

# STATE OF COLORADO

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

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Colorado Department  
of Public Health  
and Environment

February 1, 2001

To:     Anthony DeLoach, Municipal Systems Unit  
          Drinking Water/Wastewater  
          Region VIII  
          United States Environmental Protection Agency

From:   Colorado Department of Public Health and Environment  
          Water Quality Control Division  
          and  
          Colorado Water and Wastewater Facility Operators Certification Board

Re:     Colorado Operator Certification Program Submittal

Enclosed are an outline, program description, supporting documents and a crosswalk detailing the Colorado Water and Wastewater Facility Operators Certification Program (Operator Certification Program). Items in the outline and program description are numbered in the order of the EPA Baseline Standards. The narrative programs description explains how each element of the EPA Baseline Standards are addressed and are being implemented by the Colorado Operators Certification Program. Following the program description are a series of attachments that detail and substantiate various aspects of the narrative. At the end of this document is a tabular crosswalk, which lists each EPA requirement and references where that requirement is addressed in Colorado statute and regulation.

- A. The three specific submittal requirements (EPA Guidelines III.B.1) may be located as follows:
1.     Attorney General's Certification – see **Attachment A**
  2.     Description of how Colorado's program complies with the EPA Guidelines
    - a.     Narrative program description on compliance with EPA Basic Standards - see **Section B**
    - b.     Crosswalk: EPA requirements, Regulation 100, and Colorado Statute - see **Section D**
  3.     Regulation 100, Operator Certification - see **Attachment C**

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  - Attachment B – Colorado Revised Statute: 25-9-101, *et seq.*, C.R.S.
  - Attachment C – Colorado Regulation 100 (5 C.C.R. 1003-2)  
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  - c. Operator Classification: Initial Certification and Renewal
    - Attachment G – Experience and Training Requirements for Initial Certification and Renewal
    - Attachment H – Transition Schedule for Renewal Training Requirements
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b. External Review

- 1) Board
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D. Crosswalk of EPA Guidelines, Colorado Regulation 100 and Colorado Statute

If further information or documentation is required, please contact:

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Sincerely,

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Sherri Jones, Chair  
Water and Wastewater Facility  
Operators Certification Board

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Date

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Dave Akers, Section Manager  
Water Quality Control Division  
Department of Public Health and  
Environment

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Date

**Section B:**

**Narrative Program Description**  
**Colorado Operator Certification Program**

## **Draft Program Description: EPA Basic Standards – Elements of the Colorado Water and Wastewater Facility Operators Certification Program**

State water facility operator certification programs are required to be in compliance with EPA guidelines promulgated in the Federal Register on February 5, 1999. Below is a narrative description of how the State of Colorado's Water and Wastewater Facility Operators Certification Program meets the Basic Standards set out by those Guidelines. There are nine Basic Standards. Each Standard and its constituent elements are addressed below.

### **1. Attorney General's Certification**

Attached is a certification from the Office of the Attorney General, State of Colorado, affirming that the State has the legal authority to implement the program requiring the certification of operators of all community and nontransient noncommunity water systems and to require that the systems comply with the appropriate requirements of the program. *See Attachment A.*

a. The requirements of the program are promulgated by statute in **25-9-101 et seq. C.R.S. (2000)**, effective on May 23, 2000. *See Attachment B.* The provisions of the statute are implemented by **Regulation 100, 5 C.C.R. 1003-2**, adopted on December 5, 2000; fully effective on January 30, 2001. *See Attachment C.* The statute and regulation are implemented under the supervision of the **Water and Wastewater Facility Operators Certification Board** ("the Board") appointed by the Governor.

b. The Board is a section of the Administrative Division of the Colorado Department of Public Health and Environment. Technical, policy, data, and disciplinary assistance is provided to the Board by the **Water Quality Control Division** (the Division) of the Colorado Department of Public Health and Environment. The Division has separate authority to take administrative enforcement action against owners of systems and facilities for failure to retain a properly certified operator.

### **2. Classification of Systems, Facilities and Operators**

All water and wastewater systems, facilities and operators are classified in Regulation 100. The Colorado legislature has chosen to include wastewater systems, facilities, and operators in the new classification and certification requirements. C.R.S. 25-9-101; C.R.S. 25-9-104(1)(a).

a. Classification of Treatment Facilities:

Domestic water treatment facilities are classified on the basis of water source, treatment process complexity, and population served. See Regulation §100.4 (§100.5 classifies wastewater treatment facilities). The regulation adopted a two-dimensional system for classification of water treatment facilities. See *Attachment D*. The water source and the complexity of treatment processes control the initial plant classification; the designed flow of the plant is then used to adjust the complexity classification to reflect population served. This two-dimensional system was selected to ensure that facilities with a greater potential for affecting the public health and safety are served by operators holding higher level classifications.

This classification system is essentially the same as that in place in Colorado prior to the adoption of Regulation 100. Consequently all domestic water and wastewater facilities are currently classified by the State. All facility classifications are reviewed for appropriateness by the Division during periodic facility inspections.

Facility classifications are designated, in increasing order of complexity/population, by the levels “D”, “C”, “B”, and “A”. Operator classes are designated by the same letter as the classification level of the highest facility the operator is certified to operate. Hence, a class “B” operator may be the operator in responsible charge for facilities classified as “B”, “C”, or “D” – but not for facilities classified as “A”.

Owners of all domestic water and wastewater treatment facilities are required to place the direct supervision of their facility under the responsible charge of an operator(s) holding a valid certification equal to or greater than that of the classification of the facility. See Regulation §100.21.1. Owners are required to report pertinent information on the identity and certification level of their operator(s) in responsible charge. They must keep this report current. See Regulation §100.21.4.

Implementation: The facility classification system is fully implemented. The duty of facility owners to report their operator(s) in responsible charge became effective January 30, 2001. The initial reporting deadline is April 2, 2001. Compliance will be enforced by Division staff. See C.R.S 25-9-110.

Future Direction: With Board approval, the Division is in the process of refining the water and wastewater treatment facility classification system to further develop the process complexity designations and to detail the related operator competencies required at each facility level. A preliminary draft of the proposed new classification system for water treatment facilities is attached. *See Attachment E.* This classification system is expected to be presented to the Board for approval by the end of 2001.

b. Classification of Water Distribution and Wastewater Collection Systems:

Background: Prior to the adoption of C.R.S. 25-9-101 *et seq.*, some water distribution and wastewater collection operators and systems were certified and classified under a voluntary system implemented by the Colorado Water Distribution and Wastewater Collection Systems Certification Council (The Certification Council). Upon the adoption of C.R.S. 25-9-101 *et seq.*, all water distribution and wastewater collection systems became a part of the State operator certification program.

Classification: Historically, water distribution systems have been classified by population, so that systems serving larger populations are classified at a higher level. However, under Regulation 100, the Water Quality Control Division now has the authority to adjust the population-based classification of any system using factors that reflect the complexity of the system and its potential for public health hazard. See Regulation §100.7. *See also Attachment F.*

Water distribution system classifications are designated, in increasing order of complexity/ population, by the levels “1”, “2”, and “3”. Operator classes are designated by the same number as the classification level of the highest system the operator is certified to operate. Hence, a class “2” operator may be the operator in responsible charge for systems classified as “1”, or “2” – but not for systems classified as “3”.

Owners of all water distribution and wastewater collection systems are required to place the direct supervision of their system under the responsible charge of an operator(s) holding a valid certification equal to or greater than that of the classification of the system. See Regulation §100.21.1. Owners are required to report pertinent information on the identity and certification level of their operator(s) in responsible charge. They must keep this report current. See Regulation §100.21.4.

Implementation: The water distribution and wastewater collection system classification scheme is currently in place. There is, however, no comprehensive list of such systems unless they are part of a regularly reporting treatment facility. The State is currently developing a format for the registration of these systems. Meanwhile, water distribution system owners will report their operator in responsible charge information in the same manner as treatment facilities. This reporting duty of system owners became effective January 30, 2001. The initial reporting deadline is April 2, 2001. Compliance will be enforced by Division staff.

Future Direction: Water distribution and wastewater collection systems will become a part of the expanded and refined facility and system classification scheme currently being developed. This will ensure that the classification of these systems appropriately reflects their complexity. *Cf. Attachment E.*

c. Operator Classification: Initial Certification and Renewal

Operator certification levels correspond to the highest level of the facility or system for which the operator is permitted to be an operator in responsible charge. See Regulation §100.9.6.

Initial Certification: The minimum acceptable levels of experience and education increase as the level of certification increases. The minimum education, experience, and knowledge required for initial certification at each level are specified in Regulation §100.9.2, §100.9.6, and §100.9.7. Provision is made to allow the substitution of experience for education in Regulation §100.9.3, §100.9.5, and §100.12. Double-counting of experience and education are prohibited in Regulation §100.9.4. Detailed application and examination procedures are provided. See Regulation §100.10 and §100.11.

Experience requirements increase with the level of certification sought. These requirements range from one (1) month (class “D” and class “1” operators) to four (4) years (class “A” and class “3” operators). *See Attachment G.* Provisions for supervised “on-the-job” experience for class “D” and class “1” initial certifications are made in Regulation §100.9.7.

Renewal of Certification: Renewal of certification is mandatory every three (3) years. See Regulation §100.13.5. For each level of certification, there are specific renewal training requirements, ranging from 30 hours for class “A” and class “3” operators to 12 hours for class “D” and class “1” operators. See Regulation §100.14. *See also Attachment G.* Courses applicable to the fulfillment of renewal training requirements must present relevant subject matter and must be approved by the Board. See Regulation §100.14.4.

Implementation: The initial certification requirements have been implemented with the examination cycle that began with the January 19, 2001, examinations. The Board has appointed an applications subcommittee. This subcommittee screens all applications for compliance with initial education and experience requirements. Applicants are not permitted to take certification examinations if they fail this initial screening.

Renewal training requirements will be phased in over a three year period. See Regulation §100.25. *See also Attachment H.* The Board has appointed a subcommittee to identify, evaluate and approve renewal training opportunities for operators. This subcommittee will present renewal training opportunities to the Board for approval as needed.

Future Direction: Both the applications and training subcommittees' work will be delegated to two state-approved non-profit entities, The Certification Council and Colorado *Environmental Certification and Testing, Inc.* See C.R.S. 25-9-104(1)(a). These entities will operate under contract to and under the supervision of the Board. They will administer many of the activities of the operator certification program for the Board. Their duties include screening initial certification applications, administering initial certification examinations, preparing recommendations for approval of renewal training programs, evaluation of renewal applications, issuing certificates, collecting fees, tracking operator and facility status, and maintaining communication and information services for operators. The contract with these entities has been negotiated and drafted and, pending Board approval, will be effective with the examination cycle that begins in July 2001. *See Attachment I.*

d. Requirement that Facilities and Systems have Properly Certified Operators

(1) Owners of all domestic and industrial water and wastewater treatment facilities and water distribution and wastewater collection systems are required to place the direct supervision of their facility under the responsible charge of an operator(s) holding a valid certification equal to or greater than that of the classification of the facility. See Regulation §100.21.1. Owners are required to report pertinent information on the identity and certification level of their operator(s) in responsible charge. They must keep this report current. See Regulation §100.21.4.

(2) Operators in responsible charge of any facility or system must be certified at a level equal to or greater than that of the facility or system that they operate. See Regulation §100.17.1 and §100.21.5. Hence, the operator in responsible charge of a "B" level facility may be either a class "B" or a class "A" operator, but may not be a class "C" operator. The duties of the operator in responsible charge are defined in Regulation §100.17.2.

(3) All process control and/or system integrity decisions about water quality or quantity that may affect public health or the environment must be made by either an operator in responsible charge or by another operator certified at the appropriate level for that facility. See Regulation §100.21.2. Examples of decisions/activities that must be under the supervision of a certified operator are listed in Regulation §100.16.2.

(4) Owners of each facility and system are required to ensure that an operator in responsible charge is available for each operating shift. "Available" means that the operator in responsible charge is either on-site or able to be contacted as needed to initiate appropriate actions in a timely manner. See Regulation §100.21.3. Colorado does not require that an operator in responsible charge be on-site at all times. However, a designated operator in responsible charge must be directly available at all times the facility is in operation.

Implementation: These requirements are fully implemented, with a reporting deadline of April 2, 2001. The Division has full enforcement authority with respect to owners of facilities or systems that violate the above requirements. See C.R.S. 25-9-110(3)-(6).

### **3. Operator Qualifications**

#### **a. Examinations for Initial Certification**

Applicants for initial certification at each level must take and pass an examination that demonstrates that the operator has the necessary skills, knowledge, ability and judgement appropriate to the certification class for which he/she has applied. The Board is responsible for the development and administration of these examinations. See Regulation §100.11.1. Examinations are specific to both the type and the level of certification sought.

Validation of examinations is required in Regulation §100.11.1 and §100.11.6.

Implementation: Operator certification examinations are given twice each year. To ensure proper validation of the examinations, the Board has initially opted to utilize the standard level I and II examinations prepared by the Association of Boards of Certification (ABC) for class "D" and class "C" water treatment examinations and for class "1" and "2" water distribution examinations. These examinations have been nationally validated using scientifically developed job analyses.

In order to ensure that class “B” and class “A” water treatment and class “3” water distribution examinations are as challenging as the State’s earlier examinations, the Board has requested that ABC prepare prescriptive examinations. These examinations are prepared by ABC from a bank of their more difficult level III and IV questions. For the class “A” and class “B” examinations, ten percent of the ABC questions are replaced by questions that reflect Colorado-specific issues. These added questions have been correlated with the ABC job analysis for these levels and have been examined for correctness and lack of ambiguity by a panel of experts selected by the Board through its water treatment examination subcommittee. *See Attachment J.*

Future Direction: A decision on whether to continue using the ABC water treatment and distribution examinations has not been made at this date. The Board will evaluate the results of the upcoming examination cycle to determine whether the ABC examinations meet the needs of Colorado’s operator certification program. If the ABC examinations are not accepted for future use, then the Board will initiate an independent validation process. *See Attachment K.*

b. Education Requirements for Initial Certification

Certified operators at all levels are required to have a high school diploma or a general equivalency diploma (GED). See Regulation §100.9.2. Experience and/or relevant training may be used to meet the education requirement. See Regulation §100.9.3. Education, training, or experience that is used to meet this education requirement may not be used to meet experience requirements. See Regulation §100.9.4. Applicants for certification are required to submit proof of completion of the educational requirement at the time of their application to take the certification examination.

Implementation: This requirement was fully implemented with the evaluation of applications for the examination cycle that began in January 2001.

c. Experience Requirements for Initial Certification

Each level of certification has a defined experience level. The required experience increases with the level of certification. See Regulation §100.9.6 and §100.9.7. *See also Attachment F.*

Post high school education may substitute for experience. See Regulation §100.12. Specific equivalencies are established in Regulation §100.12. *See Attachment L.* A maximum of fifty percent of the experience requirement may be satisfied by education. See Regulation §100.12.1(d).

Cross-experience in a related field may be accepted in fulfillment of the experience requirement. See Regulation §100.12.2(a). The use of cross-experience in fulfillment of the experience requirement for any certification is limited to fifty percent. See Regulation §100.12.2(a). The term “related field” is specifically defined in Regulation §100.12.2(b). For example, qualifying cross-experience for a water treatment certification would be limited to experience in a comparable level wastewater treatment facility.

Experience that is used to fulfill this experience requirement may not be used to fulfill the education requirements. See Regulation §100.9.4.

Applicants for certification are required to submit proof of completion of the experience requirement at the time of their application to take the certification examination.

Implementation: This requirement was fully implemented in the evaluation of applications for the examination cycle that began in January 2001.

### **3a. Grandparenting Provisions**

#### **a. Grandparented Operators**

Water distribution and wastewater collection systems were not subject to regulation under prior State statute or regulations. See C.R.S. 25-9-102(5.3) and Regulation §100.1.1. Operators who were certified under the voluntary certification program administered by the Certification Council are accepted as fully certified under the State operator certification program, and are subject to the renewal requirements of the State program. Regulation §100.18.1. Operators *not* certified under the voluntary program, who are responsible for making process control and/or system integrity decisions for existing water distribution or wastewater collection systems that may affect public health, may be grandparented. See Regulation §100.18.2. The current regulation defines designated operators with these responsibilities as operators in responsible charge. See Regulation §100.17.2, §100.2.3 and §100.2.13.

Implementation: Effective January 30, 2001. The Certification Council is cooperating with the State in making the transition to a mandatory certification program.

Future Direction: Work is proceeding to integrate the Certification Council's operator certification database with that of the treatment facility operators, currently maintained by the Division. Upon the implementation of the contract between the Board and the non-profit entities (one of whom is the Certification Council), the combined operator certification database will be administered by these non-profit entities.

b. Owner Application Requirement

Water distribution system and wastewater collection system owners must apply for grandparented status for the operators described above within one year of the effective date of Regulation 100. See Regulation §100.18.2(a).

Implementation: Effective January 30, 2001.

c. Specificity and Non-transferability

Grandparented operators are not permitted to operate any system, other than the one at which they are employed on January 30, 2001, until full certification under the new regulations is obtained. See Regulation §100.18.2(b). Authorization for continued system operation under Regulation 100 applies only to the specific operator and is not transferable to any other operator. See Regulation §100.18.2(c).

Implementation: Effective January 30, 2001.

d. Time Limit for Operators to Fulfill Certification Renewal Requirements

Grandparented operators must fulfill all renewal training requirements applicable to the classification level of the facility they operate within two (2) years of the issuance of authorization for continued operation. This requirement includes the acquisition of the applicable training unit requirements, the payment of renewal certification fees, and the demonstration to the Board, on a case-by-case basis, of the requisite level of skill, knowledge, ability and judgement for the level of system. See Regulation §100.18.2(d). This requirement does *not* grant regular certification to a grandparented operator. To obtain full certification, the operator must fulfill all the requirements for initial certification at the appropriate level, including passing the certification examination. See Regulation §100.18.2(f).

Implementation: Effective January 30, 2001.

e. Change in Classification of a System with a Grandparented Operator.

If the classification of a system changes to a higher level, the authorization to continue operation under the grandparenting provision expires and is no longer valid. The Board may make an exception if the change in classification is purely administrative, involving no significant change in the physical characteristics of the system. See Regulation §100.18.2(e).

Implementation: Effective January 30, 2001.

f. Operator Change of Position

If a grandparented operator chooses to work for a different system or facility, the operator must fulfill all the requirements for initial certification at the appropriate level, including passing the certification examination, satisfaction of the minimum experience requirements, and obtaining a certification appropriate to the new facility or system. See Regulation §100.18.2(f).

Implementation: Effective January 30, 2001.

#### 4. Enforcement

a. Responsibility for Enforcement

The State agency with primary enforcement responsibility for the Public Water System Supervision Program in Colorado is the Water Quality Control Division (the Division) of the Colorado Department of Public Health and Environment. C.R.S.25-9-110(3) through (6) and Regulation §100.23.4 give the Division full enforcement authority against owners of facilities and systems found to be in violation of the provisions of C.R.S. 25-9-101 *et seq.* and Regulation 100.

Decisions regarding disciplinary action against operators, including the revocation or suspension of certification, for violation of provisions of the operator certification program are the responsibility of the Board. To assist the Board, the State has designated the Division as the investigative body for all disciplinary actions related to the operator certification program. The Division presents the results of investigations to the Board and recommends appropriate disciplinary action. See C.R.S 25-9-104(6) and C.R.S. 25-9-104(6.5). All disciplinary actions of the Board and enforcement actions of the Division are subject to appeal to the Board. See Regulation §100.24.3.

Statute, C.R.S. 25-9-101, *et seq.*, adopted May 23, 2000, and Regulation 100, adopted on December 5, 2000, and effective January 30, 2001, provide the Division and the Board with the authority and procedures necessary to enforce compliance with provisions consistent with the EPA guidelines by all community and nontransient noncommunity water treatment facilities and distribution systems. This regulation also includes, under the authority of C.R.S 25-9-101, *et seq.*, all domestic and industrial wastewater treatment facilities and wastewater collection systems.

Implementation: Regulation 100, effective January 30, 2001, gives the Board and Division full authority to enforce provisions that are consistent with the EPA guidelines. The provisions of C.R.S. 25-9-104(6), 104(6.5) and 110 are implemented by Regulation §100.23, effective January 30, 2001.

Future Direction: The Division has established a new full time position, Division Liaison to the Board, whose responsibilities include investigation of violations of the operator certification regulations and presentation to the Board of disciplinary cases. Applications for this position have closed. The successful applicant has not yet been selected.

A detailed set of procedures for bringing complaints for violation of the provisions of C.R.S 25-9-101 *et seq.* and Regulation 100 are in draft form and will be finalized by the Board in consultation with the new Division Liaison. These procedures will be in conformance with C.R.S. 25-9-104(6), 104(6.5) and 110 and with the provisions of C.R.S. 24-4-101, *et seq.*, the Colorado Administrative Procedures Act.

b. Authority to Revoke Operator Certification

Authority to revoke operator certification is granted to the Board by C.R.S. 25-9-104(6); standards to be applied in the revocation process are defined in Regulation §100.23.1 and §100.23.2.

Implementation: Effective January 30, 2001.

c. Authority to Suspend Certification and Take Other Disciplinary Action

Authority to suspend operator certification and to take other disciplinary action is granted in Regulation §100.23. Grounds for such action includes, but is not limited to, the violations listed in Regulation §100.23.1 (a) through (i) and 23.2. *See Attachment M.*

Implementation: Effective January 30, 2001.

## 5. Certification Renewal

### a. Renewal Training Unit Requirements

Training requirements for certification renewal are established in terms of Renewal Training Units (TUs) in Regulation §100.14. See Regulation §100.14.3. The TU requirement is increased, for each higher level of certification, from 1.2 TUs for class “D” and class “1” operators to 3 TUs for class “A” and class “3” operators. Each TU is equivalent to ten (10) hours of supervised instruction. *See Attachment G.*

Implementation: Effective January 30, 2001. Renewal training opportunities are currently identified, evaluated and approved by the training subcommittee of the Board.

Future Direction: The identification and evaluation aspects of the training subcommittee’s work will be delegated to two state-approved non-profit entities, The Certification Council and Colorado Environmental Certification and Testing, Inc. See C.R.S. 25-9-104(1)(a). The Board will retain the approval function. These non-profit entities will operate under contract to and under the supervision of the Board. They will administer the operator certification program for the Board. Their duties include screening initial and renewal certification applications, administering initial certification examinations, preparing recommendations for approval of renewal training programs, evaluation of renewal applications, issuing certificates, collecting fees, tracking operator and facility status, and maintaining communication and information services for operators. The contract with these entities has been negotiated and drafted and will be effective with the examination cycle that begins in July 2001. *See Attachment I.*

### b. Operator Compliance Required.

All certified operators, including grandparented operators, must meet the training unit requirements appropriate to their level of certification prior to the renewal of their certificate. See Regulation §100.14.1 and §18.2(d). Transitional training unit requirements are established for operators whose certifications expire prior to January 30, 2004. See Regulation §100.25. *See also Attachment H.*

Implementation: Effective January 30, 2001.

Future Direction: See under subheading “a” above.

c. Fixed Cycle of Renewal

Operator certifications are valid for a period of three years. See C.R.S. 25-9-107(3) and Regulation §100.13.2.

Implementation: Effective for all certifications issued after the effective date of C.R.S. 25-9-107(3), May 23, 2000.

d. Recertification Requirement for Lapsed Certificates

Operators have a two-year grace period following the expiration of their certification in which to renew their certificate, subject to the payment of all fees and the completion of all renewal training requirements. At the end of this period, the non-renewing operator's certificate is automatically revoked. It is illegal for any person whose certificate has been automatically revoked to represent himself/herself as a certified operator. See C.R.S. 25-9-110(1). No person may operate a water or wastewater facility in reliance on a certificate that has been automatically revoked. See Regulation §100.23.5. An operator whose certificate has been automatically revoked is treated as a new applicant and must meet all requirements for initial certification. See Regulation §100.13.6.

Implementation: Effective January 30, 2001.

Future Direction: See under subheading "a" above.

e. Renewal Requirements for Grandparented Operators

Operators whose certificates are grandparented under the provisions of Regulation 100.18 must fulfill all renewal requirements for the level at which they are grandparented. Colorado has elected to require that these operators must demonstrate to the Board, on a case-by-case basis, that they possess the requisite level of skill, knowledge, ability and judgement for the level of system they operate. See Regulation §100.18.2(d).

Implementation: Effective January 30, 2001.

## 6. Resources for Program Implementation

### a. Administrative and Examination Funding

The State of Colorado has authorized the Board to set, by rule, fees adequate to cover the costs associated with administering the operator certification program. See C.R.S. 25-9-108. The Board has chosen to adopt three fees: an application fee of \$15; an examination fee of \$25; and an administration fee of \$ \_\_\_\_\_. With the exception of \$5 of each application fee, which is returned to the State, these fees are collected for use of the non-profit entities selected by the Board to administer the operator certification program. These fees will be adjusted, by rule, to reflect the costs of administering the program. See Regulation §100.22. The State intends that the administrative aspects of the operator certification program be self-supporting.

Other aspects of the program are provided by the State as indicated below.

Implementation: For the current examination cycle, beginning in January 2001, a memorandum of understanding is in place between the Board and the Certification Council. See *Attachment N*. Program fees will be collected by the Certification Council. Program administrative costs will be disbursed by the Certification Council, upon explicit approval of the Board. This arrangement allows fees collected during this cycle to be reserved for use in the administration of the operator certification program.

Future Direction: Under the contract being prepared between the Board and the non-profit entities, the Certification Council and Colorado *Environmental Certification and Testing, Inc.*, fees for the administration of the operator certification program will be collected and disbursed by these entities. The entities will present to the Board a recommendation for the fees required for each examination cycle. The Board will set these fees by rule. The fees shall be used to defray costs associated with screening initial and renewal certification applications, administering initial certification examinations, identifying and preparing recommendations for approval of renewal training programs, evaluation of renewal applications, issuing initial and renewal certificates, collecting fees, tracking operator and facility status, maintaining communication and information services for operators and providing other administrative services determined by the Board. The Board retains the power to modify, suspend or reverse any decision or action of the non-profit entities. See C.R.S. 25-9-104(1)(a) and 108.

b. Other Resources

- (1) Board. The Water and Wastewater Facility Operator Certification Board is established by statute (C.R.S. 25-9-103), composed of volunteers appointed by the Governor. The Board is a section of the Division of Administration of the Department of Public Health and Environment. The Board members volunteer their time. Direct expenses of the Board are provided by the State within the State's regular budgetary process.
- (2) Legal Staff. An attorney on the staff of the Environmental Quality Unit of the Colorado Attorney General's office has been designated to assist and advise the Board in all legal matters.
- (3) Administrative Staff. The Department has designated an administrator and a half-time administrative assistant to provide support to the Board.
- (4) Division Staff. The liaison between the Water Quality Control Division and the Board is a regular full-time position within the Division. This position is responsible for investigating and prosecuting enforcement actions and for investigating and presenting disciplinary actions to the Board; for assisting the Board in developing policy and procedures that comply with federal and state environmental requirements; and for representing the Division in Board deliberations. The position is currently filled on a temporary basis. Applications for the permanent position have closed. The selection of the permanent liaison has not yet been made.
- (5) Database: Access to relevant portions of the existing State database on operator certification and facility classification will be made available to the non-profit entities administering the operator certification program to facilitate the transition to an independent operator certification database.

Implementation: With the exception of the selection of the person to serve as permanent Division Liaison and the details of database transition, these resources are currently in place.

## 7. Recertification

Operators who fail to renew their certificates within the two (2) year grace period following expiration must fulfill all requirements for initial certification, including education and experience requirements, examination and payment of all fees. See Regulation §100.13.6.

Operators whose certificates have been suspended or revoked must abide by recertification conditions set by the Board at the time of the disciplinary action involved. These conditions are determined on a case-by-case basis.

Individuals who, after the expiration, suspension or revocation of their certificates, represent that they hold a valid certificate are subject to further disciplinary action and potential criminal action. See C.R.S. 25-9-110(1) and Regulation §100.23.5.

Implementation: Provisions for the renewal of expired certificates are fully implemented.

Future Direction: The disciplinary procedures currently being drafted will develop criteria for reinstatement of certificates that have been suspended or revoked for cause.

## **8. Stakeholder Involvement**

### **a. Statute Development and Rulemaking**

Statute Development. Prior to the formal introduction of the legislation that was to become C.R.S. 25-9-101 *et seq.*, stakeholders met monthly from May 1999 through January 2000 to discuss and develop drafts of the proposed legislation. This group included representatives from professional operators organizations, municipalities, rural communities, utilities, contractors, mining, and the Division.

Rulemaking. In addition to the public comment period prior to the adoption of Regulation 100, the Division sponsored stakeholder meetings on five occasions during the drafting of the regulations. The meetings were held on July 21, 2000, August 31, 2000, September 7, 2000, September 14, 2000, and October 19, 2000. Attendance at each of these meetings averaged 18 individuals, representing stakeholder organizations, municipalities, and individual operators. *See Attachment O.*

### **b. Ongoing Stakeholder Involvement**

The Board composition is set by statute (C.R.S. 25-9-103). The Board is composed of representatives of major stakeholder groups, including individual certified operators with specified experience and expertise levels. *See Attachment P.* This composition is designed to build stakeholder input into the policy, procedure, and rulemaking functions of the Board.

The non-profit entities under contract to administer the operator certification program are representative of major stakeholder groups. The Certification Council is the professional organization representing water distribution and wastewater collection operators. Colorado *Environmental Certification and Testing* Council, Inc. is composed of representatives of the Rocky Mountain section of the Water Environment Association, the American Water Works Association and the Colorado Rural Water Association, all professional groups representing water and wastewater treatment operators. *See Attachment P.*

Implementation: Fully implemented. The Board membership has completed the transition to the representative composition mandated by C.R.S. 25-9-103. Both non-profit entities have been incorporated with the State of Colorado and have boards broadly representative of operators.

## 9. Program Review

### a. Internal Review

- (1) Administration. The administration of the operator certification program shall be reviewed by the Board annually in accordance with the terms of its contract with the Certification Council and Colorado *Environmental Certification and Testing* Council, Inc. *See Attachment I.* See also Regulation 100.3.1(s). This review will include budget, administrative procedures, record keeping, and examination and training programs.
- (2) Regulation. Periodic review of the governing regulation is required by C.R.S. 24-34-104(9)(b)(II).
- (3) Budget and staffing. The adequacy of budget and staffing will be reviewed annually as a part of the regular budgeting process within the Department and Division.
- (4) Facility classification. Facility and system classifications will be reviewed and adjusted by the Division in response to changes in the conditions upon which classification was predicated. Such changes are reviewed in response to regular facility inspections by Division inspectors. See Regulation §100.4.3, §100.5.3, §100.5.3, §100.6.3, and §100.7.3.
- (5) Examinations. Examination questions will be reviewed after each examination to ensure accuracy, relevance, and validity. This review will also highlight strengths and weaknesses of pre-certification training programs. *See Attachment I.*

- (6) Training. Pre-certification and renewal training opportunities are reviewed continuously for content, relevance and instructional quality by the Board upon recommendation of the non-profit entities administering the program.
- (7) Enforcement and disciplinary action. Specific enforcement and disciplinary actions are reviewed by appeal to the Board. See Regulation §100.24.
- (8) Enforcement and disciplinary procedures. Provisions for the review of enforcement and disciplinary procedures will be developed by the Board in cooperation with the Division Liaison (to be selected).

Implementation: Except for the review of enforcement and disciplinary procedures, the above review processes are mandated by statute, regulation, or contract.

Future Direction: A mechanism for internal review of enforcement and disciplinary procedures will be included in the enforcement and disciplinary procedures manual currently being developed.

b. External Review

- (1) Board. Every four years, the operation of the Board will be reviewed by the General Assembly in compliance with the requirements of C.R.S 24-34-104(9)(a).
- (2) E.P.A. The E.P.A. Guidelines for the certification of facility operators (Federal Register, February 5, 1999) requires an annual submittal documenting and evaluating the State's program and its performance.
- (3) Administrative Budget. Periodic external budget audits of non-profit contractors are required by contract. *See Attachment I.*
- (4) Examinations. Examination revisions shall be reviewed by an external panel of experts. *See, for example, Attachment K.*

Implementation: Reviews of the Board operation and audits of the non-profit contractors are mandated by statute and contract.

Future Direction: Detailed procedures for external review of examination and training procedures must be developed by the Board.

This description of the Colorado Water and Wastewater Facility Operators Certification Program has been organized in accordance with the relevant E.P.A. Guidelines for the program. Supporting documentation is included in the Attachments section, which follows. Further information is available from:

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**Section C:**

**Attachments to the  
Narrative Program Description**

## **Attachments List**

- A. Attorney General's Certification
- B. Colorado Revised Statute C.R.S. 25-9-101 through 110
- C. Colorado Regulation 100 (5 C.C.R. 1003-2)
- D. Water Treatment Facility Classification
- E. Draft: Proposed Water Treatment Facility Classification
- F. Water Distribution System Classification
- G. Experience and Training Requirements for Initial Certification and Renewal
- H. Transition Schedule for Renewal Training Requirements
- I. Contract between the Board and the Certification Council for Partial Administration of the Operator Certification Program – *Draft*
- J. Validation Panel for Water Treatment Examinations
- K. Examination Validation Procedure
- L. Experience/Education Equivalency Chart
- M. Grounds for Disciplinary Action
- N. Memorandum of Understanding between the Board and the Certification Council regarding the Collection of Program Fees
- O. Stakeholder Involvement in Rulemaking
- P. Ongoing Stakeholder Involvement: a) Composition of the Colorado Water and Wastewater Facility Operators Certification Board, b) Composition of the Boards of the Colorado Water Distribution and Wastewater Collection Systems Certification Council, Inc. and Colorado *Environmental Certification and Testing, Inc.*

**Attachment A**  
**Attorney General's Certification**

**Attachment B**

**Colorado Revised Statute C.R.S. 25-9-101 through 110**

Colorado Statute: Water and Wastewater Facility Operators  
C.R.S. 25-9-101 through 110  
originally passed as HB 00-1431  
Effective: May 23, 2000

**25-9-101. Legislative declaration.** To assure adequate operation of water and wastewater facilities, and to preserve the public peace, health, and safety, the provisions of this article and any rules authorized pursuant thereto are enacted to provide for the examination, classification, and certification of water and wastewater facility operators and to establish minimum standards therefor based upon their knowledge and experience, to provide procedures for certification, to encourage vocational education for such operators, to provide a penalty for the wrongful use of the title "certified operator", to require each water and wastewater facility to be under the supervision of a certified operator, to provide for the classification of all water and wastewater facilities in the state, and to provide a penalty for the operation of a water or wastewater facility without supervision of a certified operator.

**25-9-102. Definitions.** As used in this article, unless the context otherwise requires:

- (1) "Board" means the water and wastewater facility operators certification board.
- (2) "Certificate" means the certificate of competency issued by the board stating that the operator named thereon has met the requirements for the specified operator classification of the certification program.
- (3) "Certified operator" means the person who has responsibility for the operation of any water and wastewater facility covered under this article and is certified in accordance with the provisions of this article.
- (4) "Department" means the Colorado department of public health and environment.
- (4.3) "Division" means the water quality control division within the department of public health and environment.
- (4.5) "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.
- (4.7) "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.
- (4.8) "Small system" means a water or wastewater facility that serves a population of three thousand three hundred or less.
- (4.9) "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.

(5) "Wastewater treatment facility" means either a domestic wastewater treatment facility or an industrial wastewater treatment facility.

(5.3) "Water and wastewater facility" means a water treatment facility, wastewater treatment facility, water distribution system, or wastewater collection system.

(6) "Water distribution system" means any combination of pipes, tanks, pumps, or other facilities that delivers water from a source or treatment facility to the consumer.

(7) "Water treatment facility" means the facility or facilities within the water distribution system that can alter the physical, chemical, or bacteriological quality of the water.

**25-9-103. Water and wastewater facility operators certification board - composition - repeal of article.**

(1) There is hereby created the water and wastewater facility operators certification board which shall constitute a section of the division of administration of the department and shall consist of thirteen members, eleven of whom shall be as follows:

(a) A certified water treatment facility operator with a minimum of four years' experience and demonstrated knowledge of and experience with all aspects of water treatment, including chemical, physical, and biological control analyses, maintenance and operational procedures, and corrosion and cross-connection control;

(b) A certified domestic wastewater treatment facility operator with a minimum of four years' experience and demonstrated knowledge of and experience with all aspects of wastewater treatment, including chemical, physical, and biological control analyses, maintenance and operation procedures, and corrosion and cross-connection control;

(b.5) A certified industrial wastewater treatment facility operator;

(b.7) A small systems operator who is certified as a water or wastewater facility operator;

(c) A representative from the Colorado municipal league;

(d) A representative of the department of public health and environment;

(e) A representative recommended by the state water quality control commission;

(f) A certified water distribution system operator;

(g) A certified wastewater collection system operator;

(h) A representative from the Colorado rural water association; and

(i) A city manager, manager of a special district, or utility manager in a city, county, or city and county.

(2) All members of the board shall be appointed by the governor. At least three of the members of the board shall represent private industry.

(3) (Deleted by amendment, L. 96, p. 357, § 2, effective July 1, 1996.)

(4) This article is repealed, effective July 1, 2004. Prior to such repeal, the water and wastewater facility operators certification board shall be reviewed as provided for in section 24-34-104, C.R.S.

**25-9-104. Duties of the board.** (1) (a) The board shall elect a chair and secretary each year, establish rules in accordance with article 4 of title 24, C.R.S., setting forth the requirements governing certification for water and wastewater facility operators, including application for certification, admission to the examinations, recording and issuing of certificates for the class of operator for which the applicant is found to be

EPA Submittal

State of Colorado

Operators Certification Program

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qualified, renewal of certificates, issuance of certificates based on reciprocity, minimum standards of operator performance, and standards for the accreditation of training programs. The board may select and appoint one or more independent nonprofit corporations to carry out the administration of the program and examinations, including, but not limited to, maintaining records of certified operators, notifying operators of expiration of certification, providing information on accredited training requirements, preparing and furnishing the examination material, collecting fees as set forth in section 25-9-108, setting the times, dates, and places for holding examinations, one of which shall be given at least annually, grading examination papers, evaluating work experience of applicants, evaluating continuing training achievements for renewal of certification, and evaluating requests for reciprocity. The board shall ensure that an office is maintained for contact with operators and employers. The board shall also ensure, through the use of subject matter experts, that all certification examinations test for information that is relevant to the knowledge that is necessary to operate the level of facility for which certification is sought. The board may adopt such rules in accordance with article 4 of title 24, C.R.S., as are necessary to ensure the proper administration of the program and shall enter into contracts with any nonprofit corporation selected or appointed by the board to ensure that each nonprofit corporation receives applications and fees, conducts such examinations as may be directed by the board, records the results thereof, notifies applicants of results, recommends issuance of certificates, conducts failed exam reviews, and prepares and distributes an annual report. With the permission of the board, a nonprofit corporation contracted with by the board may enter into subsidiary agreements with other nonprofit corporations, educational institutions, and for-profit corporations to carry out the duties assigned by the board. The board shall be responsible for and shall retain the final authority for all actions and decisions carried out on behalf of the board by any such nonprofit corporation, educational institution, or for-profit corporation. Such authority shall include, but shall not be limited to, the authority to modify, suspend, or reverse any action or decision of any nonprofit corporation, educational institution, or for-profit corporation.

(b) In order to qualify for consideration to administer the duties set forth in this section, a nonprofit corporation must have expertise in training and testing procedures, as well as demonstrated knowledge of water and wastewater treatment, collection, and distribution systems.

(2) The board may promote and assist in regular training schools and programs designed to aid applicants and other interested persons to acquire the necessary knowledge to meet the certification requirements of this article.

(3) The board shall establish classes of certified water treatment facility operators, classes of domestic wastewater treatment facility operators, classes of industrial wastewater treatment facility operators, classes of water distribution system operators, classes of wastewater collection system operators, classes of operators for small systems, and classes of other persons who require and qualify for multiple certifications. In establishing each classification, the board shall differentiate the various levels of complexity to be encountered in water and wastewater facility operation and the appropriate qualifications for certification for each class. The board shall set minimum education, experience, examination, and ongoing training requirements for each class.

- (4) The board shall maintain for each water and wastewater facility a minimum class of certified operators required for its supervision.
- (5) The board shall establish a procedure whereby any decision of the board, the division, or any organization performing duties on behalf of the division can be subject to appeal to the board.
- (6) The board shall exercise such other powers and duties as are deemed necessary within the scope of this article. The board, in accordance with the "State Administrative Procedure Act", article 4 of title 24, C.R.S., shall establish criteria for the discipline or reprimand of any water or wastewater facility operator and for the suspension or revocation of the certification of any such operator. Such criteria shall include but shall not be limited to:
- (a) Willfully 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;
  - (b) Submitting false or misleading information on any document provided to the department, the board, or any organization acting on behalf of the board;
  - (c) Using fraud or deception in the course of employment as an operator;
  - (d) Failing to conform with minimum standards in the performance of an operator's duties; and
  - (e) Engaging in dishonest conduct during an examination.
- (6.5) The division shall have the primary responsibility for the investigation of instances of possible misconduct by water and wastewater facility operators and shall report the results of any investigation to the board and make recommendations regarding appropriate disciplinary action to the board. The board may promulgate rules in accordance with article 4 of title 24, C.R.S., to allow the division to immediately suspend or revoke certifications where such immediate action is necessary to protect the public health or environment.
- (7) Members of the board shall serve without compensation, but shall be reimbursed for their necessary expenses.
- (8) The board shall exercise its powers and perform its duties and functions as if it were transferred to the department by a **type 1** transfer under the "Administrative Organization Act of 1968", article 1 of title 24, C.R.S.

**25-9-105. Water treatment facility operator.** (1) Persons who by specifically relevant examination, education, and experience are found to be qualified for certification as water treatment facility operators or water distribution system operators shall be certified as having the minimum qualifications required for each of the respective classes as established by the board by rules promulgated in accordance with article 4 of title 24, C.R.S.

(a) to (d) (Deleted by amendment, L. 2000, p. 771, § 5, effective May 23, 2000.)

**25-9-106. Domestic wastewater treatment facility operator.** (1) Persons who by specifically relevant examination, education, and experience are found to be qualified for certification as domestic wastewater treatment facility operators or wastewater collection system operators shall be certified as having the minimum qualifications required for each of the respective classes as established by the board by rules promulgated in accordance with article 4 of title 24, C.R.S.

(a) to (d) (Deleted by amendment, L. 2000, p. 772, § 6, effective May 23, 2000.)

**25-9-106.2. Industrial wastewater treatment facility operator.** (1) Persons who by specifically relevant examination, education, and experience are found to be qualified for certification as industrial wastewater treatment facility operators shall be certified as having the minimum qualifications required for each of the respective classes as established by the board by rules promulgated in accordance with article 4 of title 24, C.R.S.

(a) to (c) (Deleted by amendment, L. 2000, p. 773, § 7, effective May 23, 2000.)

**25-9-106.3. Multiple facility operator.** Persons who by specifically related examination, education, and experience are found to be qualified for certification in more than one category of facility operators shall be certified as having the minimum qualifications required for such applicable multiple facility operator classes as the board may establish by rules promulgated in accordance with article 4 of title 24, C.R.S. Such classes of multiple facility operators shall be designed to minimize the number of separate examinations and separate operator certifications that must be held by persons working for small systems, persons in the private sector performing work for a municipality or industry, and other categories and classes where a multiple facility operator certification would be efficient and meet the goals of this article. Such multiple facility certifications may contain conditions established by the board restricting the certification to specific facilities, types of facilities, or activities.

**25-9-106.5. Education and experience - substitution allowed.** Water and wastewater facility operator applicants must have a high school diploma or have successfully completed the GED as defined in section 22-33-102 (4.5), C.R.S.; except that experience or relevant training may be substituted for the high school diploma or GED. Education, training as established under section 25-9-104 (2), and cross-experience may be substituted for experience requirements for certification as a water facility operator, as a water distribution system operator, as a domestic wastewater facility operator, as a wastewater collection system operator, as an industrial wastewater treatment facility operator, or as a multiple facility operator; except that at least fifty percent of any experience requirement shall be met by actual on-site operating experience in a water facility or a wastewater facility, as the case may be. For the lowest classification of operator in each category, the board may establish rules allowing complete substitution of education for experience for any applicant who passes the applicable examination. For purposes of this section, "cross-experience" means that experience as a wastewater treatment facility operator may be substituted for experience requirements for certification as water treatment facility operator and vice versa.

**25-9-107. Certification procedure.** (1) Any individual possessing the required education and experience may apply for certification in the manner designated by the board on such forms as required and approved by the board. The application shall be accompanied by such fee as required by section 25-9-108. Those applicants who meet the minimum qualifications as established by rules of the board promulgated in accordance with article 4 of title 24, C.R.S., for certification shall be admitted for examination.

(2) When an individual desires certification in a field other than the field in which the individual has experience, the individual's experience shall be evaluated by the board or as directed by the board. The certificate issued is to be based upon the knowledge demonstrated by the applicant through examination and the individual's verified record of work experience in water and wastewater facility operation.

(3) Certificates shall be awarded by the board or at the direction of the board for a period of three years only to those applicants successfully meeting all of the requirements.

(4) (a) Certificates shall be renewed upon payment of the required renewal fee and a showing that the applicant for renewal has met the requirements established by the board for ongoing training.

(b) If any operator fails to renew the operator's certification before the expiration date of such certification, such certification is expired. If a certification expires because of failure to renew before the expiration date of such certification, the operator may renew the certification up to two years after the expiration date upon paying the required renewal fee and meeting the applicable ongoing training requirements for the certification being renewed. If an operator does not renew a certification within two years after the expiration date of such certification, the certification is automatically revoked and an applicant for recertification must meet all the requirements for certification as a new applicant.

(4.5) (Deleted by amendment, L. 96, p. 360, 8, effective July 1, 1996.)

(5) The board, upon application therefor, may issue a certificate, without examination, in a comparable classification to any person who holds a certificate in any state, territory, or possession of the United States or any country, providing the requirements for certification of operators under which the person's certificate was issued do not conflict with the provisions of this article and are of a standard not lower than that specified by regulations adopted under this article. Where there is a question as to the level of certification that should be granted, the board may authorize special examination or other procedures to confirm the appropriate certification level.

(6) to (8) (Deleted by amendment, L. 96, p. 360, § 8, effective July 1, 1996.)

**25-9-108. Fees.** (1) Each application for certification shall be accompanied by a fee in the amount of fifteen dollars that is not refundable. The board shall adopt rules that set program fees in addition to the nonrefundable application fee in accordance with the provisions of article 4 of title 24, C.R.S., and such fees shall reflect the actual costs of administering the program as set forth in section 25-9-104 (1). Such fees may be collected and retained by a nonprofit corporation selected and appointed by the board pursuant to section 25-9-104 (1) to pay for its actual costs to administer the program as approved by the board through duly adopted rules. However, any such nonprofit corporation shall remit a portion of the fee in the amount of five dollars for each new and

renewal certificate to be issued to the department of the treasury pursuant to the provisions of section 24-36-103, C.R.S. With the approval of the board, all moneys may be paid to the nonprofit corporation and except for the five dollars for new and renewal certifications may be retained by the nonprofit corporation to defray program expenses. Alternatively, if certification and renewal fees are received directly by the board, all moneys shall be deposited with the department of the treasury pursuant to the provisions of section 24-36-103, C.R.S.

(2) Notwithstanding the amount specified for any fee in subsection (1) of this section, the board by rule or as otherwise provided by law may reduce the amount of one or more of the fees if necessary pursuant to section 24-75-402 (3), C.R.S., to reduce the uncommitted reserves of the fund to which all or any portion of one or more of the fees is credited. After the uncommitted reserves of the fund are sufficiently reduced, the board by rule or as otherwise provided by law may increase the amount of one or more of the fees as provided in section 24-75-402 (4), C.R.S.

**25-9-109. Use of title.** Only a person who has been qualified by the board as a certified operator and who possesses a valid certificate attesting to this certification in this state shall have the right and privilege of using the title "certified water treatment facility operator, class ....", "certified domestic wastewater treatment facility operator, class ....", "certified industrial wastewater treatment plant operator, class ....", "certified wastewater collection system operator, class ....", "certified water distribution system operator, class ....", or "multiple facilities operator, class ....".

**25-9-110. Violations - penalty.** (1) It is unlawful for any person to represent himself or herself as a certified operator of any category and of any class without first being so certified by the board and without being the holder of a current valid certificate issued by the board. Any person violating the provisions of this subsection (1) is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than three thousand dollars.

(2) (a) It is unlawful for any owner of a water treatment facility, a domestic or industrial wastewater treatment facility, a wastewater collection system, or a water distribution system in the state of Colorado to allow the facility to be operated without the supervision of a certified operator of the classification required by the board for the specific facility.

(b) Notwithstanding the provisions of paragraph (a) of this subsection (2), a sedimentary pond maintained in accordance with a permit issued by the division of minerals and geology that does not require a permit issued by the water quality control division of the department of public health and environment shall not require the supervision of a certified operator.

(3) Whenever the division has reason to believe that a violation of subsection (2) of this section has occurred, the division shall cause written notice to be served personally or by certified mail, return receipt requested, upon the alleged violator or their agent for service of process. The notice shall state the provision of subsection (2) alleged to be violated

and the facts alleged to constitute a violation and it may include specific action proposed to be required to cease the alleged violation. The division shall require the alleged violator to answer each alleged violation.

(4) Upon being served with any notice given under subsection (3) of this section, the alleged violator may request a public hearing. Such request shall be filed in writing with the division no later than thirty days after service of the notice. If such a request is made, a hearing shall be held within a reasonable time. Hearings held pursuant to this subsection (4) shall be conducted before the board in accordance with section 24-4-105, C.R.S. The determination of the board following a hearing shall be considered final agency action as to whether a violation has occurred.

(5) Any owner of a water treatment facility, a domestic or industrial wastewater treatment facility, a wastewater collection system, or a water distribution system in the state of Colorado who violates subsection (2) of this section shall be subject to a civil penalty of not more than three hundred dollars per day for each day during which such violation occurs. Any civil penalty collected under this section shall be credited to the general fund.

(6) Upon application of the division, any penalty for a violation of subsection (2) of this section shall be determined by the executive director of the department or his or her designee and may be collected by the division through a collection action instituted in a court of competent jurisdiction. The final decision of the executive director or his or her designee may be appealed to the board. A stay of any order of the division pending judicial review shall not relieve any person from any liability under this section, but the reason for the request for judicial review shall be considered in the determination of the amount of the penalty. In the event that such an action is instituted for the collection of such penalty, the court may consider the appropriateness of the amount of the penalty if the party against whom the penalty was assessed raises the issue.

**Attachment C**

**Colorado Regulation 100 (5 C.C.R. 1003-2)**

**Water and Wastewater Facility Operators  
Certification Requirements**

Regulation No. 100

WATER AND WASTEWATER FACILITY OPERATORS  
CERTIFICATION REQUIREMENTS

100.1 PURPOSE

100.1.1 Article 9 of Title 25, C.R.S., requires that every water treatment facility, domestic or industrial wastewater treatment facility, wastewater collection system, or 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. Each operator is encouraged to apply for certification in the highest classification consistent with their qualifications.

100.2 DEFINITIONS

- (1) "BOARD" means the Colorado Water and Wastewater Facility Operators Certification Board or its designee.
- (2) "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.
- (3) "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.
- (4) "CLASSIFICATION" means the level of operational complexity of a water or wastewater facility as determined by the Division.

- (5) “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.
- (6) “DEPARTMENT” means the Colorado Department of Public Health and Environment.
- (7) “DIVISION” means the Water Quality Control Division, within the Colorado Department of Public Health and Environment.
- (8) “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.
- (9) “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.
- (10) “NON-COMMUNITY WATER SYSTEM” means a public water system that is not a community water system.
- (11) “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.
- (12) “OPERATOR” means any person who performs or supervises 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) 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 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.
- (13) “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.
- (14) “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.
- (15) “SMALL SYSTEM” means a water or wastewater facility that serves a population of 3300 or less and which would be classified as a “D” or a “1” facility under the provisions of this regulation.
- (16) “TRAINING UNIT” means the hours of training necessary to renew an operator’s certification
- (17) “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.

- (18) “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.
- (19) “WASTEWATER TREATMENT FACILITY” means either a domestic wastewater treatment facility or an industrial wastewater treatment facility.
- (20) “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.
- (21) “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.
- (22) “WATER TREATMENT FACILITY” means the facility or facilities upstream of, within, or downstream of the water distribution system that alters 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 the operator certification program;
  - (b) Collection of program fees for administration of the operator certification program;
  - (c) Administration of validated examinations for operator certification;
  - (d) Maintaining records of certified operators;
  - (e) Maintaining records of water and wastewater facilities;
  - (f) Notifying operators of expiration of certification;
  - (g) Providing information on accredited training programs and training requirements;
  - (h) Preparing and furnishing validated examinations and related materials;
  - (i) Collecting fees for examinations and administration of examinations;
  - (j) Setting times, dates, and places for holding examinations;
  - (k) Grading examinations;

- (l) Evaluating work experience of applicants;
- (m) Evaluating and approving training units for renewal of certification;
- (n) Evaluating and approving requests for reciprocity;
- (o) Recording results of examinations;
- (p) Notifying applicants of their examination results;
- (q) Recommending issuance of certificates or issuing certificates in accordance with Board criteria;
- (r) Conducting failed exam reviews; or
- (s) Preparing 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 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

<u>Description of the Facility</u>	<u>Plant Design Flow (in MGD)</u>			
	<u>Below 2</u>	<u>2 – 5</u>	<u>5.01 – 9.99</u>	<u>10 or more</u>
<u>Community Water Systems, Non-Transient Non-Community Water systems, and Transient Non-Community Water Systems.</u> <sup>1</sup>				
Ground water source with no treatment or with no additional treatment beyond chlorine disinfection. <sup>2</sup>	D	D	C	B

<sup>1</sup> These classifications apply to systems other than the Transient Non-community Water Systems addressed in section 100.19.1.

Ground water source with ultraviolet or ozone disinfection	D	C	C	B
Ground water source with chlorination and fluoridation	C	C	C	B
Ground water utilizing ion exchange, reverse osmosis, membrane filters, or activated carbon to comply with secondary drinking water regulations (see 40CFR143)	C	C	B	B
Any source utilizing bag or cartridge filtration and providing disinfection with non-gaseous chlorine.	D. <sup>3</sup>			
Any source utilizing filtration (slow sand, diatomaceous earth, membrane, ion exchange, activated carbon, reverse osmosis) to comply with primary drinking water regulations (see 40CFR141) and not utilizing chemical addition other than chlorination	C	C	B	A
Any source utilizing filtration (conventional or direct) with chemical treatment to comply with primary drinking water regulations (see 40CFR141)	B	A	A	A
Water Vending Machines	C (all sizes)			

<sup>2</sup> Ground water with waiver of disinfection, including ultraviolet or ozone disinfection, requires a minimum Class 2 distribution system due to the fact that there is no residual disinfectant in the distribution system.

<sup>3</sup> Bag/Cartridge Filters are generally not approved by the Division or the Board for facilities utilizing either surface water or ground water under the influence of surface water, that serve a population greater than 100.

connected to  
a public water system,  
not currently meeting maximum  
contaminant level  
requirements

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.

100.5 DOMESTIC WASTEWATER TREATMENT FACILITY CLASSIFICATION

100.5.1 Domestic wastewater treatment facilities shall be classified by the Division in accordance with the following five 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 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>
Waste stabilization ponds, including aerated and non-aerated types	D	C	C	B	B

Trickling filter or rotating biological contactor	C	C	B	B	A
Extended aeration process sequencing batch reactors designed to operate in the extended aeration loading range.	C	B	B	B	A
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
Recirculating sand filtration	D	C	C	C	C
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 Industrial wastewater treatment facilities shall be classified by the Division in accordance with the following three classes: Class C, Class B, or Class A. Class A is the highest level of classification and Class C is the lowest level of Classification. Except that 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      **INDUSTRIAL WASTEWATER TREATMENT FACILITY CLASSIFICATION TABLE**

<u>CLASSIFICATION</u>	<u>TREATMENT PROCESS</u>
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); Filtration (e.g., sand, mixed media, gravity, pressure); Neutralization; Solids Dewatering (e.g., sand or surfaced drying beds, mechanical); Airstripping; Sludge Digestion.

Note: Treatment processes are listed as examples and are not all inclusive.

100.6.3      The classification of any 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 industrial wastewater treatment facility that utilizes a combination of two or more of the treatment processes described in section 100.6.2 of this regulation 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 five classes: Transient Non-community Water System, Small Water System, Class 1, Class 2, or Class 3. 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 3 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 WATER DISTRIBUTION SYSTEM CLASSIFICATION TABLE

The Transient Non-community Water System classification is addressed separately in section 100.19.1. 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	Over 25,000

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 four classes: Small Wastewater System, Class 1, Class 2, or Class 3. Small Wastewater Systems are described in section 100.19.1(b). For the other classifications, Class 3 is the highest level of classification and Class 1 is the lowest level of classification. Except that 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.

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

100.8.2 The classification of any wastewater collection 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.

100.9 QUALIFICATIONS AND CLASSIFICATIONS FOR CERTIFICATION OF OPERATORS

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

100.9.2 Applicants shall be examined by the Board or its designee as to education, experience, and knowledge related to the classification level for which the applicant seeks to be certified. Applicants must have a

high school diploma, general equivalency diploma (GED) or its equivalent.

- 100.9.3 Experience and/or relevant training may substitute for a high school diploma, GED, or its equivalent if the Board or its designee finds, on a case-by-case basis, that the applicant's experience and/or relevant training has given him or her the reading, writing and comprehension skills necessary to protect the public health and otherwise meets the requirements of this regulation.
- 100.9.4 Use of experience and/or relevant training to meet the education requirement of this section precludes later use of such experience and/or relevant training to meet the experience requirements of this section. Similarly, use of experience and/or relevant training to meet the experience requirement of this section precludes later use of such experience and/or training to meet the education requirements of this section.
- 100.9.5 In evaluating experience of operators the Board will be guided by whether the experience required some technical knowledge of the work and whether or not responsible charge of work was included.
- 100.9.6 Operators shall be classified according to the type of facility they are certified to operate. An applicant must pass a validated written examination for the appropriate type and level of facility that he or she seeks to be certified to operate. 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 100.19.1. Each applicant for other operator classifications must have the required minimum experience or cross-experience as designated below:

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

Operator

Class 1	1 Month
Class 2	2 Years
Class 3	4 Years

100.9.7 Special rules for satisfying the minimum experience requirements of this regulation:

(a) Class D Operators:

- (i) Applicants for certification as Class D Operators of water treatment or domestic wastewater treatment facilities may take the Class D examination before accruing the necessary experience for the issuance of a certificate.
- (ii) The Class D certificate will then only be issued upon a showing of satisfactory experience to the Board or its designee, as well as passage of a validated written exam.
- (iii) The required experience may be accrued under the supervision of a certified operator, through on the job training with a certified operator, or through an apprenticeship with a contract operator who is certified. The required experience may also be accrued through the successful completion of an on-site or correspondence training course, approved by the Board or its designee, which is designed to prepare the Class D Operator to operate Class D facilities.
- (iv) Any education courses used to satisfy the basic experience requirement for a Class D Operator may not be used to satisfy any certification renewal requirements contained in section 100.14 of this regulation.

(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 a validated written exam.
- (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 educational course used to satisfy the basic experience requirement for a Class 1 Operator may not be used to satisfy any certification renewal requirements contained in section 100.14 of this regulation.

## 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. 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, wastewater treatment facility, distribution system or collection system).
- 100.10.2 The applicant must specify examination type (i.e. water, wastewater, distribution, collection, small water system, or small wastewater system), level of classification sought, exam 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.
- 100.10.4 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.
- 100.10.5 Additional information needed by the Board or its designee to complete an evaluation of eligibility to sit for a certification examination shall be provided by the applicant to the Board or its designee within ten working days from the date of such request.

## 100.11 EXAMINATIONS

- 100.11.1 The Board or its designee shall oversee the preparation and administration of validated written examinations to be used in determining whether or not the applicant has the necessary skills, knowledge, ability and judgment appropriate for the level of classification 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, except in such cases as the Board or its designee decide, on a case-by-case basis, represent proper exceptions to the general rule that all examinations shall be written.
- 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 Applicants who fail any examination may review their examination(s) at locations specified in the notice of failure of said examination(s), at dates and times specified by the Board or its designee.
- 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.
- 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 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 or its designee 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 education for experience requirements:
  - (a) Education may also be substituted for the experience requirements of section 100.9 on the basis of successful completion of formal academic credit hours for all or a portion of an academic year (15 semester hours = ½ academic year = 6 months of experience), and/or corresponding credits in the form of training units (300

contact hours or 30 training units = 15 quarter hours = 4 months experience). Thirty (30) semester hours and/or 45 quarter hours shall constitute one year's formal education.

(b) Formal academic education at the post-high school (e.g., Junior College, Vocational Education) or college level may substitute for experience of section 100.9 of this regulation.

(c) Credit for satisfactorily completing structured programs of study, approved by the Board or its designee, in a degree or certificate earning educational institution or equivalent may be given so long as not less than seventy five percent of the year's completed courses of study are technically oriented, including but not limited to the fields of chemistry, physics, engineering, mathematics, biology, water and wastewater treatment processes.

(d) At least fifty percent 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 Operators may satisfy the experience requirement exclusively with formal academic education credits or training units.

#### 100.12.2 Substitution of cross-experience for experience 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 water distribution or wastewater collection system operator, except that at least fifty percent of any experience requirement of section 100.9 shall be met by actual on-site operating experience in a water or wastewater facility, as the case may be.

(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 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 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 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 the experience requirement for certification as an operator of a water distribution system.

### 100.13 CERTIFICATES

- 100.13.1 Upon satisfactory fulfillment of the requirements of this regulation, the Board or its designee shall issue to the applicant a certificate designating the appropriate certification level.
- 100.13.2 Operator certificates shall be valid for three years unless revoked or suspended as provided in section 100.23 of these regulations. Operators may seek renewal of a certificate by submitting a written application for renewal to the Board or its designee prior to the expiration date of the certificate.
- 100.13.3 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.
- 100.13.4 The Board or its designee shall provide all application forms for renewal of certificates.
- 100.13.5 Any certificate not renewed by the operator expires on the third anniversary of its issuance. Following expiration of the certificate, the operator shall not represent that he or she holds a certificate in the class for which the certificate expired and no operator of a water or wastewater facility shall operate a facility in reliance on the expired certificate.
- 100.13.6 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 fee and satisfies all applicable requirements. Any certificate not renewed by the operator prior to the fifth anniversary of its issuance is automatically revoked. 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.
- 100.13.7 Certified operators who desire to become certified in a higher level must satisfactorily complete the requirements for that level before a new certificate at the higher level may be issued.
- 100.13.8 Reciprocity--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 passed an adequate written examination and who hold a valid certificate in another state, territory

or possession of the United States or any 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.

100.14 TRAINING UNIT REQUIREMENTS FOR RENEWAL OF CERTIFICATION

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

- 100.14.2 Operators seeking renewal of their certificates shall meet the following training unit requirements:
- (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 3 water distribution and wastewater collection system operators - 3 training units.
  - (f) Class 2 water distribution and wastewater collection system operators - 2 training units.
  - (g) Class 1 water distribution and wastewater collection system operators - 1.2 training units.
  - (h) Small water system operators – 1.8 training units.
  - (i) Small wastewater system operators – 1.8 training units.
  - (j) 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 100.15.

100.14.4 All subject matter for which training units will be granted must be relevant, as determined by the Board or its designee, to the operation, maintenance, or safe operation of a water or wastewater facility. The

Board or its designee will consider material to be relevant if it is based on information that is necessary to the successful operation of a facility or system. Eligible topics may include the following subjects:

- (a) operation and maintenance of facility mechanical systems, electrical equipment or hydraulics;
- (b) physical treatment, chemical treatment, biological treatment; or
- (c) physical testing, chemical testing, biological testing, or disinfection;
- (d) facility management and finances;
- (e) regulatory compliance; or
- (f) other relevant topics approved by the Board.

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

#### 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.

#### 100.16 CERTIFIED OPERATOR DUTIES

- 100.16.1 In the performance of their duties, certified operators shall exercise a level of reasonable care and judgement consistent with the experience and training appropriate to their level of certification as defined in these regulations.
- 100.16.2 Certified operators shall protect the public health and safety by properly performing and/or supervising the tasks 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 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.
- 100.16.3 Each certified operator shall provide to the Board or its designee his or her current mailing address and telephone number, and shall update this information as necessary.

#### 100.17 OPERATOR IN RESPONSIBLE CHARGE DUTIES

- 100.17.1 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.
- 100.17.2 The operator in responsible charge shall protect the public health and safety in the conduct of his or her duties. These duties shall include the following, as appropriate:
- (a) The management or administration of a 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;
  - (c) The accountability for the proper operation and maintenance of the water or wastewater facility;
  - (d) The control of, supervision over, or active participation in the daily planning, operation or maintenance of a water or wastewater facility;
  - (e) Authority and/or power to make day-to-day decisions on the operation and maintenance of the water or wastewater facility; or
  - (f) The capacity and availability to perform the above as well as other functions of direct responsibility, such as those enumerated in section 100.16.2 of these regulations.

100.18 AUTHORIZATION FOR CONTINUED OPERATION OF WATER DISTRIBUTION AND WASTEWATER COLLECTION SYSTEMS

- 100.18.1 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.
- 100.18.2 Existing operators, whose responsibility includes making process control and/or system integrity decision about water quality or quantity that may affect the public health or environment, of existing water distribution or wastewater collection systems as of January 30, 2001, who have not been certified under the voluntary program administered by the Colorado Water and Wastewater Collection Systems Certification Council, Inc. or who hold restricted certificates under the version of the operators certification regulations in effect prior to January 30, 2001, 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 “D” or a “1” facility 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.

- (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 “D” or a “1” facility 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.

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

100.21 RESPONSIBILITIES OF WATER AND WASTEWATER FACILITY OWNERS.

100.21.1 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. For purposes of this regulation, “direct supervision” means that the operator in responsible charge has supervisory responsibility and authority with respect to the activities and functions of other facility operators.

100.21.2 Each owner of a water or wastewater facility shall ensure that all process control and/or system integrity decisions about water 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.

100.21.3 Each owner of a water or wastewater facility shall ensure that a designated certified operator is available for each operating shift. 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 operator must be on-site or able to be contacted as needed to initiate appropriate actions in a timely manner.

100.21.4 Each owner of a water or wastewater facility shall submit in writing to the 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) Name, address and phone number of the facility representative providing the information;
- (b) Name, address, phone number and level of certification of all operator(s) in responsible charge employed by the owner;
- (c) Identification of the facility or facilities for which each operator in responsible charge employed by the owner has responsibility;
- (d) The Public Water System Identification number and permit number for all facilities listed.

100.21.5 Each water and wastewater facility shall have an operator in responsible charge certified as shown in the following table:

<u>Facility or System Classification</u>	<u>Classification of Operator in Responsible Charge</u>
A	A
B	A or B
C	A, B, or C
D	A, B, C, or D
3	3
2	2 or 3
1	1, 2, or 3

All Transient Non-community Water Systems described in section 100.19.1(a) shall have an operator certified as a Transient Non-community Water System Operator, as described in section 100.19.1.

## 100.22 FEES

100.22.1 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.

100.22.2 Program fees shall consist of examination fees and administration fees.

- (a) Examination fees in the amount of \$25.00 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) 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 [RESERVED].

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.

100.22.4 Application fees and program fees are non-refundable.

## 100.23 DISCIPLINARY PROCEEDINGS

100.23.1 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) 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 certification;
- (b) Failing to properly perform and/or supervise the following tasks pertinent to controlling the operation of a water or wastewater facility, including, but not limited to the tasks described in section 100.16 of this regulation.

- (c) Willfully 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;
- (d) Submitting false or misleading information on any document provided to the Department, Division, Board, or designee of the Board;
- (e) Using fraud or deception in the course of employment as an operator;
- (f) Failing to conform with minimum standards of performance of an operator's duty ;
- (g) Engaging in dishonest conduct during an examination;
- (h) Obtaining 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 or revocation of the certificate.

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

- (a) Fails to meet the requirements of an operator in responsible charge as defined in section 100.17 of this regulation; and/or
- (b) Willfully or negligently causes or allows any other person or operator under his charge, direction or supervision to perform duties inconsistent with an operator's duties as stated in section 100.16 or any other requirements of this regulation.

100.23.3 The Division or other Board designee shall investigate any instances of possible misconduct by certified operators or operators in responsible charge of water and wastewater facilities and 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 or other Board designee shall investigate any instances of possible violations of the requirements of this regulation by any owner of a water or wastewater facility and 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 and no operator of a water or wastewater facility shall operate a facility in reliance on the suspended or revoked certificate.

## 100.24 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 Any water or wastewater facility owner who seeks a hearing in response to a Division finding of a violation under section 100.23.4 or a Department assessment of a civil penalty may request a hearing before the Board by submitting to the Division within thirty (30) days of notice of the 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 Any 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 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 The Board shall grant any hearing request made pursuant to section 100.24.1, 100.24.2, or 100.24.3 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

## 100.30 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; NOVEMBER, 2000 RULEMAKING

The provisions of sections 25-9-104(1)(a), (3), (4), (5) and (6), C.R.S.; 25-9-106; 25-9-106.2; 25-9-106.3; 25-9-107; 25-9-108, C.R.S., provide the specific statutory authority for the adoption of these regulatory provisions. 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**

#### **Background and Overview**

The 2000 Colorado General Assembly adopted HB 00-1431, revising the certification procedures and requirements for operators of water and wastewater facilities, which include water treatment facilities, domestic and industrial wastewater treatment facilities, water distribution systems and wastewater collection systems. The bill established the composition, duties and rulemaking authority of the Water and Wastewater Facility Operators Certification Board (formerly the Plant Operators Certification Board).

The Board intends that the rules adopted pursuant to HB 00-1431 will comply with guidelines established by the United States Environmental Protection Agency (EPA) under section 1419(a) of the federal Safe Drinking Water Act, which specifies minimum standards for certification and recertification of operators of community and nontransient noncommunity public water systems. In particular, the Board anticipates that this regulation will satisfy EPA requirements and allow that agency to release to the state federal funding that is contingent on adoption of appropriate certification requirements.

#### **Operator Classification and Qualification Issues**

In this rulemaking, the Board established various classes of operators for water treatment facilities, domestic and industrial wastewater treatment facilities, water distribution systems and wastewater collection systems. Pursuant to HB 00-1431, the classes of operators established by the Board reflect the differing levels of complexity encountered in operating the various types of facilities and systems. This legislation also authorized the Board to establish separate certification classifications for operators of multiple facilities and for operators of certain small systems. Because of time constraints imposed by EPA deadlines, the Board has chosen to address the issue of operators of multiple facilities in a later rulemaking and has simply “reserved” this section at this time. The Board has made specific provisions for the certification of operators of Small Water and Wastewater Systems and for Transient Non-community Water Systems, as discussed below.

The Board also defined a process for determining the qualifications for certifying and renewing the certification of operators in each of the various classes. In accordance with HB 00-1431 and EPA guidelines, the Board adopted minimum education and experience

requirements for operators, a requirement that examinations be validated, and a requirement that operators meet ongoing training requirements in order to renew their certification. The Board intends that if an operator wishes to renew multiple certifications, the same training units may be applied to meet the requirements of more than one certification renewal if the courses in question have been accredited for each of the certifications in question. Operators with multiple certifications are encouraged to take training courses specific to each of their certifications.

The Board also chose appropriate levels at which an applicant may substitute experience for education, or education for experience, in order to allow operator certification where a combination of these components demonstrates that the operator is competent to operate a particular class of facility. Although either education or cross-experience may be substituted for a portion of the experience requirement for any classification, the Board intends that no less than 50 percent of any experience requirement must be met by actual on-site operating experience in the classification applied for. A provision providing for transitional renewal training requirements for operators whose certificates expire prior to January 30, 2004 is also included.

### **Minimum Experience for Entry Level Operators**

According to EPA regulations, operators seeking to be certified must have a specified amount of minimum experience. Several stakeholders expressed concern that requiring a minimum amount of experience for all operators placed an undue burden on entry-level operators in rural areas of Colorado because they would not have the time or financial capability to meet such a certification requirement. In response to these concerns, the Board created a new level of certification for operators of water treatment facilities and water distribution systems serving Transient Non-community Water Systems that draw water from ground water sources not under the influence of surface water, serve less than 100 persons per day, and utilize only non-gaseous chlorine disinfection. Recognizing that such transient non-community systems are outside the scope of EPA guidelines, the Board chose not to impose a minimum experience requirement on such operators and allowed them to gain certification based solely on the passage of a written examination that focuses on subjects particularly relevant to operating this category of transient non-community water treatment facilities and transient non-community water distribution systems. For other entry level water and wastewater facility operators (Class D and Class 1), the Board has established a one-month minimum experience requirement. In order to provide flexibility to entry-level operators, the Board has established a number of options for meeting this experience requirement, including on-the-job training, apprenticeship, and on-site or correspondence training courses.

The Board also created a Small System classification for both water and wastewater facilities. These classifications apply to facilities that serve under 3300 persons and that otherwise fall into the Class D treatment and Class 1 distribution or collection classifications. Small water system operators shall be certified by taking a single examination in water treatment and distribution. Small wastewater system operators shall be certified by taking a single examination in wastewater collection and treatment.

Renewal training requirements for these certificates have been set at 1.8 training units. During the transition period prior to the construction and validation of these examinations, applicants for these certifications will take both the Class D and Class 1 examinations in the appropriate category. The application and fee structures have been adjusted to reflect the degree of overlap among these requirements.

### **Classification of Water and Wastewater Treatment Facilities**

Generally, the Board, chose to establish a system for classification of the State's water and wastewater treatment facilities according to their prior system of classification. Accordingly, the Board adopted a classification scheme which takes into consideration factors such as the size, complexity, and amount of water processed through the facility. The Board determined that it would be most efficient for the Division to retain the authority to classify facilities and modify the classification of any facility. Classification decisions by the Division can be appealed to the Board.

The Board recognizes that water treatment processes that do not utilize chemicals are more problematic and impose a greater risk on public health. Therefore, the Board requires that a higher class of distribution system be used in combination with treatment facilities that utilize ground water with a waiver of disinfection, including ultraviolet and ozone disinfection. This is due to the fact that there is no residual disinfectant in the distribution system.

### **Classification of Water Distribution and Wastewater Collection Systems**

In classifying water distribution systems and wastewater collection systems the Board chose to initially classify the systems based on population, which the Board believes serves as an adequate surrogate for complexity. Additionally, the Board provided that the Division can change the classification of any particular facility based on complexity factors. The Board intends to revisit their initial classification scheme for water distribution and wastewater collection systems in a future rulemaking to consider adoption of a classification system that will more accurately reflect the complexities and differences between the various types of distribution and collection systems.

### **Fees**

The new state legislation authorized the Board to adopt application and program fees which reflect the actual costs of administering the operator certification program. The Board has established a certification application fee of \$15, as specified in the statute. It also established two types of program fees: (1) an examination fee of \$25 to cover the cost of administering each examination, and (2) an administration fee that will be charged upon issuance of a certificate and upon renewal of a certificate. The administration fee will cover ongoing costs of program administration by a third party contractor. The Board did not adopt specific fee amounts in this rulemaking because the arrangements with a third party contractor, which will determine the necessary amount of the fees, have not yet been finalized. The Board therefore is reserving the adoption of specific

administration fees for a later rulemaking. The Board also anticipates that the fees established in this rulemaking may need to be revised as the transition to this new mode of implementing the operator certification program is completed.

### **Status of Existing Operators**

The Board chose to certify under these regulations those operators of water and wastewater treatment facilities who had been previously certified under the prior certification system. The Board also chose to certify under these regulations those operators of water distribution systems and wastewater collection systems who had been previously certified under the voluntary program administered by the Colorado Water and Wastewater Collection Systems Certification Council, based on the understanding that the voluntary certification program, and in particular the exam administered under the voluntary program, was adequate to ensure the protection of public health and the environment, and the safe operation of water distribution and wastewater collection systems.

In addition, the new regulation provides a procedure to authorize certain existing operators of existing water distribution and wastewater collection systems who have not obtained voluntary certification to continue operation of the specific systems where such operators are currently employed for a period of time without receiving a certificate. Pursuant to EPA guidelines the Board chose to allow operators of existing systems, who were authorized to make process control and/or system integrity decisions about water quality or quantity that may affect the public health or environment, to continue operation of their systems so long as certain requirements are met and a certain procedure is followed. This procedure allows owners of such systems to apply to the Board for an “Authorization for Continued Operation” for the existing operators of their system. Pursuant to EPA guidelines, the Board chose to make the “Authorization for Continued Operation” site-specific and non-transferable. To maintain this authorization, operators will need to meet the same on-going training requirements as certified operators. To move to another facility, operators would need to meet all initial certification requirements, including passing the appropriate exam. These same procedures apply to operators who hold existing restricted certificate issued under authority of the regulations being repealed in this rulemaking.

### **Operator Responsibilities**

One section of the regulation adopted by the Board specifies the duties of certified operators and defines certain standards of performance for certified operators of affected facilities. The regulation requires certified operators to exercise reasonable care and judgment while performing their duties and in supervising facility operations. The regulation also requires operators to keep current with the Board information on where the operator(s) can be contacted so that the Board can notify the operator(s) of certification expiration, renewal requirements, and testing information.

## **Owner Responsibilities**

Another section of the regulation adopted by the Board specifies the duties of owners of water and wastewater facilities. Pursuant to the legislation and EPA guidelines, the Board chose to require owners to place the direct supervision of their facilities under the control of an “operator in responsible charge” holding a valid certification equal to or greater than the classification of the facility. The Board clarified that a direct supervisor relationship exists if the operator in responsible charge has supervisory responsibility and authority with respect to other operators. The Board does not intend for direct supervision to mean that the operator in responsible charge must be on-site at all times.

In order to meet EPA guidelines, the Board required that all process control and/or system integrity decisions about water quality or quantity that may affect the public health or the environment be made by either an operator in responsible charge or another certified operator. This operator must be certified at a level equal to or higher than that of the facility. The Board also required owners to designate a certified operator who would be available for each operating shift. The Board clarified that in order for an operator to be “available,” he or she must be on-site or able to be contacted as needed to initiate appropriate actions in a timely manner.

Finally, the regulation requires owners to submit to the Board information on the operator(s) in responsible charge of their facility so that the Board and Division can more efficiently enforce the provisions of this regulation and better protect the public health.

## **Division Enforcement Procedures**

HB 00-1431 also set out the roles of the Water Quality Control Division and the Board in enforcing the new operator certification program. The Board recognized the role of the Division as the agency primarily responsible for investigating and reporting to the Board any misconduct by water and wastewater facility operators. Any disciplinary action regarding operators would be taken by the Board, after an opportunity for a hearing. Pursuant to the legislation, the Board also chose to allow owners of water and wastewater facilities to seek a hearing before the Board in response to a Division finding of a violation of the regulations or in response to a Department assessment of a civil penalty. The rule also establishes a process by which any person, affected or aggrieved by a decision of Division or a third party contractor implementing certain aspect of the program may seek relief through an appeal or hearing before the Board.

## **Nonprofit Contractors Issues**

HB 00-1431 authorized the Board to appoint one or more independent nonprofit corporations to administer the operator certification program, including providing examinations, issuing certification documents, evaluating continuing training requirements for renewal of certification, and evaluating requests for reciprocity. The Board specified in the new regulation the program administration duties that it may choose to delegate to a nonprofit corporation.

100.31 FINDINGS IN SUPPORT OF EMERGENCY ADOPTION OF REGULATION  
NO. 100; DECEMBER 5, 2000

In addition to its adoption of Regulation No. 100 in accordance with the standard procedures specified in section 24-4-103, C.R.S., which result in an effective date for this regulation on a permanent basis of January 30, 2001, the Board also is adopting the rule on an emergency basis with an effective date of December 5, 2000.

In order to satisfy the new federal requirements noted in section 100.30 above, the modified operators certification program established by these regulations must be in effect by February, 2001. In addition, the new state legislation noted above, which became effective in May, 2000, mandates that the state's operators certification program be implemented in accordance with its provisions. This new regulation needs to be in effect to assure that program implementation is consistent with the new statutory provisions. Because the already-established 2001 certification examination cycle begins in January, 2001, with an application deadline of December 15, 2000, there would be substantial disruption to the certification program, with serious financial implications for operators whose employment depends upon obtaining certification, if this new regulation did not become effective immediately.

Therefore, the Board finds that the immediate adoption of Regulation No. 100 with an effective date of December 5, 2000 is imperatively necessary to comply with state law and for the preservation of public health, safety and welfare, and that compliance with the requirements of section 24-4-103, C.R.S. as to the normal effective date for new regulations would be contrary to the public interest.

**Attachment D**  
**Water Treatment Facility Classification**

## WATER TREATMENT FACILITY CLASSIFICATION

<u>Source and Processes Utilized</u>	<u>Plant Design Flow (in MGD)</u>			
	<u>Below 2</u>	<u>2 – 5</u>	<u>5.01 – 9.99</u>	<u>10 or more</u>
Ground water source: - no treatment - chlorine disinfection only	D	D	C	B
Ground water source: - ultraviolet or ozone disinfection	D	C	C	B
Ground water source: - chlorination - fluoridation	C	C	C	B
Ground water source: - ion exchange - reverse osmosis - membrane filters - activated carbon	C	C	B	B
Any source: - bag or cartridge filtration (non-gaseous chlorine disinfection only)	D (approved only for populations under 100)			
Any source utilizing filtration and not utilizing chemical addition other than chlorination: - slow sand - diatomaceous earth - membrane - ion exchange - activated carbon - reverse osmosis	C	C	B	A
Any source utilizing filtration (conventional or direct) with chemical treatment:	B	A	A	A
Water Vending Machines connected to a public water system:	C (all sizes)			

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.

*cf:* Regulation §100.4

**Attachment E**

**Draft: Proposed Water Treatment Facility Classification**

## **Draft: Proposed Water Treatment Facility Classification**

The most basic classification is for transient non-community and very small public water systems that use ground water (GW) and non-gaseous chlorination for disinfection and that have virtually no distribution system. This type of system would be classified as GW-VS (ground water – very small). Operators for this classification would be tested for the “basic knowledge” set of skills and information shown on the attached chart.

A step above GW-VS would be the “D” classification. This system would have a GW or GWUI (ground water under the influence of surface water) source and would use non-gaseous chlorination for disinfection. The certification requirements in the “D” classification would include all the basic knowledge tested for at the GW-VS level plus information on surface water influence processes, treatment for the removal of pathogens using bag or cartridge filters, turbidity, and UV and fluoridation treatment processes. (A further option for these systems would be the use of very low risk chemicals, such as ortho-phosphates for corrosion control, although we recommend that most systems using low risk chemicals be classified at the “C” step). Operators certified for these facilities would have to hold a “D” certification.

The next step up in complexity would be GW or GWUI systems that use gaseous chlorine or ozone disinfection processes and passive treatment processes such as, ion exchange (IE), reverse osmosis (RO) or that add low risk chemicals (as described above). This level of complexity would require a “C” level operator certification. The “C” level of certification would also be required of operators who operate multiple facilities owned by different entities. The classification would automatically be the lowest classification available to any system having an average daily flow in excess of 2.5 MGD. This is the classification that would clearly establish the knowledge base required of those who aspire to be full-time professional treatment facility operators.

The “B” level of complexity would add surface water sources and utilize the associated surface water treatment processes, including diatomaceous earth (DE), pressure filtration (PF), slow sand filtration (SS) or which use high risk chemical additions such as sulfuric acid or sodium hydroxide as pH or corrosion control processes.

The highest complexity level, the “A” classification, would be required of any facility with an average daily flow in excess of 10 MGD or that treats surface water using direct filtration (DF) or so-called conventional treatments using coagulation, flocculation, sedimentation and/or gravity rapid sand filtration.

The chart below summarizes the classification scheme:

Knowledge needed/ Processes used	GW-VS	GW-GWUI “D” level	GW-GWUI “C” level	GW-GWUI Surface “B” level”	GW-GWUI Surface “A” level
Math	X	X	X	X	X
Microbial contamination, Surface contamination, Cross-connection controls	X	X	X	X	X
Bacteriological sampling Requirements	X	X	X	X	X
Disinfectants (non-gaseous)	X	X	X	X	X
Monitoring & sampling	X	X	X	X	X
Safety: mechanical, electrical, confined space	X	X	X	X	X
Maintenance: equipment, components	X	X	X	X	X
Pumps (types, precautions, uses, characteristics)	X	X	X	X	X
Surface influences		X	X	X	X
Bag/cartridge filter systems		X	X	X	X

Knowledge needed/ Processes used	GW-VS	GW-GWUI “D” level	GW-GWUI “C” level	GW-GWUI Surface “B” level”	GW-GWUI Surface “A” level
Turbidity		X	X	X	X
Fluoride addition		X	X	X	X
UV treatment		X	X	X	X
Gaseous Chlorine			X	X	X
Ion Exchange			X	X	X
Reverse osmosis			X	X	X
Ozonation			X	X	X
Low risk chemical addition			X	X	X
Diatomaceous earth				X	X
Slow sand				X	X
Pressure filtration				X	X
Average daily flow in excess of 2.5 MGD	NA	NA	available	available	available
Average daily flow in excess of 10 MGD	NA	NA	NA	NA	available

**Attachment F**  
**Water Distribution System Classification**

## Water Distribution System Classification

For all water distribution systems (except transient noncommunity systems):

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

The Division may make changes in classification in accordance with the needs created by the particular complexities of any specific *water distribution* system based on consideration of system specific factors, including, but not limited to:

- unusual factors affecting the complexity of transmission, mixing of sources, or potential public health hazards;
- size and/or length of the system's water mains;
- whether or not there are automatic control valves, including but not limited to, pressure reducing or altitude valves;
- number and/or size and/or types of meters;
- existence of storage tanks in the system;
- existence of multiple pressure zones;
- maximum pressure in the system;
- existence of booster stations;
- number of service connections; or
- quantity of water distributed.

*cf:* Regulation §100.7

## **Attachment G**

### **Experience and Training Requirements for Initial Certification and Renewal**

## Experience and Training Requirements for Initial Certification and Renewal

<u>Classification of Operator</u>	<u>Experience Required for Initial Certification</u>	<u>Renewal Training Unit Requirements</u>
Class D	1 Month	1.2 (12 hours)
Class C	2 Years	1.8 (18 hours)
Class B	3 Years	2.4 (24 hours)
Class A	4 Years	3.0 (30 hours)
Class 1	1 Month	1.2 (12 hours)
Class 2	2 Years	2.0 (20 hours)
Class 3	4 Years	3.0 (30 hours)

*cf:* Regulation §100.9 and §100.14

## **Attachment H**

### **Transition Schedule for Renewal Training Requirements**

## Transition Schedule for Renewal Training Requirements

Expiration Date Between:	Transitional Extension:	Renewal Training Requirement:
January 30, 2001- January 29, 2002	one year	one third of full requirement
January 30, 2002- January 29, 2003	one year	two-thirds of full requirement
January 30, 2003- January 29, 2004	one year	full renewal requirement
after January 29, 2004	no extension	full renewal requirement

*cf:* Regulation §100.25

**Attachment I**

**Contract between the Board and the Certification Council for Partial  
Administration of the Operator Certification Program – *Draft***

**Attachment J**

**Validation Panel for Water Treatment Examinations**

## **Validation Panel for Water Treatment Examinations**

Panel of Experts: Water Treatment Level “A” Examination  
Selection and Validation of Questions Involving Colorado Issues  
Met Thursday, December 21, 2000

John McEncroe,	Chair, Board Examination Subcommittee – Water Water Treatment Plant Supervisor, City of Golden, CO
Steve Anderson,	“A” operator, Colorado Springs Utilities, CO Former Chair, Board Examination Subcommittee - Water
Nevis Cook	Associate, Boulder Short Schools Professor Emeritus, Colorado School of Mines
Sid Copeland,	Water Treatment Superintendent, City of Louisville, CO
Kevin Linder	Water Treatment Plant Supervisor, City of Aurora, CO
Frank McCumber,	City of Fort Collins, CO, Water Treatment Plant Course Supervisor for the Advanced Water School Boulder Short Schools
Garth Rygh,	Water Treatment Plant Supervisor, City of Denver, CO Member, Operator Certification Examination Validation Group, Saskatoon, Saskatchewan

**Attachment K**  
**Examination Validation Procedure**

## Examination Validation Procedure

In the event that ABC examinations are not deemed adequate to meet Colorado's needs, Colorado will utilize an independent process to construct validated examinations for its operator certification program. This process will utilize the validated job analyses prepared by the Association of Boards of Certification (ABC) and will be based upon the process described in the ABC publication, *Validating Your Certification Exam*.

### Process for Validating Colorado Operator Certification Examinations

- A. Creation of a Question Bank
  - a. Select a question development committee of experts (See, for example, the panel described in Attachment K)
  - b. Using the ABC Job Analyses for each type and level of certification, draft questions so that
    1. for each question, the subject matter relates directly to an ABC "core competency" both for topic and for required capability
    2. questions are well-distributed among the topics and required capabilities within each "core competency"
    3. the answer to each question can be objectively verified by reference to an available, published source
  - c. Select a panel of experts, not on the question development committee, to review each question for accuracy, lack of ambiguity, relevance to the job analysis, clarity, and lack of bias
  - d. pilot test the questions developed using a volunteer , "non-expert" panel of operators
- B. Create each examination, being sure that the questions represent the "core competencies" in the proportions recommended by the ABC job analysis
- C. Review each examination using a statistical analysis of performance for each examination question
- D. Develop a schedule within which to add new questions to the examination bank and to review existing questions for continuing relevance and accuracy

The outline of this process was developed in consultation with the existing examination subcommittees, the non-profit administrative entities, and the Division. If Colorado decides independently validate its certification examinations, the above process will be presented to the Board for approval.

**Attachment L**  
**Experience/Education Equivalency Chart**

**Experience/Education Equivalency Chart**  
**Substitution of Post High School Education for Experience**

Experience Equivalency	Semester Hours Completed	Quarter Hours Completed	Training Units
1 year	30	45	90
6 months	15	22.5	45
4 months	7.5	15	30

Education may substitute for no more than fifty percent of the experience requirement. Programs of study must be approved for content by the Board or its designee.

*cf.* Regulation §100.12

**Attachment M**  
**Grounds for Disciplinary Action**

## Grounds for Disciplinary Action

Grounds for the reprimand, suspension or revocation of the certificate of a certified operator include, but are not limited to:

- (j) Failing to display in practice the experience and qualifications in performance of duties and/or exercise reasonable care and judgement consistent with the requirements and minimum qualifications for certification;
- (k) Failing to properly perform and/or supervise tasks pertinent to controlling the operation of a water or wastewater facility, including, but not limited to the tasks described in Regulation §100.16;
- (l) Willfully or negligently violating, causing, or allowing the violation of Regulation 100 or failing to comply with the provisions of Regulation 100;
- (m) Submitting false or misleading information on any document provided to the Department, Division, Board, or designee of the Board;
- (n) Using fraud or deception in the course of employment as an operator;
- (o) Failing to conform with minimum standards of performance of an operator's duty ;
- (p) Engaging in dishonest conduct during an examination;
- (q) Obtaining a certificate through fraud, deceit, or the submission of materially inaccurate application information; or
- (r) Representing oneself as holding a valid operator's certificate after the expiration or revocation of the certificate.

Additional grounds for the reprimand, suspension or revocation of the certificate of an operator in responsible charge:

- (a) Failure to meet the requirements of an operator in responsible charge as defined in Regulation §100.17; or
- (b) Willfully or negligently causing or allowing any other person or operator under his charge, direction or supervision to perform duties inconsistent with an operator's duties as stated in Regulation §100.16 or any other requirements of Regulation 100.

*cf.* Regulation §100.23.1 and §100.23.2

**Attachment N**

**Memorandum of Understanding between the Board and the Certification  
Council regarding the Collection of Program Fees**

**MEMORANDUM OF UNDERSTANDING**  
**COLLECTION AND DISBURSEMENT OF OPERATOR CERTIFICATION**  
**EXAMINATION FEES FOR THE SPRING 2001 EXAMINATION CYCLE**

This Memorandum of Understanding (“MOU”) between the Colorado Water Distribution and Wastewater Collection Systems Certification Council (the “Certification Council”) and the Colorado Water and Wastewater Facility Operators Certification Board (the “Board”) is entered into on December 19, 2000 to set forth their agreement concerning the Certification Council’s provision of services for the collection and disbursement of examination fees for the Operator Certification examinations scheduled for January 19, 2001 through March 31, 2001 (the “spring 2001 examination cycle”).

**1. RECITALS**

- 1.1 Pursuant to C.R.S. 25-9-108, the Board may establish an examination fee for those taking the Operators Certification examinations. The Board established this examination fee by the adoption of Regulation Number 100 on December 5, 2000. The fee is set at \$25 per examination.
- 1.2 This fee may be collected and retained by a non-profit corporation selected and appointed by the Board. In order to facilitate the transition to full administration of the examination program, the Board finds it necessary to provide an interim mechanism for the collection and disbursement of examination fees collected during the spring 2001 examination cycle.
- 1.3 The Certification Council is a registered non-profit corporation in the State of Colorado.
- 1.4 The Certification Council has indicated its willingness to collect and disburse these fees for the spring 2001 examination cycle.
- 1.5 The Certification Council has indicated its willingness to receive invoices from the Association of Boards of Certification for the provision and scoring of the spring 2001 examination cycle water treatment examinations.
- 1.6 The Board has designated its Executive Committee, the current Chair, Vice-chair and Secretary, to act on its behalf in authorizing the execution of this MOU.

## 2. AGREEMENT

- 2.1 Services Provided.
- 2.1.1 The Certification Council shall establish an escrow account in a bank or other financial institution, which is a member of the Federal Deposit Insurance Corporation, to receive all examination fees collected. Disbursement of monies from this account shall be made only upon the written authorization, and in compliance with the directions, of the Executive Committee of the Board.
- 2.1.2 The Certification Council shall collect, from a representative of the Board, all monies received as examination fees during the spring 2001 examination cycle. These monies shall be delivered to the Certification Council within seven (7) days of each examination.
- 2.1.3 The Certification Council shall accept this money in the form in which it was originally submitted to the Board. That is, The Certification Council shall collect each check, money order, and cash payment.
- 2.1.4 All monies, their source, and the examination for which the fee was paid shall be recorded by the Certification Council prior to being deposited in the escrow account.
- 2.1.5 The Certification Council shall verify that their record of the monies collected matches the list of payments kept by the Board representative.
- 2.1.6 The Certification Council shall receive invoices from the Association of Boards of Certification for the provision and scoring of the spring 2001 examination cycle water treatment examinations.
- 2.1.7 Disbursements from the escrow account may be made only upon the written authorization of the Executive Committee of the Board. Disbursements must be made within fifteen (15) days of receipt of such authorization.
- 2.1.8 Within sixty (60) days after the final spring 2001 cycle examination, the Board shall instruct the Certification Council as to the final disbursement of funds and the closing of the escrow account. If the Certification Council does not receive instructions from the Board within sixty (60) days after the final spring 2001 cycle examination, the Certification Council shall remit the remaining monies in the escrow account directly to the Board.
- 2.2 Compensation. The Certification Council shall inform the Board of the direct expenses incurred in establishing the escrow account, developing and maintaining the necessary records, and disbursing funds as directed by the Board. Within thirty (30) days of the end of the spring 2001 cycle examination, the Executive Committee of the Board shall review this statement of direct expenses and shall authorize a disbursement to the Certification Council to cover reasonable direct expenses incurred for the purposes of satisfying this Memorandum. The Parties to this Memorandum understand and agree that the sole source of reimbursement for reasonable direct expenses will be the fees collected and placed in the escrow account and that no state funds are available or will be expended for such reimbursement. The Certification Council agrees

that it will in no event incur direct expenses in excess of the amount of examination fees collected during the term of this agreement and that the Board will not be responsible for reimbursement of any expenses in excess of that amount.

2.3 Time of Performance. The Certification Council's services under this MOU shall begin on December 19, 2000 and terminate with the closing of the escrow account no later than sixty (60) days after March 31, 2001.

2.4 Termination. Any party shall have the right to terminate this MOU by giving thirty (30) day's notice by registered mail, return receipt requested. If notice is so given, this Agreement shall terminate on the expiration of the thirty (30) days, and the liability of the parties hereunder for the further performance of the terms of the Agreement shall thereupon cease, but the parties shall not be relieved of the duty to perform their obligations up to the date of termination.

2.5 General

2.5.1. Inspection. The Board reserves the right to inspect the services provided hereunder by the Certification Council at all reasonable times and places during the terms of this MOU. If any services do not conform with the terms of this MOU, the Board may require the Certification Council to perform the services again in conformity with the terms of this MOU, with no additional compensation. When defects in the services cannot be corrected by re-performance, then the Board may require the Certification Council to take all necessary actions to ensure that future performance conforms to the terms of this MOU, and equitably reduce the payments due to the Certification Council to reflect the reduced value of the services. In addition, the Board shall have all other remedies available pursuant to law.

2.5.2 Waivers. The waiver of any breach of a term or provision of this MOU shall not be construed as a waiver of a breach of any other term or as a waiver of any subsequent breach of the same or any other term or provision.

2.5.3 Venue. Venue for any action related to this MOU shall be in the City and County of Denver.

2.5.5 Complete Agreement. This MOU is the complete integration of all understandings between the parties. No prior or contemporaneous addition, deletion, or other amendment hereto shall have any force or effect unless embodied in a MOU duly executed and approved.

2.5.6 No Interest. The signatories aver that to their knowledge, no Board member has any personal or beneficial interest whatsoever in the services described herein.

For:  
Colorado Water and Wastewater Facility  
Operators Certification Board

By: \_\_\_signed\_\_\_\_\_

Sherry Jones, Chair

Date: \_\_\_December 19, 2000\_\_\_\_\_

For:  
Colorado Water Distribution and Wastewater Collection  
System Operators Certification Council

By: \_\_\_signed\_\_\_\_\_

James L. Wiseman, General Chair

Date: \_\_\_December 19, 2000\_\_\_\_\_

**Attachment O**  
**Stakeholder Involvement in Rulemaking**

## Stakeholder Involvement in Rulemaking

### 1. Preparation of Regulation 100 (5 C.C.R. 1003-2)

#### a. Stakeholders meetings during the drafting of Regulation 100

Notice given: Board Website  
Professional Organizations  
Division Personnel

5 meetings: July 21, 2000  
August 31, 2000  
September 7, 2000  
September 14, 2000  
October 19, 2000

Attendance: 51 individuals  
average meeting attendance: 18

Representation: Private operators - 29  
Rural and Urban Municipalities -12  
Professional Organizations - 6  
Industry Groups – 3  
Training School – 1

#### b. Participation in Rulemaking Comment and Hearing

Written Comment Period Ended: November 9, 2000

Comments received: 23 total  
9 individual operators  
4 professional organizations  
1 attorney  
6 municipalities  
3 water districts

Public Hearing: November 28, 2000  
24 in attendance  
7 oral comments received

## **Attachment P**

**Ongoing Stakeholder Involvement: a) Composition of the Colorado Water and Wastewater Facility Operators Certification Board, b) Composition of the Boards of the Colorado Water Distribution and Wastewater Collection Systems Certification Council, Inc. and c) Colorado *Environmental Certification and Testing, Inc.***

## Ongoing Stakeholder Involvement

### a) Composition of the Water and Wastewater Facility Operator Certification Board

1. A certified water treatment facility operator – John McEncroe, City of Golden
2. A certified wastewater treatment facility operator - Tim Grotheer, Plum Creek Wastewater Authority  
each having:
  - a. at least four years' experience
  - b. demonstrated knowledge and experience in
    - i. chemical, physical, and biological control analyses
    - ii. maintenance and operational procedures
    - iii. corrosion and cross-connection control
3. A certified industrial wastewater treatment facility operator – Sherri Jones, Rothberg Tamburini Winsor
4. A small systems operator certified as a water or wastewater facility operator – Roy E. Heald, Stratmoor Hills Water District
5. A certified water distribution system operator – Michael Ranger, Denver Water
6. A certified wastewater collection system operator – Gene Hazlett, City of Glendale
7. A representative from the Colorado Rural Water Association – Herman Wooten
8. A representative from the Colorado Municipal League – Barbara Biggs
9. A representative from the Department of Public Health and Environment – Richard Bowman
10. A representative recommended by the Colorado Water Quality Control Commission – Karolette Greene, The Paramount Group
11. A city manager, manager of a special district, or utility manager in a city, county, or city and county – Paul Grundemann, Centennial Water and Sanitation District
12. At-large – Ron Valentine, Climax Molybdenum
13. At-large – Edwin Wambsganss, President (ret.), Western Summit Constructors

#### General Requirements:

1. All members are appointed by the Governor
2. At least three (3) members must be from private industry

*cf.* C.R.S. 25-9-103

**b) Composition of the Distribution and Collection Systems Certification Council**

James Wiseman, General Chair	City of Denver
James C. Jamsay, Secretary	System Manager
Jerry McLain, Treasurer	Operator
John Bird	City of Boulder
Richard Bond	System Construction
Terry Book	City of Pueblo
Richard Margetts	Project 7 Water Authority
Richard Niles	City of Colorado Springs
Vic Padilla	Operator
Richard Platt	City of Aurora
Jeff TerAvest	City of Longmont
Steve Trujillo	Metro Wastewater
Donald Vetterling	City of Boulder
Walter Weers	Boulder Short School
Don Williams	St. Charles Mesa Water District

**c) Composition of Colorado *Environmental Certification and Testing, Inc.***

Dale Butler, President	Copper Mountain
Jerry Biberstine, Vice-President	Colorado Rural Water Association
Kenneth Pollock, Secretary	Denver Water
Tom Settle, Treasurer	City of Westminster
Kevin Clark	The Pinery
Gary Ensign	Town of Hugo
Paul Fischer	Burns and McDonnell
Bob Hastings	Town of Watkins
James, McQuarrie	Black and Veatch
Ron Shaver	City of Fort Morgan

## **Section D:**

### **Crosswalk: E.P.A. Required Elements, Colorado Regulation 100 (5 C.C.R. 1003-2), and Colorado Statute (C.R.S. 25-9-101 through 110)**

**CROSSWALK: EPA GUIDELINES, COLORADO LAW  
and COLORADO REGULATIONS**

<b>EPA REQUIREMENT</b>	<b>SECTION OF COLORADO REGULATION</b>	<b>SECTION OF COLORADO STATUTE</b>
<ul style="list-style-type: none"> <li>• “As evidenced by an Attorney General’s certification...the State must have the legal authority to implement the program...and to require that the systems comply with the appropriate requirements of the program.”</li> </ul> <p>Narrative:</p> <ul style="list-style-type: none"> <li>• Program Description 1</li> <li>• Attachment A</li> </ul>	<ul style="list-style-type: none"> <li>• See, Colorado Regulation 100 (5 C.C.R. 1003-2) – see, Attachment C</li> </ul>	<ul style="list-style-type: none"> <li>• See, Colorado Revised Statute 25-9-101 through 110 – see, Attachment B</li> </ul>
<ul style="list-style-type: none"> <li>• The State “must classify all...water systems based on indicators of potential health risk...”</li> </ul> <p>Narrative:</p> <ul style="list-style-type: none"> <li>• Program Description 2.a</li> <li>• 2.b</li> <li>• Attachment D</li> <li>• Attachment E</li> <li>• Attachment F</li> </ul>	<ul style="list-style-type: none"> <li>• Water Treatment Facility Classification--§ 100.4 <i>et seq.</i></li> <li>• Water Distribution System Classification--§100.7 <i>et seq.</i></li> </ul>	<ul style="list-style-type: none"> <li>• 25-9-101—Legislative Declaration</li> <li>• 25-9-102—Definitions</li> </ul>

<ul style="list-style-type: none"> <li>• The State “must develop specific operator certification and renewal requirements for each level of classification.”</li> </ul> <p>Narrative:</p> <ul style="list-style-type: none"> <li>• Program Description 2.c</li> <li>• Attachment G</li> <li>• Attachment H</li> <li>• Attachment I</li> </ul>	<ul style="list-style-type: none"> <li>• Qualifications and Classifications for Certification of Operators -- §100.9, <i>et seq.</i></li> <li>• Training Unit Requirements for Renewal of Certification--§100.14 <i>et seq.</i></li> </ul>	<ul style="list-style-type: none"> <li>• 25-9-101—Legislative Declaration</li> <li>• 25-9-107(4)(b)— Certification Procedure</li> <li>• 25-9-104—Duties of the Board</li> </ul>
<ul style="list-style-type: none"> <li>• The State “must require all owners of...water systems to place the direct supervision of their water system...under the responsible charge of an operator(s) holding a valid certification equal to or greater than the classification of the treatment facility and/or distribution system.</li> </ul> <p>Narrative:</p> <ul style="list-style-type: none"> <li>• Program Description 2.d.(1)</li> </ul>	<ul style="list-style-type: none"> <li>• Responsibilities of Water and Wastewater Facility Owners-- §100.21.1</li> </ul>	<ul style="list-style-type: none"> <li>• 25-9-101—Legislative Declaration;</li> <li>• 25-9-110(2) -- Violations-Penalty.</li> </ul>

<ul style="list-style-type: none"> <li>• The State “must require...that the operator(s) in responsible charge or equivalent must hold a valid certification equal to or greater than the classification of their water system...”</li> </ul> <p>Narrative:</p> <ul style="list-style-type: none"> <li>• Program Description 2.d.(2)</li> </ul>	<ul style="list-style-type: none"> <li>• Operator in Responsible Charge Duties -- §100.17.1</li> <li>• Responsibilities of Water and Wastewater Facility Owners-- §100.21.1, §100.21.5</li> </ul>	<ul style="list-style-type: none"> <li>• 25-9-101—Legislative Declaration</li> <li>• 25-9-104 (4) – Duties of the Board</li> </ul>
<ul style="list-style-type: none"> <li>• The State must “require that all operating personnel making process control/system integrity decisions about water quality or quantity that affect public health be certified.”</li> </ul> <p>Narrative:</p> <ul style="list-style-type: none"> <li>• Program Description 2.d.(3)</li> </ul>	<ul style="list-style-type: none"> <li>• Responsibilities of Water and Wastewater Facility Owners-- §100.21.2</li> </ul>	
<ul style="list-style-type: none"> <li>• The State “must require that a designated certified operator be available for each operating shift.”</li> </ul> <p>Narrative:</p> <ul style="list-style-type: none"> <li>• Program Description 2.d.(4)</li> </ul>	<ul style="list-style-type: none"> <li>• Responsibilities of Water and Wastewater Facility Owners-- §100.21.3</li> </ul>	

<ul style="list-style-type: none"> <li>• For an operator to become certified, the state must require the operator to “take and pass an exam that demonstrates that the operator has the necessary skills, knowledge, ability and judgement as appropriate for the classification.”</li> </ul> <p>Narrative:</p> <ul style="list-style-type: none"> <li>• Program Description 3.a</li> </ul>	<ul style="list-style-type: none"> <li>• Examinations-- §100.11.1; §100.11.6</li> </ul>	<ul style="list-style-type: none"> <li>• 25-9-101—Legislative Declaration;</li> <li>• 25-9-104(3)—Duties of the Board;</li> <li>• 25-9-105—Water Treatment Facility Operator;</li> <li>• 25-9-107— Certification Procedure.</li> </ul>
<ul style="list-style-type: none"> <li>• “All exam questions must be validated.”</li> </ul> <p>Narrative:</p> <ul style="list-style-type: none"> <li>• Program Description 3.a</li> <li>• Attachment J</li> <li>• Attachment K</li> </ul>	<ul style="list-style-type: none"> <li>• Examinations-- §100.11.1; §100.11.6</li> </ul>	<ul style="list-style-type: none"> <li>• 25-9-104(1)(a)— Duties of the Board.</li> </ul>
<ul style="list-style-type: none"> <li>• The State must require operators to “have a high school diploma or a general equivalency diploma (GED).”</li> </ul> <p>Narrative:</p> <ul style="list-style-type: none"> <li>• Program Description 3.b</li> </ul>	<ul style="list-style-type: none"> <li>• Qualifications and Classifications for Certification of Operators--§100.9.2.</li> </ul>	<ul style="list-style-type: none"> <li>• 25-9-106.5— Education and Experience— Substitution Allowed.</li> </ul>

<ul style="list-style-type: none"> <li>• “States may allow experience and/or relevant training to be substituted for a high school diploma or GED.”</li> </ul> <p>Narrative:</p> <ul style="list-style-type: none"> <li>• Program Description 3.b</li> </ul>	<ul style="list-style-type: none"> <li>• Qualifications and Classifications for Certification of Operators--§100.9.3.</li> </ul>	<ul style="list-style-type: none"> <li>• 25-9-106.5— Education and Experience— Substitution Allowed.</li> </ul>
<ul style="list-style-type: none"> <li>• “Education, training, or experience that is used to meet [above] requirement...may not be used to meet the experience requirement.”</li> </ul> <p>Narrative:</p> <ul style="list-style-type: none"> <li>• Program Description 3.b</li> </ul>	<ul style="list-style-type: none"> <li>• Qualifications and Classifications for Certification of Operators--§100.9.4.</li> </ul>	
<ul style="list-style-type: none"> <li>• “Have the defined minimum amount of on-the-job experience for each appropriate level of certification”</li> </ul> <p>Narrative:</p> <ul style="list-style-type: none"> <li>• Program Description 3.c</li> <li>• Attachment G</li> </ul>	<ul style="list-style-type: none"> <li>• Qualifications and Classifications for Certification of Operators--§100.9.6</li> </ul>	<ul style="list-style-type: none"> <li>• 25-9-101—Legislative Declaration;</li> <li>• 25-9-105—Water Treatment Facility Operator;</li> <li>• 25-9-107— Certification Procedure.</li> </ul>

<ul style="list-style-type: none"> <li>• “The amount of experience required increases with each level of certification.”</li> </ul> <p>Narrative:</p> <ul style="list-style-type: none"> <li>• Program Description 3.c</li> <li>• Attachment G</li> </ul>	<ul style="list-style-type: none"> <li>• Qualifications and Classifications for Certification of Operators--§100.9.6.</li> </ul>	<ul style="list-style-type: none"> <li>• 25-9-101—Legislative Declaration;</li> <li>• 25-9-105—Water Treatment Facility Operator;</li> <li>• 25-9-107— Certification Procedure.</li> </ul>
<ul style="list-style-type: none"> <li>• “Post high school education may be substituted for experience.”</li> </ul> <p>Narrative:</p> <ul style="list-style-type: none"> <li>• Program Description 3.c</li> <li>• Attachment L</li> </ul>	<ul style="list-style-type: none"> <li>• Education and Cross Experience Substituted for Experience Requirements-- §100.12.1(b)</li> </ul>	<ul style="list-style-type: none"> <li>• 25-9-106.5— Education and Experience— Substitution Allowed.</li> </ul>
<ul style="list-style-type: none"> <li>• “Credit may be given for experience in a related field.”</li> </ul> <p>Narrative:</p> <ul style="list-style-type: none"> <li>• Program Description 3.c</li> </ul>	<ul style="list-style-type: none"> <li>• Education and Cross Experience Substituted for Experience Requirements-- §100.12.2</li> </ul>	<ul style="list-style-type: none"> <li>• 25-9-106.5— Education and Experience— Substitution Allowed.</li> </ul>
<ul style="list-style-type: none"> <li>• “Experience that is used to meet the experience requirement for any class of certification may not be used to meet the education requirement.”</li> </ul> <p>Narrative:</p> <ul style="list-style-type: none"> <li>• Program Description 3.c</li> </ul>	<ul style="list-style-type: none"> <li>• Qualifications and Classifications for Certification of Operators --§100.9.4</li> </ul>	

<ul style="list-style-type: none"> <li>• “Grandparenting is permitted only to existing operator(s) in responsible charge of existing systems which, because of State law changes to meet these guidelines, must for the first time have a certified operator.”</li> </ul> <p>Narrative:</p> <ul style="list-style-type: none"> <li>• Program Description 3a.a</li> </ul>	<ul style="list-style-type: none"> <li>• Authorization for Continued Operation of Water Distribution and Wastewater Collection Systems-- §100.18.2.</li> </ul>	
<ul style="list-style-type: none"> <li>• “The system owner must apply for grandparenting for the operator(s) in responsible charge within two years of the effective date of the State’s regulation.”</li> </ul> <p>Narrative:</p> <ul style="list-style-type: none"> <li>• Program Description 3a.b</li> </ul>	<ul style="list-style-type: none"> <li>• Authorization for Continued Operation of Water Distribution and Wastewater Collection Systems-- §100.18.2(a).</li> </ul>	
<ul style="list-style-type: none"> <li>• “The certification for the grandparented operator must be site specific and non-transferable to other operators.”</li> </ul> <p>Narrative:</p> <ul style="list-style-type: none"> <li>• Program Description 3a.c</li> </ul>	<ul style="list-style-type: none"> <li>• Authorization for Continued Operation of Water Distribution and Wastewater Collection Systems-- §100.18.2(b); §100.18.2(c); §100.18.2(f).</li> </ul>	

<ul style="list-style-type: none"> <li>• “After an operator is grandparented, he or she must, within some time period specified by the state, meet all requirements to obtain certification renewal, including the payment of any necessary fees, acquiring necessary training to meet the renewal requirements, and demonstrating the skills, knowledge, ability and judgement for that classification.”</li> </ul> <p>Narrative:</p> <ul style="list-style-type: none"> <li>• Program Description 3a.d</li> </ul>	<ul style="list-style-type: none"> <li>• Authorization for Continued Operation of Water Distribution and Wastewater Collection Systems-- §100.18.2(d).</li> </ul>	
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<ul style="list-style-type: none"> <li>• “If the classification of ...changes to a higher level, then the grandparented certification will no longer be valid.”</li> </ul> <p>Narrative:</p> <ul style="list-style-type: none"> <li>• Program Description 3a.e</li> </ul>	<ul style="list-style-type: none"> <li>• Authorization for Continued Operation of Water Distribution and Wastewater Collection Systems-- §100.18.2(e).</li> </ul>	
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<ul style="list-style-type: none"> <li>• “If a grandparented operator chooses to work for a different water system, he or she must meet the initial certification requirements for that system.”</li> </ul> <p>Narrative:</p> <ul style="list-style-type: none"> <li>• Program Description 3a.f</li> </ul>	<ul style="list-style-type: none"> <li>• Authorization for Continued Operation of Water Distribution and Wastewater Collection Systems-- §100.18.2(f).</li> </ul>	
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<ul style="list-style-type: none"> <li>• “The State agency with primary enforcement responsibility for the Public Water System Supervision Program must have regulations that meet the requirements of these guidelines and require ...to comply with State operator certification requirements.”</li> </ul> <p>Narrative:</p> <ul style="list-style-type: none"> <li>• Program Description 4.a</li> </ul>	<ul style="list-style-type: none"> <li>• Regulation No. 100 et. seq., Water and Wastewater Facility Operator Certification Requirements.</li> </ul>	<ul style="list-style-type: none"> <li>• 25-9-104(6), 104(6.5) - -- Duties of the Board</li> <li>• 25-9-110 – Violations - Penalty</li> </ul>
<ul style="list-style-type: none"> <li>• “States must have the ability to revoke operator certifications.”</li> </ul> <p>Narrative:</p> <ul style="list-style-type: none"> <li>• Program Description 4.b</li> </ul>	<ul style="list-style-type: none"> <li>• Disciplinary Proceedings-- §100.23.1, §100.23.2.</li> </ul>	<ul style="list-style-type: none"> <li>• 25-9-104(6), (6.5)— Duties of the Board;</li> </ul>
<ul style="list-style-type: none"> <li>• “States must also have the ability to suspend operator certifications or take other appropriate enforcement action for operator misconduct.”</li> </ul> <p>Narrative:</p> <ul style="list-style-type: none"> <li>• Program Description 4.c</li> <li>• Attachment M</li> </ul>	<ul style="list-style-type: none"> <li>• Disciplinary Proceedings-- §100.23.1., §100.23.2.</li> </ul>	<ul style="list-style-type: none"> <li>• 25-9-104(6), (6.5)— Duties of the Board;</li> <li>• 25-9-110— Violations—Penalty.</li> </ul>

<ul style="list-style-type: none"> <li>• “The State must establish training requirements for renewal based on the level of certification held by the operator.”</li> </ul> <p>Narrative:</p> <ul style="list-style-type: none"> <li>• Program Description 5.a</li> <li>• Attachment G</li> </ul>	<ul style="list-style-type: none"> <li>• Training Unit Requirements for Renewal of Certification--§100.14, §100.25</li> </ul>	<ul style="list-style-type: none"> <li>• 25-9-101—Legislative Declaration;</li> <li>• 25-9-104—Duties of the Board.</li> </ul>
<ul style="list-style-type: none"> <li>• “States must require all operators including grandparented operators to acquire necessary amounts and types of State approved training.”</li> </ul> <p>Narrative:</p> <ul style="list-style-type: none"> <li>• Program Description 5.b</li> <li>• Attachment H</li> </ul>	<ul style="list-style-type: none"> <li>• Training Unit Requirements for Renewal of Certification-- §100.14.1, §100.18.2.d.</li> </ul>	<ul style="list-style-type: none"> <li>• 25-9-107(4)(a) – Certification Procedure</li> </ul>
<p>“States must have a fixed cycle of renewal not to exceed three years.”</p> <p>Narrative:</p> <ul style="list-style-type: none"> <li>• Program Description 5.c</li> </ul>	<ul style="list-style-type: none"> <li>• Certificates--§100.13.5</li> </ul>	<ul style="list-style-type: none"> <li>• 25-9-107(3)— Certification Procedure.</li> </ul>
<ul style="list-style-type: none"> <li>• “The State must require an individual to recertify if the individual fails to renew or qualify for renewal within two years of the date that the certificate expired.”</li> </ul> <p>Narrative:</p> <ul style="list-style-type: none"> <li>• Program Description 5.d</li> </ul>	<ul style="list-style-type: none"> <li>• Certificates-- §100.13.5; §100.13.6</li> </ul>	<ul style="list-style-type: none"> <li>• 25-9-107(4)(b)— Certification Procedure.</li> </ul>

<ul style="list-style-type: none"> <li>• “States must pay special attention to identify specific renewal requirements for grandparented operators . . . by one of the following approaches or by an alternative approach approved by EPA.”</li> </ul> <p><i>Colorado selected alternative:</i></p> <p>(a) “States may specify renewal requirements for grandparented operators on a case-by-case basis. . .”</p> <p>Narrative:</p> <ul style="list-style-type: none"> <li>• Program Description 5.e</li> </ul>	<ul style="list-style-type: none"> <li>• Authorization for Continued Operation of Water Distribution and Wastewater Collection Systems-- §100.18.2(d).</li> </ul>	
<ul style="list-style-type: none"> <li>• “States must provide sufficient resources to adequately fund and sustain the operator certification program. EPA recommends that States establish a dedicated fund that is self-sufficient.”</li> </ul> <p>Narrative:</p> <ul style="list-style-type: none"> <li>• Program Description 6</li> <li>• Attachment N</li> </ul>		<ul style="list-style-type: none"> <li>• 25-9-104 (1)(a) – Duties of the Board</li> <li>• 25-9-108 -- Fees</li> </ul>

<ul style="list-style-type: none"> <li>• “The States must have a process for recertification of individuals whose certification has expired for a period exceeding two years. This process must include: review of the individual’s experience and training, and reexamination.”</li> </ul> <p>Narrative:</p> <ul style="list-style-type: none"> <li>• Program Description 7</li> </ul>	<ul style="list-style-type: none"> <li>• Certificates--§100.13.6</li> <li>• cf. Application for Certification -- §100.10</li> </ul>	<ul style="list-style-type: none"> <li>• 25-9-107(4)(b)— Certification Procedure.</li> </ul>
<ul style="list-style-type: none"> <li>• “An individual is not certified with an expired certificate.”</li> </ul> <p>Narrative:</p> <ul style="list-style-type: none"> <li>• Program Description 7</li> </ul>	<ul style="list-style-type: none"> <li>• Certificates -- §100.13.5, §100.13.6</li> </ul>	<ul style="list-style-type: none"> <li>• 25-9-110 – Violations - Penalty</li> </ul>
<ul style="list-style-type: none"> <li>• “States must include ongoing stakeholder involvement in the revision and operations of State operator certification programs. Public comment on rule revisions is not adequate stakeholder involvement.”</li> </ul> <p>Narrative:</p> <ul style="list-style-type: none"> <li>• Program Description 8</li> <li>• Attachment O</li> <li>• Attachment P</li> </ul>		<ul style="list-style-type: none"> <li>• 25-9-103 – Water and Wastewater Facility Operators Certification Board – Composition</li> <li>• 25-9-104(1)(b) -- Duties of the Board</li> </ul>

<ul style="list-style-type: none"> <li>• “States must perform reviews of their operator certification programs. EPA recommends that States perform periodic internal reviews and occasional external/peer reviews.”</li> </ul> <p>Narrative:</p> <ul style="list-style-type: none"> <li>• Program Description 9</li> <li>• Attachment I</li> </ul>	<ul style="list-style-type: none"> <li>• Administrative Functions -- §100.3.1(s)</li> <li>• Facility and Systems Classifications -- §§100.4.3, 100.5.3, 100.6.3, 100.7.3</li> <li>• Hearings and Appeals -- §100.24.4</li> </ul>	<ul style="list-style-type: none"> <li>• 24-34-104(9)(a), 24-34-104(9)(b)(II) – General Assembly Review of Regulatory Agencies and Functions</li> </ul>
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<ul style="list-style-type: none"> <li>• “The submittal of operator certification programs to EPA by States must include the following:</li> </ul> <p>(a) The State Attorney General’s certification...that the State has the legal authority to implement the program...”</p> <p>(b) A full description and explanation of how the State’s operator certification program complies with or is substantially equivalent to the requirements of these guidelines; and</p> <p>(c) a copy of the State operator certification regulations.”</p>	<ul style="list-style-type: none"> <li>• Attachment A – Attorney General’s Certification</li> <li>• Narrative Program Description</li> <li>• Attachment C</li> </ul>	
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