meet all of the following criteria:
  - (i) serve no more than 3,300 persons; and
  - (ii) would be classified as a Class "D" water treatment facility and as a Class "1" water distribution system under the provisions of this regulation.
- (f) Class S Wastewater certification is only valid for operating facilities that meet all of the following criteria:
  - (i) serve no more than 3, 300 persons; and
  - (ii) would be classified as a Class "D" wastewater treatment facility and as a Class "1" wastewater collection system under the provisions of this regulation.

#### 100.9.3 Minimum Educational Requirements for Certification by Examination

- (a) Applicants must have a high school diploma or a general equivalency diploma (GED), except as provided in section 100.9.3(c)
- (b) 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:
  - (i) have an additional six (6) months of qualifying experience; and
  - (ii) shall demonstrate the completion of 1.0 training units in a course approved as a substitute for entry-level experience requirements.
- (c) Applicants for certification as Class D, Class 1, Class S, or Class T operators of water or wastewater facilities who are enrolled in the last semester of Board approved courses or programs which are specifically designed to prepare secondary students to operate water or wastewater facilities may be approved to take the examination before earning a high school diploma.
  - (i) Such an approval shall be based on a case-by-case determination that such courses or programs are directly and specifically relevant to the operation of water and wastewater facilities.
  - (ii) After passing the examination, the certificate will be issued upon submitting proof of the high school diploma to the Board or its designee.

#### 100.9.4 Experience Determinations for Certification by Examination

- (a) No more than one year of experience will be credited for employment/activities during any one calendar year.

- (b) For water or wastewater facilities that require less than a full time operator for proper operation, the experience of an operator of such a facility who works less than half time will be counted as half-time experience; the experience of an operator of such a facility who works half-time or more will be counted as full-time experience.
- (c) The aggregate time spent operating multiple facilities shall be considered in any determination of whether to credit full-time experience or half-time experience.
- (d) Experience obtained in the operation of a seasonal water or wastewater facility will be credited only for that portion of the year during which the facility is in operation.
- (e) Except as described in section 100.9.9 below, the certification examination application deadline is the experience cut-off date in determining whether an operator has the required experience to take a certification examination at a particular level.
- (f) To meet the experience requirement to test for a particular level of certification, the experience relied upon does not have to be at the level of the examination for which application is being made.

~~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 Evaluation of Experience. For purposes of this section, domestic and industrial wastewater treatment facility experience shall be considered interchangeable. In evaluating experience of operators the Board or its designee will be guided by:

- (a) whether and to what degree the experience required some technical knowledge of the operation of a water or wastewater facility. ~~work and whether or not responsible charge of work was included.~~
- (b) whether and to what degree the experience was actual on-site operating experience with the daily operational aspects of a facility that could affect water quality or quantity; and
- (c) whether or not the experience included the responsible charge of a water or wastewater facility.

~~100.9.6 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. 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 section 100.9.9, 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. 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.

100.9.8 ~~Table - Prior Certification and Experience Requirements for Certification Table~~

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

<sup>1</sup> Prior certification must be for the same certification category as that of the examination being applied for.

100.9.9 Special Rules for Satisfying the Minimum Experience Requirements for Class D, Class 1, Class S and Class T Certification of this regulation:

(a) ~~Class D Operators:~~

- (i) Applicants for certification as Class D, Class 1, Class S, or Class T Operators of water or wastewater treatment facilities may be approved to take the Class D examination before accruing the necessary experience for the issuance of a certificate.
- (ii) ~~The Class D After passing the examination, the certificate will then only be issued upon a showing of completion 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~~ a training course or course of study, approved by the Board or

its designee, which is designed to prepare the ~~Class D Operator~~ examinee to operate Class D or Class 1 facilities.

- (ivd) Any education courses used to satisfy the basic experience requirement for a Class D, Class 1, Class S, or Class T ~~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.~~

## **100.10 APPLICATION FOR CERTIFICATION**

100.10.1 A person desiring to be certified to operate a water or wastewater facility shall file an application with the Board or its designee.

100.10.2 The Board shall designate the number of examination cycles during each calendar year.

100.10.3 For each examination cycle, the Board or its designee shall specify an application deadline.

100.10.4 All applications for certification examinations shall be made on forms provided by the Board or its designee.

100.10.5 Completed application materials and fees must be received by the Board or its designee on or before the application deadline for each examination cycle.

100.10.6 While an applicant may apply for more than one examination during a cycle, that applicant may apply for only one level of certification for each certification category (water treatment facility, domestic or industrial wastewater treatment facility, distribution system or collection system).

100.10.27 The applicant must specify examination type (i.e. water, domestic or industrial wastewater, distribution, collection, small water system, or small wastewater system), level of ~~classification~~ certification sought, examination date, and testing location and may only take the specified examination once during each examination cycle.

~~100.10.3 Application for certification examinations shall be made on forms provided by the Board or its designee.~~

100.10.48 The Board or its designee shall review applications and supporting documents, determine the eligibility of applicants to sit for the examination, and notify the applicants of their status. Any application ~~denial notice~~ disapproval notification shall specify the reason(s) the application does not meet the minimum requirements.

100.10.59 ~~If the an~~ application is disapproved, the ~~operator applicant~~ may request a re-review of the application, including consideration of any clarifying information that the ~~operator applicant~~ may choose to submit regarding the identified basis for disapproval.

(a) Any such request for re-review must be received by the Board or its designee within two weeks of the date of the disapproval notification letter.

(b) All additional factual information supporting the application must be received with the re-review request.

100.10.610 If an application is still disapproved after re-review, the ~~operator applicant~~ may appeal this determination to the Board.

(a) Any such appeal must be received in the Board's office within two weeks of the date of the second disapproval notification letter.

(b) No new factual information will be accepted during the Board appeal process, except for good cause shown.

## **100.11 EXAMINATIONS**

100.11.1 The Board or its designee shall oversee the preparation and administration of validated examinations to be used in determining whether or not the applicant has the necessary skills, knowledge, ability and judgment appropriate for the level of certification sought.

100.11.2 Examinations shall be held at places and times set by the Board or its designee. Advance announcements of the date and locations of examinations shall be made by the Board or its designee.

100.11.3 All examinations shall be written or administered electronically, except in such cases as the Board or its designee decide, on a case-by-case basis, represent proper exceptions to this requirement.

100.11.4 All examinations will be graded by the Board or its designee, and the applicants shall be notified of the results.

100.11.5 Examinees shall be provided an analysis of their examination performance indicating the level of knowledge demonstrated for each topic tested.

100.11.6 Separate validated examinations will be prepared ~~to cover basic differences in types of water treatment processes, size and/or complexity of water and wastewater facilities, variations in wastewater and/or water quality, conditions of receiving waters, and other relevant factors as determined by the Board or its designee.~~ To facilitate the transition to the program established by these regulations, the Board may choose to utilize unvalidated examinations for domestic and industrial wastewater facility operators for the Spring 2001 testing cycle. for each type and level of certification available. The

appropriate range and balance of examination material shall be developed from formal job analyses and the need-to-know criteria resulting from such analyses.

100.11.7 Applicants who fail an examination may retest during subsequent, regularly scheduled examination cycles upon complying with all applicable application procedures including the payment of appropriate fees.

100.11.8 Any form of cheating on the part of an applicant will invalidate the results of his or her examination and may result in the applicant being barred from taking examinations for a period of 1 to 5 years, as determined by the Board following a hearing pursuant to Article 4 of Title 24, C.R.S.

## **100.12 EDUCATION AND CROSS EXPERIENCE SUBSTITUTED FOR EXPERIENCE REQUIREMENTS**

100.12.1 Substitution of ~~e~~Education for ~~e~~Experience ~~r~~Requirements:

- (a) Post-secondary education may also be substituted for the experience requirements of section 100.9 on the basis of successful completion of formal academic credit hours, as approved by the Board or its designee in accordance with section 100.12.2, for all or a portion of an academic year. For education substitution for experience, academic credit hours shall be calculated as follows:
  - (i) ~~{15 semester hours = ½ academic year = 6 months-of-experience};~~ 15 quarter hours = 1/3 academic year = 4 months experience;
  - (ii) ~~and/or corresponding credits in the form of t~~Training units; {300 contact hours or 30 training units = 15 quarter hours = 4 months experience};
  - (iii) ~~T~~hirty (30) semester hours and/or forty-five (45) quarter hours shall constitute one (1) year's formal education and may be substituted for one (1) year of experience.
- (b) Consideration of Field(s) of Study
  - (i) Credit for up to fifty percent (50%) of the applicable experience requirement of section 100.9-~~8~~ may be granted for satisfactorily completing structured programs of study in a degree or certificate granting educational institution or equivalent for technically oriented programs which the Board has determined are directly relevant to the operation of water and wastewater facilities, including but not limited to post high school education in the environmental control field, engineering or related science. Experience credit shall be granted based upon the number of academic years required to complete the program, in accordance with subsection 100.12.1(a).
  - (ii) Credit for up to twenty-five (25%) of the applicable experience requirement of section 100.9-~~8~~ may be granted for satisfactorily completing structured programs of study in a degree granting educational institution or equivalent, regardless of field of study. Experience credit shall be granted based upon the number of academic years required to complete the program, in accordance with subsection 100.12.1(a).

- (c) In instances where an approved degree or certificate program has not been completed, credit for up to fifty percent (50%) of the applicable experience requirement of section 100.9-8 may be granted for the completion of individual technically oriented courses ~~which as approved by the Board or its designee has determined are directly as~~ relevant to the operation of water and wastewater facilities, including but not limited to post high school education in the environmental control field, engineering or related science, in accordance with subsection 100.12.1(a).
- (d) At least fifty percent (50%) of any experience requirement of section 100.9 of this regulation shall be met by actual on-site operating experience in a water or wastewater facility, except that Class D, ~~Operators and Class 1, and Class S applicants Operators~~ may satisfy the experience requirements exclusively with formal academic education credits or training units, in accordance with subsection 100.9-8.

#### 100.12.2 Approval of Training, Educational Courses, and Institutions

- (a) The Board may approve, for purposes of substituting education for experience, courses or programs which are specifically designed to prepare secondary students to operate water or wastewater facilities. Such an approval shall be based on a case-by-case determination that such courses or programs are directly and specifically relevant to the operation of water and wastewater facilities.
- (b) Approval of technically-oriented courses or programs, for purposes of substituting education for experience, shall be determined by the Board or its designee based on a determination that such courses or programs are directly relevant to the operation of water and wastewater facilities. Such courses and programs may include, but are not limited to, post-secondary education in the environmental control field, engineering, microbiology, chemistry, or other related science.
- (c) Approval of educational institutions for purposes of substituting education for experience shall be determined by the Board or its designee based on accreditation by recognized regional associations for such institutions in the United States. For educational institutions outside the United States, the applicant shall be required to establish to the satisfaction of the Board or its designee the equivalency and suitability of the courses of study claimed for credit.
- (d) Other educational programs, including but not limited to, specialized operator training courses, seminars, workshops, correspondence or computer courses, and technical conferences, may be credited toward education for purposes of substitution for experience as approved by the Board or its designee. Such programs will receive credit in training units on the following basis:
  - (i) Ten (10) contact hours shall be required to equal one training unit. A contact hour means a classroom or supervised hour of attendance or hour of participation, recognized by the Board as a training unit, successfully completed by an applicant.
  - (ii) Three (3) training units shall equal one semester credit hour or two training units shall equal one quarter credit hour for purposes of equivalency.

100.12.3 Substitution of ~~e~~Cross-~~e~~Experience for ~~e~~Experience ~~r~~Requirements:

- (a) Cross-experience may be substituted for the experience requirements of section 100.9 for certification as a Class C, Class B, or Class A water treatment facility operator, domestic or industrial wastewater treatment facility operator; or for a Class 2, ~~or~~Class 3, or Class 4 water distribution or wastewater collection system operator, except that at least fifty percent (50%) of any experience requirement of section 100.9 shall be met by actual on-site operating experience in the specific certification category, a water or wastewater, facility, as the case may be for which application is being made.
- (b) For the purpose of this section, "cross-experience" means that:
  - (i) qualifying experience as an operator in a water treatment facility may be substituted for up to fifty percent (50%) of the experience requirement for certification as an operator of a wastewater treatment facility;
  - (ii) qualifying experience as an operator in a wastewater treatment facility may be substituted for up to fifty percent (50%) of the experience requirement for certification as an operator of a water treatment facility;
  - (iii) qualifying experience as an operator in a water distribution system may be substituted for up to fifty percent (50%) of the experience requirement for certification as an operator of a wastewater collection system; or
  - (iv) qualifying experience as an operator in a wastewater collection system may be substituted for up to fifty percent (50%) of the experience requirement for certification as an operator of a water distribution system.

**100.13 CERTIFICATES**

100.13.1 New Certificates

- (a) Upon written notification that they have passed the certification examination and are eligible for certification, successful examinees must pay the required administration and applicable late fees as listed in section 100.19.2 and complete the following, if required:
  - (i) demonstrate fulfillment of the experience requirements for Class D, Class 1, Class S and Class T certification pursuant to section 100.9.
  - (ii) submit a copy of a high school diploma pursuant to section 100.9.3(c).
- (b) Upon satisfactory fulfillment of the requirements of ~~this regulation section 100.13.1~~, the Board or its designee shall award to the applicant a certificate designating the appropriate certification level.
- (c) Newly awarded operator certificates shall be valid for three (3) years from the date of the certification eligibility notification letter unless revoked or suspended as provided in section 100.23 of these regulations.
- (d) An applicant shall complete the certification process by paying the administration and applicable late fees as listed in section 100.19.2 within three (3) years from the date of the certification eligibility notification letter.



#### 100.13.2 Renewal of Certificates

(a) ~~Operators may seek renewal of a certificate by~~ must submitting a written application for renewal to the Board or its designee prior to the expiration date of the certificate.

(b) Renewed certificates shall be valid for three (3) years from the date of expiration of the prior certificate, not from the issue date of the renewed certificate.

~~400.13.3~~ (c) Renewal applications must demonstrate that the operator satisfies the requirements of this regulation including meeting the renewal training unit requirements stated in section 100.14 of this regulation. ~~See §100.25 for transitional renewal training unit requirements for certifications expiring prior to January 30, 2004.~~

~~400.13.4~~ (d) The Board or its designee shall provide all application forms for renewal of certificates.

#### 100.13.5 Expired Certificates

(a) A certificate becomes invalid on its expiration date.

(b) Following expiration of a certificate, the operator shall not represent that he or she holds a certificate in the class for which the certificate expired.

(c) ~~and n~~ No operator of a water or wastewater facility shall operate a facility in reliance on the an expired certificate.

(d) ~~400.13.6~~ An operator may apply for renewal for two years following expiration of the certificate. The Board or its designee will renew the certificate if the operator pays the renewal and applicable late fees, as listed in section 100.19.2(d), and satisfies all applicable renewal requirements.

(e) Certificates which are renewed after their expiration date shall be valid for three years from the date of expiration of the prior certificate, not from the issue date of renewed certificate.

#### 100.13.7 4 Revocation of Non-Renewed Certificates

(a) Any certificate not renewed by the operator within two years of its expiration is automatically revoked.

(b) Any operator whose certificate is revoked shall be treated as a new applicant for purposes of this regulation and must meet all the initial certification requirements, including passing the appropriate certification examination.

#### 100.13.8 5 Certificates by Reciprocity—

(a) Certificates may be issued by the Board or its designee, without examination, on a case-by-case basis, to persons in a comparable classification who have met the following requirements:

(i) ~~P~~ passed an adequate, ~~—~~ validated examination and who hold a valid certificate ~~in from~~ another state, territory or possession of the United States, ~~or any other~~ country provided the requirements for certification of

operators under which the person's certificate was issued do not conflict with the provisions of Article 9 of Title 25, C.R.S., and are of a standard not lower than that specified by these regulations.

(ii) Obtained qualifying experience in the state, territory or possession of the United States, or other country in which they hold a valid certificate.

(b) Upon written notification of approval by the Board for certification in Colorado, applicants shall pay the administration and applicable late fees as listed in section 100.19.2.

(c) Certificates by reciprocity shall be considered "new" certificates subject to all requirements of sections 10.13.1 and 100.19.

#### **100.14 PROFESSIONAL DEVELOPMENT - TRAINING UNIT REQUIREMENTS FOR RENEWAL OF CERTIFICATION**

100.14.1 In addition to the other requirements of this ~~rule-regulation~~, all certified operators must earn the appropriate number of training units, as specified in this ~~rule-section~~, before the operator's certificate will be renewed.

(a) At least fifty percent (50%) of the training units for certification renewal must be for courses approved for credit in the specific field of the certificate being renewed.

(b) Up to ~~50-fifty~~ percent (50%) of the training units for certification renewal may come from courses approved for credit in a field other than that of the certification being renewed, as including supplemental training or from courses approved as core training for certification categories other than the category of the certification being renewed, provided that at least 50 percent of the training units for certification renewal shall come from courses approved as core training for the category of certification being renewed. Subject to the 50 percent core training limitation above, a course with training units approved in multiple categories may be counted up to the training unit equivalent of the actual number of approved hours in the course for each certificate being renewed.

(c) The maximum number of training units from a specific course that may be credited toward the renewal of a single certification is the training unit equivalent of the actual number of approved hours in the course.

(d) If applicable, the training units from one course may be applied toward the renewal of more than one certification.

100.14.2 ~~Table – Training Unit Requirements for Operator Certification Renewal-Operators seeking renewal of their certificates shall meet the following training unit requirements:~~

<u>Operator Class</u>	<u>Training Unit Requirement</u>
<u>Class T</u>	<u>1.2 Training Units</u>
<u>Class D or Class 1</u>	<u>1.2 Training Units</u>
<u>Class S</u>	<u>1.8 Training Units</u>

<u>Class C or Class 2</u>	<u>1.8 Training Units</u>
<u>Class B or Class 3</u>	<u>2.4 Training Units</u>
<u>Class A or Class 4</u>	<u>3.0 Training Units</u>

- (a) ~~Class A water treatment, domestic wastewater treatment, and industrial wastewater treatment facility operators — 3 training units.~~
- (b) ~~Class B water treatment, domestic wastewater treatment, and industrial wastewater treatment facility operators — 2.4 training units.~~
- (c) ~~Class C water treatment, domestic wastewater treatment, and industrial wastewater treatment facility operators — 1.8 training units.~~
- (d) ~~Class D water treatment, domestic wastewater treatment, and industrial wastewater treatment facility operators — 1.2 training units.~~
- (e) ~~Class 4 water distribution and wastewater collection system operators — 3 training units.~~
- (f) ~~Class 3 water distribution and wastewater collection system operators — 2.4 training units.~~
- (g) ~~Class 2 water distribution and wastewater collection system operators — 1.8 training units.~~
- (h) ~~Class 1 water distribution and wastewater collection system operators — 1.2 training units.~~
- (i) ~~Small water system operators — 1.8 training units.~~
- (j) ~~Small wastewater system operators — 1.8 training units.~~
- (k) ~~Transient non-community water system operators — 1.2 training units.~~

100.14.3 Ten contact hours shall be required to equal one training unit. A “contact hour” means a classroom or supervised hour of attendance or hour of participation recognized by the Board as a training unit in accordance with section 100.1512.2.

100.14.4 All subject matter for which training units will be granted must be determined by the Board or its designee to be relevant and necessary to the successful operation of a water or wastewater facility.

- (a) The Board or its designee shall approve as “core training” courses ~~on~~ with topics that are directly applicable to aspects of water and wastewater facility operations that may affect public health or the environment, or the need to maintain compliance with established requirements. Training units from such courses may be used to satisfy ~~up to one hundred percent (100%) of the training units~~

requirements for the renewal of an operator's certification in accordance with section 100.14.1.

- (b) Eligible "core training" topics may include the following subjects:
  - (i) operation and maintenance of facility mechanical systems, electrical equipment or hydraulics;
  - (ii) physical treatment, chemical treatment, biological treatment;
  - (iii) physical testing, chemical testing, biological testing, or disinfection;
  - (iv) regulatory compliance; or
  - (v) other relevant topics approved by the Board.
- (c) The Board or its designee may approve as "supplemental training" any courses that are found to provide useful operator knowledge but are not directly related to water or wastewater facility operations. Training units from courses approved as "supplemental training" may be used to satisfy up to fifty percent (50%) of the training unit requirements for renewal of an operator's certification in accordance with section 100.14.1.

100.14.5 Training units shall ~~also be awarded to certified operators for teaching a classroom program course that has been approved by the Board or its designee.~~ The training units awarded shall be double the training units approved for the course.

100.14.6 ~~Institutions, seminar presenters, and others may seek approval of their training or educational courses or programs by application to the Board or its designee. Such an application must demonstrate that their proposed material, curricula, contact hour equivalency, and facilities meet the criteria established in section 100.12.2. Water treatment and water distribution operators who conduct analyses for chlorine residual (total, free, or combined), pH, chlorine dioxide (at entry point or in distribution system), chlorite (entry point only), alkalinity, or UV absorbance prescribed in Article 7.5 of the Colorado Primary Drinking Water Regulations, 5 CCR 1003-1, and who hold certifications issued prior to August 1, 2002, shall complete training in an approved course covering the requirements associated with drinking water analytical procedures and quality assurance. This requirement must be fulfilled by August 31, 2005.~~

#### **100.15 APPROVAL OF TRAINING AND EDUCATIONAL COURSES**

100.15.1 ~~Approval of educational institutions for purposes of substituting education for experience shall be determined by the Board or its designee based on accreditation by recognized regional associations stated in section 23-2-102(3), C.R.S., for such institutions in the United States. For educational institutions outside the United States, the applicant shall be required to establish to the satisfaction of the Board or its designee the equivalency and suitability of the courses of study claimed for credit.~~

100.15.2 ~~Other educational programs, including but not limited to, specialized operator training courses, seminars, workshops, correspondence or computer courses, and technical conferences, may be credited toward education for purposes of substitution for experience as approved by the Board or its designee. Such credits are designated training units on the following basis:~~

~~(a) Ten contact hours shall be required to equal one training unit. A contact hour means a classroom or supervised hour of attendance or hour of participation recognized by the Board as a training unit successfully completed by an applicant.~~

~~(b) Three training units shall equal one semester credit hour or two training units shall equal one quarter hour for purposes of equivalency.~~

~~100.15.3 Institutions, seminar presenters and others may seek approval of their training or educational courses or programs by application to the Board or its designee, demonstrating that their proposed material, curricula, and facilities for contact hour equivalency are satisfactory to the Board or its designee.~~

#### **100.1615 CERTIFIED OPERATOR DUTIES**

~~100.1615.1~~ In the performance of their duties, certified operators shall exercise a level of reasonable care and ~~judgement~~ judgment consistent with the experience and training appropriate to their level of certification as defined in these regulations.

~~100.1615.2~~ Process control and/or system integrity decisions with respect to drinking water quality or quantity that may affect the public health or the environment are reserved to certified operators.

~~100.15.3~~ Process control and/or facility integrity decisions with respect to effluent quality or quantity that may affect the public health or the environment are reserved to certified operators.

~~100.15.4~~ Certified operators shall protect the public health and ~~safety~~ the environment by properly performing and/or supervising the ~~tasks~~ activities pertinent to controlling the operation of a water or wastewater facility, including but not limited to the following:

- (a) controlling the selection of or flow from a source to a water or wastewater facility and controlling the selection of or flow from a water or wastewater facility to a receiving body or system;
- (b) controlling the processing of raw and/or treated and/or finished water/wastewater;
- (c) preparing and/or controlling chemical addition for water or wastewater treatment;
- (d) observing and taking necessary actions in response to variations in operating conditions;
- (e) interpreting meter and/or gauge readings and adjusting facility processes based on such interpretations;
- (f) operating valves and/or gates either manually or by remote control;
- (g) starting and/or stopping pumps;
- (h) maintaining logs and/or records;
- (i) collecting and/or analyzing process control samples;

- (j) ensuring proper inspection and testing of new, modified, or repaired facilities prior to ~~permitting these~~ placing or returning such facilities to be put into or returned to service;
- (k) developing and implementing preventative maintenance programs and performing routine maintenance functions for facilities; or
- (l) overseeing compliance with laws and regulations and reporting as appropriate to facility owners and the Department.

~~100.4615.36~~ Each certified operator shall provide to the Board or its designee his or her current mailing address, ~~and telephone number, and email address (if available)~~ and shall update this information ~~as necessary~~ within 30 days of a change.

#### **100.4716 OPERATOR IN RESPONSIBLE CHARGE DUTIES**

~~100.4716.1~~ The operator in responsible charge is designated by the owner of the water or wastewater facility and has supervisory responsibility for the operation of the facility and for the operational activities and functions of other facility operators.

~~100.16.2~~ The operator in responsible charge of a water or wastewater facility must hold a valid certificate equal to or greater than the classification of the water or wastewater facility he or she operates.

~~100.4716.23~~ The operator in responsible charge shall protect the public health and ~~safety~~ the environment in the conduct of his or her duties. These duties shall include the following, ~~as appropriate:~~

- (a) ~~The management or administration of a~~ the operation of the water or wastewater facility;
- (b) ~~The charge, commission, or duty to comply with applicable regulations and requirements for proper operation of the water or wastewater facility;~~
- (~~eb~~) ~~The~~ the accountability for the proper operation and maintenance of the water or wastewater facility for compliance with applicable regulations and/or permit requirements, including monitoring and reporting requirements;
- (~~dc~~) ~~The~~ the control of, supervision over, or active participation in the daily planning, operation or maintenance of a water or wastewater facility;
- (~~ed~~) ~~A~~ authority and/or power to make day-to-day process control and system integrity decisions on the operation and maintenance of the water or wastewater facility; ~~or~~
- (~~e~~) ~~the availability to make decisions and initiate actions regarding the operation of the water or wastewater facility in a timely manner;~~
- (f) ~~The capacity and availability to perform the above as well as performance of other functions of direct responsibility, such as those enumerated in section 100.4615.2 of these regulations.~~
- (g) the development of a written, facility specific, operating plan for each water or wastewater facility under his or her supervision;

- (h) the maintenance of written records of the activities undertaken in accordance with the facility operating plan. These records shall be made available to the Division or its designee upon request.

100.16.4 Routine tasks, delineated by a written operating plan, may be delegated to uncertified personnel.

- (a) For the purposes of this section, uncertified personnel means personnel not certified at the level of the facility.
- (b) Such tasks may be performed by the uncertified operator even if a certified operator is not on-site.
- (c) The operating plan must be very clear in defining the limits of such tasks.
- (d) Any operational activity beyond these limits requires the immediate and direct consultation with and participation of a certified operator.
- (e) The operator in responsible charge remains accountable for the consequences of the performance of such tasks by the uncertified personnel under his or her charge.
- (f) In no case may an uncertified person make any operational decision that might affect water quality or quantity or that might affect the public health or the environment. All such decisions are reserved to operators certified at or above the classification of the facility.

**100.4817 AUTHORIZATION FOR CONTINUED OPERATION OF WATER DISTRIBUTION AND WASTEWATER COLLECTION SYSTEMS**

100.4817.1 Operators of water distribution and/or wastewater collection systems certified prior to January 30, 2001, under the voluntary program administered by the Colorado Water and Wastewater Collection Systems Certification Council, Inc., shall be considered compliant with the certification requirements of this provision. Upon expiration of current certificates issued under this voluntary program, all new and renewed certificates shall be valid for a period of three years. Such certification shall be renewable upon payment of appropriate fees and obtaining the required training units.

100.4817.2 Existing operators of water distribution or wastewater collection systems as of January 30, 2001, whose responsibility includes making process control and/or system integrity decisions about water quality or quantity that may affect the public health or environment, may continue to operate the specific system in which they are currently employed for a period of two years from the issuance of an authorization for continued operation without meeting the certification requirements of this regulation, provided that they have the requisite minimum experience levels provided in section 100.9 and so long as the following requirements are satisfied:

- (a) The owner of the existing water distribution or wastewater collection system applies to the Board or its designee for issuance of an authorization for such operator to continue operation without compliance with the otherwise applicable certification requirements of this regulation. The owner must submit such application to the Board or its designee within one year of January 30, 2001.

- (b) Such an operator shall not operate any other system until he or she meets the initial certification requirements for that system and obtains a certificate appropriate for that system.
- (c) Authorization for continued system operation under this provision is non-transferable, applies only to the specific system and operator and does not authorize operation of the system by any other operator.
- (d) Within two (2) years from the issuance of an authorization for continued operation under this provision, an operator must obtain a certificate, restricted to the operation of the specific system, by meeting all requirements for obtaining certificate renewal including payment of fees, acquiring the minimum training units, and demonstrating to the Board or its designee all requisite skills, knowledge, ability and judgment for the type of system.
- (e) If the classification of a facility or system changes to a higher level, the authorization to continue operation under this provision expires, and is no longer valid unless the classification change occurs without any significant physical change in the system as determined by the Board or its designee.
- (f) Any operator authorized to continue operation under this provision who chooses to work for a different facility or system must meet all the initial certification requirements for that facility or system, including obtaining a certificate appropriate to that facility or system, passage of a validated written examination, and satisfaction of the minimum experience requirements of this regulation.

#### **100.19 SMALL SYSTEM OPERATOR PROVISIONS**

##### **100.19.1 Small Water and Wastewater System Classification**

- (a) ~~A separate facility classification is hereby established, which shall apply to small water systems serving no more than 3300 persons and which would be classified as a class "D" water treatment facility and as a class "1" water distribution system under the provisions of this regulation. Operator certification requirements for such facilities shall combine Class D Water Treatment and Class 1 Distribution certifications into a single test and certificate, the "Small Water System" certification.~~
- (b) ~~A separate facility classification is hereby established, which shall apply to small wastewater systems serving no more than 3300 persons and which would be classified as a class "D" wastewater treatment facility and as a class "1" wastewater collection system under the provisions of this regulation. Operator certification requirements for such facilities shall combine Class D Wastewater Treatment and Class 1 Collection certifications into a single test and certificate, the "Small Wastewater System" certification.~~

##### **100.19.2 Transient Non-community Water System Classification.**

- (a) ~~A separate facility classification is hereby established for transient non-community public water systems that draw water from ground water sources not under the influence of surface water, serve less than 100 individuals per day and utilize treatment consisting only of non-gaseous chlorine disinfection.~~



- ~~(b) Operators of water treatment facilities and distribution systems associated with the transient non-community systems described in subsection (a) above may be certified as "Transient Non-community Water System Operators".~~

## **100.20 MULTIPLE FACILITY OPERATOR PROVISIONS**

RESERVED

### **100.2418 RESPONSIBILITIES OF WATER AND WASTEWATER FACILITY OWNERS**

#### **100.2418.1 Supervision by a Certified Operator in Responsible Charge**

- (a) No owner of a water or wastewater facility shall allow the facility to be operated without the direct supervision of an operator in responsible charge certified in a classification equivalent to or higher than the classification of the facility as specified in ~~these regulations~~ sections 100.4 through 100.8.
- (b) For purposes of this regulation, "direct supervision" means that the operator in responsible charge has supervisory responsibility and authority with respect to the operation of the water or wastewater facility and for the activities and functions of other facility operators.
- (c) Owners shall ensure that their agreement with the operator in responsible charge is sufficiently detailed and formal to reflect all the duties as outlined in section 100.16.
- (d) Contracts for limited services do not fulfill the owner's obligation, under section 100.18.1(a), to place the facility under the supervision of an appropriately certified operator in responsible charge. Contracts for limited services, such as compliance sampling, do not rise to the level of a contract for an operator in responsible charge.

#### **100.2418.2 Decisions Reserved to Operator in Responsible Charge**

Each owner of a water or wastewater facility shall ensure that all process control and/or ~~system-facility~~ integrity decisions about water quality or quantity or wastewater effluent quality or quantity that may affect public health or the environment are made by either an operator in responsible charge or by another ~~certified operator~~ certified at or above the classification of the facility.

#### **100.2418.3 Certified Operator Availability**

- (a) Each owner of a water or wastewater facility shall ensure that a designated certified operator, certified at or above the classification of the facility, is available ~~for each operating shift whenever the facility is in operation.~~
- (b) ~~This operator must be certified in a classification equivalent to or higher than the classification of the facility.~~ For purposes of this regulation, "available" means that the designated certified operator must either be on-site or must be able to be contacted as needed to make decisions and to initiate appropriate actions in a timely manner.

#### **100.2418.4 Reporting Requirement**

- (a) ~~Each owner of a water or wastewater facility shall submit in writing to the Division, no later than thirty (30) days following the date the facility is initially placed on-line and thereafter, no later than thirty (30) days after changes to any of Board or its designee, within sixty (60) days of January 30, 2001, and shall keep current with the Board or its designee the following information:~~
- (a) ~~N~~name, ~~mailing address, and~~ phone number, ~~and email address (if available)~~ of the facility representative providing the information;
- (b) ~~N~~name, ~~mailing address,~~ phone number, ~~email address (if available)~~ and ~~level~~ ~~the classification and expiration of~~ certification of all operator(s) in responsible charge employed by the owner;
- (c) ~~I~~dentification of the facility or facilities for which each operator in responsible charge employed ~~or contracted~~ by the owner has responsibility;
- (d) ~~T~~he Public Water System Identification (PWSID) number and ~~the Colorado Discharge Permit system (CDPS) permit or certification~~ number for all facilities listed.

100.2418.5 Operator in Responsible Charge Certification Requirements

- (a) ~~Each water and wastewater facility shall have an operator in responsible charge certified as shown in the following table:~~

(b) Table – Criteria for Operator in Responsible Charge

<u>Facility or System Classification</u>	<u><del>Classification</del> Certification of Operator(s) in Responsible Charge</u>
<u>Water Systems</u>	
Water Treatment	
A	A
B	A or B
C	A, B, or C
D	A, B, C, <del>or</del> D, S <sup>1</sup> or T <sup>2</sup>
<del>Small Water System</del>	<del>Small Water System; D and 1; or any higher-level water treatment and water distribution certifications</del>
<del>Transient Non-Community</del>	<del>A, B, C, D, Small Water System, or Transient Non-Community</del>
Water Distribution	
4	4

3	4 or 3
2	4, 3 or 2
1	4, 3, 2, <del>or 1</del> , or S <sup>1</sup>
<u>Domestic Wastewater Systems</u>	
Wastewater Treatment	
A	A
B	A or B
C	A, B, or C
D	A, B, C, <del>or D</del> , or S <sup>3</sup>
<del>Small Wastewater System</del>	<del>Small Wastewater System; D and 1; or any higher-level wastewater treatment and wastewater collection certifications</del>
Wastewater Collection	
4	4
3	4 or 3
2	4, 3 or 2
1	4, 3, 2, <del>or 1</del> , or S <sup>3</sup>
<u>Industrial Wastewater Systems</u>	
A	A
B	A or B
C	A, B, or C
D	A, B, C, <del>or D</del> , or S <sup>3</sup>

<sup>1</sup> Applicable only in accordance with section 100.9.2(e)

<sup>2</sup> Applicable only in accordance with section 100.9.2(d)

<sup>3</sup> Applicable only in accordance with section 100.9.2(f)

100.18.6 The Division shall investigate any instances of possible violations of the requirements of section 100.18 of this regulation by any owner of a water or wastewater facility. The Division shall enforce compliance with these requirements in accordance with the procedures in sections 25-9-110(3), (4), and (6), C.R.S.

**100.2219**

**FEES**

100.2219.1 Application fees for certification, renewal of certification, and issuance of a certificate upon a Board finding of reciprocity shall be \$15, and shall be nonrefundable.

100.2219.2 Program fees shall consist of the following.

- (a) Examination fees in the amount of \$45.00 will be charged for each examination the applicant signs up to take. Examination fees are based on the cost of preparing, administering, and scoring the certification examination.
- (b) An additional fee of \$35.00 per examination will be charged applicants who choose to take certification examinations electronically. This fee is based upon the added cost to the program of making electronic testing available.
- (c) Administration fees will be charged upon issuance of all new and renewal certifications and will be based on the cost of administering the operator certification program. Administration fees shall be:
  - (i) \$55.00 for each new certification by examination; and
  - (ii) \$70.00 for each renewal certification and each new certification by reciprocity.
  - (iii) For all new and renewed certifications, a standard 6 x 9 inch certificate is available at no additional cost. A 9 x 11 inch certificate may be requested by the operator for a \$5.00 fee.
- (d) There shall be a \$20.00 fee to cover the cost of replacing certification documentation.
- (e) There shall be a \$50.00 late fee, in addition to the regular administration fee, for issuance of certificates purchased for new certification or certification by reciprocity requested sixty-one (61) days or more after the date of the letter notifying the applicant of eligibility to receive certification.
- (f) There shall be a \$50.00 late fee, in addition to the regular administration fee, for the renewal of any certification for which the renewal application is submitted after the expiration date of the certificate being renewed.
- (eg) Training unit approval fees shall be \$50.00 for each course submitted for review, except that:
  - (i) Accredited or equivalent educational institutions as referenced in subsection 100.1245.4 shall not be required to submit courses for review in order for such courses to be used to satisfy training unit requirements; if such institutions choose to submit courses for review, the \$50.00 fee will apply and the applicable courses will be posted along with other approved courses;
  - (ii) An individual attending a course that has not been approved for training units may apply for training unit credit for that course for a fee of \$25.00, provided that the course will then be approved only for the individual operator requesting approval; and
  - (iii) The \$50.00 fee may be waived by the Board or its designee on a case-by-case basis upon a determination that:

- (A) The course is offered for open enrollment at no cost to those taking the course and with no compensation to the course sponsor;
- (B) Payment of the fee would constitute a financial hardship for the course sponsor; and
- (C) In the absence of the fee waiver, it is unlikely that this training opportunity would be available to operators.

~~The training unit approval fee shall apply to all courses approved for offering in 2005 and later.~~

~~100.22.3 Until such time as a single examination for small water system certification is developed, applicants shall take the existing Class D water treatment and Class 1 distribution examinations. Applicants shall pay one application fee, one administration fee and both examination fees. Similarly, applicants for small wastewater system certification shall take the existing Class D wastewater treatment and Class 1 collection examinations. Applicants shall pay one application fee, one administration fee and both examination fees.~~

## **100.2320 DISCIPLINARY PROCEEDINGS**

~~100.2320.1~~ The Board may reprimand a certified operator, and/or suspend or revoke the certificate of any certified operator who violates the requirements of this regulation, including, but not limited to the following:

- (a) ~~F~~failing to ~~display in practice the experience and qualifications in performance of duties and/or~~ exercise reasonable care and judgment consistent with the requirements and minimum qualifications for operator's level of certification and degree of responsibility for the operation of a water or wastewater facility;
- (b) ~~F~~failing to properly perform and/or supervise ~~the following tasks activities~~ pertinent to controlling the operation of a water or wastewater facility, including, but not limited to the tasks described in section 100.4615 of this regulation;~~;~~
- (c) ~~W~~illfully or negligently violating, causing, or allowing the violation of ~~rules promulgated pursuant to this article or failing to comply with the provisions of this article this regulation, 5 CCR 1003-2; the Colorado Primary Drinking Water Regulations, 5 CCR 1003-1; the Colorado Discharge Permit System Regulation, 5 CCR 1002-61, or the discharge permits issued pursuant to 5 CCR 1003-61;~~
- (d) ~~S~~usubmitting false or misleading information on any document provided to the Department, Division, Board, or designee of the Board;
- (e) ~~U~~sing fraud or deception in the course of employment as an operator;
- (f) ~~F~~failing to conform with minimum standards of performance of an operator's duty;
- (g) ~~E~~ngaging in dishonest conduct during an examination;
- (h) ~~O~~bobtaining a certificate through fraud, deceit, or the submission of materially inaccurate application information; or

- (i) ~~Representing oneself as holding a valid operator's certificate after the expiration, suspension, or revocation of the certificate.~~

~~100.23~~20.2 The Board may reprimand an operator in responsible charge, and/or suspend or revoke the certificate of any operator in responsible charge, who:

- (a) ~~F~~ails to meet the requirements of an operator in responsible charge as defined in section 100.17 of this regulation; and/or
- (b) ~~W~~illfully or negligently causes, instructs, or allows any other person or operator under his or her charge, direction, or supervision to perform duties act in a manner inconsistent with an operator's duties and obligations as described in section 100.16 or other relevant parts of this regulation, or to act in a manner inconsistent with the Colorado Primary Drinking Water Regulations, the Colorado Discharge Permit System Regulations or a discharge permit issued thereunder, or any other relevant regulations, as stated in section 100.16 or any other requirements of this regulation.

~~100.23~~20.3 The Division shall investigate any instances of possible misconduct by certified operators or operators in responsible charge of water ~~and or~~ wastewater facilities. The Division shall present the results of the investigation and its recommendations for any disciplinary action, including reprimand or suspension or revocation of a certificate, to the Board in accordance with section 24-4-105, C.R.S.

~~100.23.4 The Division shall investigate any instances of possible violations of the requirements of this regulation by any owner of a water or wastewater facility. The Division shall enforce compliance with the requirements of this regulation in accordance with the procedures in section 25-9-110(3), (4) and (6), C.R.S.~~

~~100.23.5 Following the suspension or revocation of his or her certificate, an operator shall not represent that he or she holds a certificate in the class for which the certificate was suspended or revoked. No person shall operate a water or wastewater facility in reliance on a suspended or revoked certificate.~~

#### 100.20.4 Reprimand

A reprimand is an official admonition for wrongdoing issued to an operator by the Board in the form of a letter, which includes the facts and circumstances leading to the reprimand, the statutory and regulatory provisions at-issue, and a warning of more serious consequences for future wrongdoings.

#### 100.20.5 Suspension

- (a) The Board may suspend a certificate for a period not to exceed three (3) years.
- (b) At the end of the suspension period, an operator may resume the duties of a certified operator without being required to submit a new application for certification.
- (c) If an operator's certification is due for renewal during the period of suspension, the operator shall remain subject to the renewal deadline and shall renew the certification in a timely manner.
- (d) Certifications renewed during a suspension period shall be come valid for a period of three (3) years, effective on the ending date of the suspension period.

#### 100.20.6 Revocation

- (a) Following the revocation of a certificate, an operator may not apply for another certification in the same classification category as that of the revoked certificate for a period of three (3) years.
- (b) any operator whose certificate is revoked shall be treated as a new applicant for purposes of this regulation and must meet all the initial certification requirements, including passing the appropriate certification examination.

#### 100.20.7 Emergency Suspension or Revocation

The Division may immediately suspend or revoke certifications where such immediate action is necessary to protect the public health or the environment.

100.20.8 Following the suspension or revocation of his or her certificate, an operator shall not represent that he or she holds a certificate in the classification category for which the certificate was suspended or revoked. No person shall operate a water or wastewater facility in reliance on a suspended or revoked certificate.

### **100.2421      HEARINGS AND APPEALS**

~~100.24.1~~ The Division, in seeking any disciplinary action under section 100.23.3 of this regulation may request a hearing before the Board by submitting a request containing the following information:

- ~~(a) — identification of the person(s) requesting the hearing and the subject matter of the request;~~
- ~~(b) — the statutory and/or regulatory authority and factual basis for the request; and~~
- ~~(c) — the relief requested.~~

~~100.24.2~~100.24.221.1 Any water or wastewater facility owner who seeks a hearing in response to a Division finding of a violation under section 100.23.421.1 or a Department assessment of a civil penalty for such violation may request a hearing before the Board by submitting to the Division, within thirty (30) days of notice of ~~the such~~ finding or assessment a request containing the following:

- (a) identification of the person(s) requesting the hearing and the subject matter of the request;
- (b) the statutory and/or regulatory authority and factual basis for the request; and
- (c) the relief requested.

~~100.24.3~~21.2 Any certified operator, operator in responsible charge, or other person affected or aggrieved by a decision of the Board's designee or the Division may request a hearing before the Board by submitting a request within thirty (30) days of notice of such decision containing the following information:

- (a) identification of the person(s) requesting the hearing and the subject matter of the request;
- (b) the statutory and/or regulatory authority and factual basis for the request; and

- (c) the relief requested.

~~100.24.4~~21.3 The Board shall grant any hearing request made pursuant to section ~~100.24.1~~, ~~100.24.2~~, or ~~100.24.3~~ 100.20.1 or 100.20.2 of this regulation and shall schedule and conduct an adjudicatory hearing in accordance with section 24-4-105, C.R.S.

#### **100.25 TRANSITIONAL RENEWAL TRAINING UNIT REQUIREMENTS**

~~100.25~~ To facilitate the transition to the full implementation of the renewal training unit requirements in section 100.14 of these regulations, the renewal training unit requirements shall be phased in as follows:

- (a) ~~Certifications expiring between January 30, 2001 and January 29, 2002 shall automatically be extended for one year. Upon renewal application and completion of one-third of the renewal training units required in section 100.14, a new three-year certificate shall be issued.~~
- (b) ~~Certifications expiring between January 30, 2002 and January 29, 2003 shall automatically be extended for one year. Upon renewal application and completion of two-thirds of the renewal training units required in section 100.14, a new three-year certificate shall be issued.~~
- (c) ~~Certifications expiring between January 30, 2003 and January 29, 2004 shall automatically be extended for one year. Upon renewal application and completion of the renewal training units required in section 100.14, a new three-year certificate shall be issued.~~
- (d) ~~Renewal of certifications expiring after January 30, 2004 shall require completion of the renewal training units required in section 100.14 prior to the expiration date of the certificate.~~

#### **100.26 - 29 RESERVED**

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**100.49 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE: FEBRUARY 2012 RULEMAKING ADOPTED FEBRUARY 14, 2011; EFFECTIVE MARCH 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 is necessary to revise Regulation 100 to reflect the following changes:

Generally, the Board added clarifications where appropriate, deleted obsolete language, corrected referenced citations, and made grammatical corrections. Stylistic changes throughout the text of the regulation were made for uniformity and clarity. Where possible, the Board reorganized and combined like requirements into unified sections, i.e., section 100.9.9 describing the special rules for satisfying the minimum experience requirements for Class D, Class 1, Class S and Class T certifications. Because the minimum experience requirement is the same for all three classes, sections 100.9.9(a), 100.9.9(b), and 100.9.6 have been combined into 100.9.9.

Section 100.1. For consistency with other Department regulations, the Board added reference to the specific statutory authority of the Board to promulgate regulations.

Section 100.2. The Board added definitions for the “Colorado Discharge Permit System Regulation” and the “Colorado Primary Drinking Water Regulations;” modified the definition for “public water system” to be consistent with the definition in the “Colorado Primary Drinking Water Regulations;” deleted language in the definition of “operator” that was redundant with the section of the regulation pertaining to certified operator duties; deleted the definition for “transient non-community certification” because this term is no longer used; and modified the definition of water treatment facility to match the statutory definition, 25-9-102(7), C.R.S.

Sections 100.4.1, 100.5.1, 100.7.1 and 100.8.1. The Board recognizes the confusion resulting from the use of like terms, specifically: 1) transient non-community water system, transient non-community water system operators certification, and transient non-community water system facility classification; and 2) small system under the Colorado Primary Drinking Water Regulations, small water system operators certification, small wastewater system operators certification, small water system facility classification and small wastewater facility classification. Because transient non-community water systems, small water systems, and small wastewater systems are subcategories of Class D water or wastewater treatment facilities with a Class 1 water distribution or wastewater collection system rather than distinct facility classifications, they have been removed as facility types.

Accordingly, the Board revised sections 100.4.1, 100.5.1, 100.7.1, and 100.8.1 to remove references to transient non-community system, small water system, and small wastewater system from the respective lists of facility classifications, and corrected the number of facility classification types in each section; and the sentence preceding the table in section 100.7.2 referencing small water system and transient non-community water system facility classifications was also deleted.

For clarity, the Board also changed the names of the following operator certifications: transient non-community systems to “Class T,” small water system to “Class S,” and small wastewater system to “Class S.” Sections 100.9.2 (d), (e), and (f), containing requirements for certification by examination, define when Class T and Class S certifications are valid to operate a Class D/Class 1 facility.

Section 100.6. The Colorado Discharge Permit System is a self-reporting program, and the Board recognizes that large numbers of the permits issued to facilities that meet the requirements for the Class 2 industrial facility exemption under Regulation 100 are never used or are effective for only short periods

of time. The Board also recognizes the inability of the Division to verify on an annual basis each facility's certification that it meets the requirements for the Class 2 industrial facility exemption.

Accordingly, the Board simplified the exemption process for Class 2 industrial facilities to reduce the regulatory reporting burden on the Division and on businesses operating within the State. A provision requiring facilities to notify the Division when they no longer meet the requirements of the exemption was added to ensure timely transition to operation under the supervision of a certified operator. The Board also removed the specific industrial general permit numbers to prevent the need to modify the regulation each time the Division discontinues or adds to the permit numbering schema for the identified activity types.

Section 100.9, 100.10, 100.11, 100.12, 100.13, 100.14, 100.15, 100.16, 100.20, 100.21. The Board added language to clarify and to incorporate language from its policies and procedures regarding the following topics: certification requirements; minimum education and experience requirements; criteria for evaluation of experience; application procedures; substitution for the experience requirements; approval of training units, educational courses, and institutions; procedures for purchase of new certificates, renewal of certificates, and certificates by reciprocity; training unit requirements for renewal of certification; expired certificates; duties of certified operators; duties of operators in responsible charge, including delegation of duties to uncertified operators; facility owners' responsibilities, including the role of contract operators; and disciplinary actions, including clarified terminology and procedures.

Section 100.9.3 and 100.13.1. The Board recognizes the issues many small facilities face in ensuring they have trained certified operators. The Board also recognizes that the certified operator profession has an aging work force, and wishes to encourage dedicated young people to enter the profession. Accordingly, the Board added specific language regarding the examination and certification requirements for applicants participating in an approved high school program to encourage them to enter the water and wastewater fields. Specifically, the revised language allows a student to sit for an entry level certification examination prior to graduation from high school, with the provision that the certification will only be issued when the examinee successfully passes the examination and submits proof of graduation.

Section 100.13.1 The Board added a deadline of three years from the date of notification of certification eligibility to apply for the certificate. It is the Board's intention that after the three year deadline has expired, an individual would need to re-apply and retake the examination.

Section 100.13.5(a). The Board added the requirement that in order to obtain a certificate by reciprocity, persons passing exams in other states, territories, or countries must also acquire qualifying experience in the state, territory, or country in which they obtained their certificate. The Board wishes to maintain Colorado's high standards for operator certification, and this requirement is intended to deter persons (particularly Colorado-based operators) from taking certification exams in other states, territories, or countries as a means to more easily obtain a Colorado certification. The Board currently requires that exams taken in other states by reciprocity applicants must be adequate, validated, and "of a standard not lower" than Colorado's. The Board believes, however, that this additional requirement will help streamline the reciprocity process and make it less subjective in situations where an applicant could have taken an exam in Colorado, but instead chose to take it elsewhere with the intent to find a less challenging exam.

Section 100.14.2. For ease of reference, the Board consolidated the training unit requirements that were previously listed in narrative in this subsection into a table.

Section 100.18. The Board added the responsibility for a facility owner to ensure the employment agreement with a certified operator reflects the requirements of an operator in responsible charge. The Board also defined the decisions reserved to the operator in responsible charge and modified the reporting requirements of facility owners.

Section 100.18.5. For consistency with other changes in the regulation, references to Class S and Class T were added to the table regarding criteria for operators in responsible charge.

Section 100.19. In provisions regarding administration fees, the Board clarified that there is no additional fee for a standard 6 x 9 inch certificate, but that an additional fee of \$5.00 will be charged for operators who opt for a larger size of certificate. Operators have had this option since 2008, but the Board believes it is appropriate to formalize this practice through its Regulations. The Board determined that the additional fee is necessary to cover postage and other incidental administrative costs associated with the larger certificate. The Board also added a \$50 late fee for purchases of certificates 61 or more days after the date of the letter notifying the applicant of eligibility to receive certification and for renewal of a certificate after the expiration date. The Board found that the \$50 amount is necessary and appropriate to cover administrative costs associated with delays in application for certification or certification renewal.

Section 100.21. For consistency with other Department regulations, the Board defined a timely appeal to the Board as submitting the request for hearing within thirty (30) days of notice of a decision by the Board's designee or the Division.

Section 100.25. This section regarding "Transitional Renewal Training Unit Requirements" was removed as obsolete.