



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 100 proposed by the Water Quality Control Division, along with the proposed Statement of Basis, Statutory Authority, and Purpose, are attached to this notice as Exhibit 1. Proposed new language is shown with double-underlining and proposed deletions are shown with ~~strikeouts~~.

HEARING SCHEDULE:

DATE: Tuesday, February 27, 2024

TIME: 9:00 a.m. (MST)

PLACE: Virtual Meeting

[https://us02web.zoom.us/meeting/register/tZcof-6tqTsvG9U\\_2RlfBOFX5purfRpKjJGp](https://us02web.zoom.us/meeting/register/tZcof-6tqTsvG9U_2RlfBOFX5purfRpKjJGp)

WRITTEN 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; however, no oral comments on the proposed rule will be received at the hearing.

Written comments must be received by February 7, 2024. Anyone providing written comments should deliver an electronic copy to [cdphe.wwfocb@state.co.us](mailto:cdphe.wwfocb@state.co.us). All written comments will be available to the public on the Board’s website.

SPECIFIC STATUTORY AUTHORITY:

Sections 25-9-104 and 25-9-108, C.R.S. provide the specific 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 January 2024 at Denver, Colorado.

WATER AND WASTEWATER FACILITY OPERATORS CERTIFICATION BOARD

  
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Brandy Valdez-Murphy, Administrator

# Exhibit 1

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Water and Wastewater Facility Operators Certification Board

REGULATION NO. 100 – WATER AND WASTEWATER FACILITY OPERATORS CERTIFICATION REQUIREMENTS

5 CCR 1003-2

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**100.1 AUTHORITY AND PURPOSE**

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100.1.5 Automatic Exemptions

- (a) The following facilities and systems are exempt from the requirement to operate under the supervision of a certified operator in responsible charge:

....

- (v) ~~Category A, B, And C g~~Graywater treatment facilities as defined in *Graywater Control Regulation*, 5 CCR 1002-86, **having a capacity of 2,000 gpd or less.**

....

**100.6 RECLAIMED WATER AND GRAYWATER TREATMENT FACILITY AND DISTRIBUTION SYSTEM CLASSIFICATION**

100.6.1 Reclaimed water treatment facilities or a ~~“category D non-single family, indoor toilet and urinal flushing~~ graywater treatment works” **with a capacity greater than 2,000 gpd** in *Graywater Control Regulation*, 5 CCR 1002-86, shall be based on the water treatment facility classifications in section 100.4 and the domestic wastewater treatment facility classifications in section 100.5 as noted below. The facilities may require single or dual classifications based on the site-specific conditions.

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**100.64 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE:  
FEBRUARY 27, 2024 RULEMAKING; EFFECTIVE APRIL 1, 2024**

Sections 25-9-104(1), (3) and (6), C.R.S. provide the specific statutory authority for the adoption of amendments to the established regulatory provisions of Regulation 100 (5 CCR 1003-2) governing requirements for water and wastewater facility operators. The Board hereby adopts, in compliance with section 24-4-103(4), C.R.S., the following statement of basis and purpose.

**BASIS AND PURPOSE**

The Board held a rulemaking hearing on February 27, 2024, and revised certain portions of sections 100.1 and 100.6 to ensure that the regulations are consistent with the operator certification statute and align with new language in the Water Quality Control Commission’s updated Regulation #86. On November 13, 2023, the commission adopted the division’s proposed changes to Regulation #86, the Graywater Control Regulation, to no longer require a certified operator for “Category D” Graywater, and to

instead specify that a certified operator is required for graywater treatment works that produce greater than 2,000 gallons per day.

The Board determined that these revisions to Regulation 100 allow for the regulation to be worded more clearly and to prevent any additional revisions in the likely event that Regulation #86 is revised in the future to introduce new graywater uses. The revisions to Regulation #86 removed specific category types of graywater treatment facilities based on uses that were referenced in Regulation 100, and likewise, the Board removed the reference to Categories A, B and C in Regulation 100 to be more general. These revisions to Regulation 100 also now align with the 2,000 gallons per day threshold for state review under the Water Quality Control Act, and ensure that certified operator requirements apply to larger graywater systems. These revisions also align with other wastewater program requirements.