

**EXHIBIT 1**  
**WATER QUALITY CONTROL DIVISION**

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

**REGULATION NO. 100**

**5 CCR 1003-2**

**100.1 AUTHORITY AND PURPOSE**

100.1.1 Authority

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

100.1.2 [Purpose](#)

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

Certification under this statute is available to all persons who meet the minimum qualifications of a given classification as described in section 100.914. Operators are encouraged to apply for certification in the highest classification consistent with their qualifications.

[100.1.3 Severability](#)

[The provisions of these regulations are severable. If any regulation, rule, section, paragraph, or other portion of the \*Water and Wastewater Facility Operators Certification Requirements\* is, for any reason, held inoperative, unconstitutional, void or invalid, the validity of the remaining portions shall not be affected.](#)

[100.1.4 Applicability](#)

[The \*Water and Wastewater Facility Operators Certification Requirements\* apply to:](#)

[\(a\) Each person who meets the qualification for certification.](#)

[\(b\) The owners of water and wastewater facilities.](#)

[\(c\) In accordance with Article 9 of Title 25, section 104.4, C.R.S., the Board has the authority to exempt certain water and wastewater facilities from operating under the supervision of a certified operator in responsible charge if the exemption does not endanger the public health or the environment.](#)

[\(d\) The following facilities are exempt from the requirement to operate under the supervision of a certified operator in responsible charge:](#)

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- (i) Water treatment facilities that are not “public water systems” subject to the Colorado Primary Drinking Water Regulations, 5 CCR 1002-11.
  
- (ii) Water distribution systems whose entire distribution system falls within the jurisdiction of the Water Well Construction and Pump Installation Contractors Act, C.R.S. 37-91-101, et seq.
  
- (iii) Water distribution systems that are not “public water systems” subject to the Colorado Primary Drinking Water Regulations, 5 CCR 1002-11.
  
- (iv) Industrial treatment facilities that satisfy the following criteria:
  - (A) The quality of the wastewater discharged is such that discharge permit limits can be met utilizing only passive treatment (treatment in which chemical, mechanical, or biological treatment techniques are not utilized) or no treatment;
  
  - (B) The facility has designated a responsible person who is specifically responsible for overseeing the facility’s operation and for ensuring compliance with the facility’s discharge permit, including monitoring and reporting requirements. “Responsible person” means an individual, designated by the owner of a wastewater facility, who is specifically responsible for overseeing the facility’s operation and for ensuring compliance with the facility’s discharge permit and who receives relevant training with respect to these duties including, as appropriate, specific measures used to meet effluent limits, monitoring, inspection, planning, reporting, and documentation requirements; and
  
  - (C) Discharge under one of the following general industrial permits:
    - (I) Industrial stormwater permit.
  
    - (II) Construction stormwater permit.
  
    - (III) Municipal stormwater permit.
  
    - (IV) General industrial permitted facilities that discharge under the following general permits:
      - (1) Construction Dewatering Activities;
  
      - (2) Aquatic Animal Production;
  
      - (3) Sand and Gravel Process Water and Stormwater;
  
      - (4) Minimal Industrial Discharge;
  
      - (5) Subterranean Dewatering and Well Development;
  
      - (6) Hydrostatic Testing of Pipelines.

- (7) Tanks and Similar Vessels;
- (8) Non-Contact Cooling Water;
- (9) Pesticides; or
- (10) Commercial Washing of Outdoor Structures.

(v) Category A, B, and C graywater treatment facilities as defined in the Graywater Control Regulation, 5 CCR 1002-86.

#### 100.1.5 Exemption Requests

~~100.6.1(b)(iii)(a)~~ ~~— A facility which discharges pursuant to either an individual industrial wastewater discharge permit or a general industrial permit not listed in 100.6.1(b)(i) above may request classification by the Board as a class 2 facility. Any facility that does not qualify for exemption under section 100.1.4(d) may request exemption from the requirement to operate under the supervision of a certified operator in responsible charge based on the following criteria:~~

(i) The Board may exempt wastewater facilities or classes of facilities from the requirement to operate under the supervision of a certified operator in responsible charge. In determining whether to provide such an exemption, the Board may consider the following criteria:

(A) Discharges of limited duration;

(B) The sensitivity of the receiving waters;

(C) The level of toxic pollutants in the discharge;

(D) Situations where chemical, mechanical, or biological treatment techniques are not required to meet permit limits, including sedimentation ponds at mining operations for construction materials, as defined by section 34-32.5-103 (3), C.R.S.;

~~100.6.1(b)(iii)(A)(I)(AE)~~ the quality of the ~~industrial~~ wastewater discharged is such that discharge permit limits can be met utilizing only passive treatment (treatment in which chemical, mechanical, or biological treatment techniques are not utilized) or no treatment, and

~~100.6.1(b)(iii)(A)(II)(BF)~~ the facility has designated a responsible person who is specifically responsible for overseeing the facility's operation and for ensuring compliance with the facility's discharge permit, including monitoring and reporting requirements. "Responsible person" means an individual, designated by the owner of an ~~an industrial~~ wastewater facility, who is specifically responsible for overseeing the facility's operation and for ensuring compliance with the facility's discharge permit and who receives relevant training with respect to these duties including, as appropriate, specific measures used to meet effluent limits, monitoring, inspection, planning, reporting, and documentation requirements.

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(ii) The Board may exempt water facilities or classes of facilities from the requirement to operate under the supervision of a certified operator in responsible charge. In determining whether to provide such an exemption, the Board may consider:

(A) The classification of the facility as public or nonpublic under the Colorado Primary Drinking Water Regulations, 5 CCR 1002-11;

(B) The applicability of the Colorado Primary Drinking Water Regulations, 5 CCR 1002-11, to the facility or class of facilities; and

(C) A distribution system having a minimal number of connections.

~~(vb)~~ The Division shall evaluate a written request for exemption from the facility and shall provide the Board with a classification recommendation based upon the criteria in ~~part (A) of this subsection and upon the criteria listed in sections 25-9-104(4)(a) through (d), C.R.S. sections 100.1.4 and 100.1.5(a).~~

~~100.6.1(b)(iii)(C)(vic)~~ The Board shall approve or deny such classification requests at a regularly scheduled Board meeting.

~~100.6.1(b)(iv)(viid)~~ The Board has the authority to reclassify any facility if the facility fails to comply with the requirements of its discharge permit or if the facility's operational practices result in a direct, negative impact on the public health or the environment.

~~100.6.1(b)(iii)(e)~~ If at any time the facility does not meet the conditions of section ~~100.6.1(b)(iii)100.1.4(d)~~, the facility must notify the Division, in writing, and begin operating under the supervision of a certified operator in responsible charge within 30 days of the change in operations.

#### 100.1.6 Exceptions

(a) The Board may make exceptions to this regulation, if the exception does not endanger public health or the environment, through an adjudicatory hearing process in accordance with section 100.4.

(b) Facilities that discharge pursuant to a general industrial permit for Water Treatment Plant Wastewater Discharge are not required to be under the supervision of a industrial wastewater treatment certified operator in responsible charge if the facility is under the supervision of a water treatment certified operator in responsible charge who is specifically responsible for overseeing the facility's operation and for ensuring compliance with the facility's discharge permit, including monitoring and reporting requirements.

#### 100.1.7 Enforcement and Division Oversight

The Colorado Water Quality Control Division oversees state-wide implementation of this regulation with respect to owner compliance and operator discipline. The local city, city and county, or county with a local graywater control program has exclusive enforcement authority regarding compliance with the ordinance or resolution and, if applicable, rule, including the certified operator in responsible charge requirements for graywater facilities.

## **100.2 DEFINITIONS**

- 154 (1) "BOARD" means the Water and Wastewater Facility Operators Certification Board  
155 created by section 25-9-103, C.R.S.
- 156 (2) "CERTIFICATE" means the certificate of competency issued by the Board stating that the  
157 operator named thereon has met the requirements for the specified classification of the  
158 certification program.
- 159 (3) "CERTIFIED OPERATOR" means any person who has responsibility for the operation of  
160 any water and wastewater facility and is certified in Colorado as a "Certified Water  
161 Professional" ("CWP") in accordance with the provisions of this regulation. For purposes  
162 of this regulation, having "responsibility for the operation" of a water and wastewater  
163 facility refers generally to being qualified to perform various operational activities at such  
164 facilities in the capacity of a CWP.
- 165 (4) "CERTIFIED OPERATOR IN RESPONSIBLE CHARGE" means the certified operator  
166 who is designated by the water or wastewater facility owner to be responsible for making  
167 process control and/or system integrity decisions about water quality or quantity that may  
168 affect public health or the environment. A facility owner may designate one or more  
169 certified operators to serve in this capacity. Such an operator must be certified at a level  
170 equal to or higher than the classification of the facility he or she is operating.
- 171 (5) "CLASSIFICATION OF A WATER OR WASTEWATER FACILITY" means the level of  
172 operational complexity and/or size of a water or wastewater facility as determined by the  
173 Division.
- 174 (6) "DEPARTMENT" means the Colorado Department of Public Health and Environment.
- 175 (7) "DIVISION" means the Water Quality Control Division within the Colorado Department of  
176 Public Health and Environment.
- 177 (8) "DOMESTIC WASTEWATER TREATMENT FACILITY" means any facility or group of  
178 units used for the treatment of domestic wastewater or for the reduction and handling of  
179 solids and gases removed from such wastes, whether or not such facility or group of units  
180 is discharging into state waters. "Domestic wastewater treatment facility" specifically  
181 excludes on-site wastewater treatment systems.
- 182 (9) ["GRAYWATER TREATMENT FACILITY" means a graywater treatment works as defined](#)  
183 [in the \*Graywater Control Regulation\*, 5 CCR 1002-86.](#)
- 184 ~~(10)~~ "INDUSTRIAL WASTEWATER TREATMENT FACILITY" means any facility or group of  
185 units used for the pretreatment, treatment, or handling of industrial waters, wastewater,  
186 reuse water, and wastes that are discharged into state waters. "Industrial wastewater  
187 treatment facility" includes facilities that clean up contaminated ground water or spills;  
188 except that such term does not include facilities designed to operate for less than one  
189 year or facilities with in-situ discharge.
- 190 ~~(10)~~ "OPERATOR" means any person who performs activities and/or tasks pertinent to the  
191 operation of a water or wastewater facility. An operator may or may not be certified.
- 192 ~~(11)~~ "OWNER" means (a) the supplier of water as defined in 5 CCR 1002-11; (b) the person  
193 or persons required to apply for a discharge permit in accordance with 5 CCR 1002-61;  
194 or (c) the person with legal responsibility for a wastewater collection system [or a](#)  
195 [graywater treatment facility](#). For purposes of this definition, "person" means an individual,

- 196 corporation, partnership, association, state or political subdivision thereof, federal  
197 agency, tribal agency, state agency, municipality, commission, or interstate body.
- 198 (1213) "PLANT DESIGN FLOW" means the maximum flow rate (water) or the hydraulic capacity  
199 (wastewater) approved for a water or wastewater treatment facility by the Division.
- 200 (1314) "TRAINING UNIT" means the credit given for an increment of training approved as  
201 applicable to the fulfillment of certificate renewal requirements. Ten contact hours shall  
202 be required to equal one training unit. A "contact hour" means a classroom or supervised  
203 hour of attendance or hour of participation recognized by the Board as a training unit.
- 204 (1415) "VALIDATED EXAMINATION" means an examination that is independently reviewed by  
205 subject matter experts to ensure that the examination is based on a job analysis and is  
206 related to the classification of the system or facility.
- 207 (1516) "WASTEWATER COLLECTION SYSTEM" means a system of pipes, conduits, and  
208 associated appurtenances that transports domestic wastewater from the point of entry to  
209 a domestic wastewater treatment facility. The term does not include collection systems  
210 that are within the property of the owner of the facility.
- 211 (1617) "WASTEWATER TREATMENT FACILITY" means either a domestic wastewater  
212 treatment facility or an industrial wastewater treatment facility.
- 213 (1718) "WATER AND/OR WASTEWATER FACILITY" means a water treatment facility, domestic  
214 wastewater treatment facility, industrial wastewater treatment facility, water distribution  
215 system, or wastewater collection system.
- 216 (1819) "WATER DISTRIBUTION SYSTEM" means any combination of pipes, tanks, pumps, or  
217 other facilities that delivers water from a source or treatment facility to a consumer.
- 218 (1920) "WATER TREATMENT FACILITY" means the facility or facilities within the water  
219 distribution system that can alter the physical, chemical, or bacteriological quality of the  
220 water.

221 **100.3 ADMINISTRATIVE FUNCTIONS CONTRACTOR DUTIES**

- 222 100.3.1 In carrying out its responsibilities to administer the operator certification program  
223 pursuant to Article 9 of Title 25, C.R.S., the Board appoints an independent nonprofit  
224 corporation, through contract, to~~or its designee may~~ carry out ~~any of~~ the following duties,  
225 including but not limited to:
- 226 (a) administering the operator certification program;
- 227 (b) with the prior approval of the Board for each agreement, a nonprofit corporation  
228 contracted by the Board may enter into subsidiary agreements with other  
229 nonprofit corporations, educational institutions, and for-profit corporations to carry  
230 out the duties assigned by the Board.
- 231 (bc) collecting program fees for administration of the operator certification program;
- 232 (ed) administering validated examinations for operator certification;
- 233 (de) maintaining records of certified operators;

- 234 ~~(e) — maintaining records of water and wastewater facilities;~~
- 235 (f) notifying operators of expiration of certificates;
- 236 (g) providing information on accredited training programs and training requirements;
- 237 (h) preparing and/or furnishing validated examinations and related materials;
- 238 (i) collecting fees for examinations and administration of examinations;
- 239 (j) setting times, dates, and places for holding examinations;
- 240 (k) ensuring the accurate and unbiased grading of examinations;
- 241 (l) evaluating work experience of applicants;
- 242 (m) evaluating and approving training units for renewal of certificate;
- 243 (n) evaluating and ~~approving~~ making recommendations for requests for certification
- 244 based upon reciprocity;
- 245 (o) recording results of examinations;
- 246 (p) notifying applicants of their examination results;
- 247 (q) recommending issuance of certificates or issuing certificates in accordance with
- 248 Board criteria; or
- 249 ~~(r) — conducting failed exam reviews; or~~
- 250 ~~(s)~~ preparing and distributing annual reports.

252 100.3.2 The Board is responsible for and retains the final authority for all actions and decisions  
 253 carried out on behalf of the Board by a nonprofit corporation, educational institution, or  
 254 for-profit corporation.

255 **100.214 HEARINGS AND APPEALS**

256 100.214.1 Any water or wastewater facility owner who seeks a hearing in response to a Division  
 257 finding of a violation under section 100.4810.1 or a Department assessment of a civil  
 258 penalty for such violation may request a hearing before the Board by submitting to the  
 259 Division, within thirty (30) days of notice of such finding or assessment, a request  
 260 containing the following:

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

265 100.214.2 Any ~~certified operator, certified operator in responsible charge, or other~~ person  
 266 affected or aggrieved by a decision of the Board's designee or the Division may request a

267 hearing before the Board within thirty (30) days of notice of such decision by submitting a  
268 request containing the following information:

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

273 ~~100.10.10~~100.4.3 If an application is ~~still~~ disapproved after re-review by the Board's designee, the  
274 applicant may appeal this ~~determination~~ decision to the Board.

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

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

279 ~~100.20.3~~100.4.4 ~~The Division shall investigate any instances of possible misconduct by certified~~  
280 ~~operators or certified operators in responsible charge.~~ The Division shall present the  
281 results of ~~the its~~ investigation of operator misconduct in accordance with section 100.13  
282 and its recommendations for any disciplinary action, ~~including reprimand or suspension~~  
283 ~~or revocation of a certificate~~, to the Board in accordance with section 24-4-104, C.R.S.

284 ~~100.21.3~~100.4.5 The Board shall grant any hearing request made pursuant to section 100.21.44  
285 ~~or 100.21.2 of this regulation~~ and shall schedule and conduct an adjudicatory hearing in  
286 accordance with section 24-4-105, C.R.S.

287 **100.45 WATER TREATMENT FACILITY CLASSIFICATION**

288 100.45.1 Water treatment facilities shall be classified in accordance with the following four  
289 classes; Class D, Class C, Class B, or Class A. Class A is the highest level of  
290 classification and Class D is the lowest level of classification. The Division may make  
291 changes in classification in accordance with the needs created by particular complexities  
292 of any specific water treatment facility based on consideration of facility specific factors,  
293 including, but not limited to:

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

297 100.45.2 Table – Criteria for Water Treatment Facility Classes A, B, C, and D

Description of the Facility	Plant Design Flow (in MGD)			
	Below 2	2 – 5	5.01 – 9.99	10 or more
<u>Ground Water Systems</u>	.	.	.	.
(a) Ground water source with no treatment or with	D	D	C	B

no additional treatment beyond chlorine disinfection.				
(b) Ground water source with ultraviolet or ozone disinfection.	D	C	C	B
(c) Ground water source utilizing chemical addition and/or a treatment technology (for example, ion exchange, reverse osmosis, membrane filters, or activated carbon) for the specific purpose of meeting secondary drinking water standards.	C	C	B	B
<u>All Water Systems</u>				
(d) Any source utilizing bag or cartridge filtration to comply with primary drinking water standards <sup>1</sup> . “Bag or cartridge filtration” means a filtration system consisting of a fixed filter housing into which flexible (bag) or rigid (cartridge) filters are inserted. Both bag and cartridge filters are disposable and cannot be backwashed or re-used.	D	--	--	--
(e) Any source utilizing a treatment technology (for example, slow sand, diatomaceous earth, membrane filtration, ion exchange, activated carbon filtration, reverse osmosis) with disinfection to comply with primary drinking water standards and which is not listed in sections 100.45.2(d) or 100.45.2(f) <del>of this regulation.</del>	C	B	B	A
(f) Any source utilizing conventional or direct filtration with disinfection to comply with primary drinking water standards. “Conventional filtration treatment” means a series of processes including coagulation, flocculation, sedimentation, and filtration resulting in substantial particulate removal. “Direct filtration treatment” means a series of processes including coagulation and filtration, but excluding sedimentation, resulting in substantial particulate removal.	B	A	A	A
<u>Chemical Addition</u>	.	.	.	.
(g) Any source utilizing chemical treatment for the specific purpose of complying with secondary drinking water standards <sup>2</sup> .	C	C	B	B
(h) Any source utilizing additional chemical treatment, with the exception of corrosion control in the distribution system and disinfection for the specific purpose of complying with primary drinking water standards <sup>1</sup> .	B	B	A	A

(i) Any source utilizing chemical treatment for the specific purpose of controlling corrosion (i.e., lead and copper) in the distribution system.	C	C	B	B
(j) Any source utilizing fluoridation.	C	C	C	B
<u>Other</u>	.	.	.	.
(k) Water vending machines connected to a public water system that does not currently meet primary drinking water standards <sup>1</sup> .	C	C	C	C

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<sup>1</sup> "Primary drinking water standard" means any of the set of enforceable maximum contaminant levels for drinking water regulated under the Colorado Primary Drinking Water Regulations, 5 CCR 1002-11.

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<sup>2</sup> "Secondary drinking water standard" means any of the set of secondary maximum contaminant levels for drinking water regulated under the Colorado Primary Drinking Water Regulations, 5 CCR 1002-11. These standards are not enforceable, but are intended as guidelines.

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100.45.3 The classification of any water treatment facility may be changed at the discretion of the Division ~~by reason of~~based on changes in any condition or circumstance ~~on which~~since the last classification ~~was predicated~~ determination.

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100.45.4 Any drinking water treatment facility that utilizes a combination of two or more of the treatment processes described in section 100.45.2 ~~of this regulation~~ shall be classified in accordance with the highest level of treatment process utilized.

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100.45.5 Water treatment facilities that ~~are not "public water systems" subject to the Colorado Primary Drinking Water Regulations, 5 CCR 1002-11, shall be exempt from the requirement to operate under the supervision of a certified operator in responsible charge, and thus~~ meet the exemption criteria in section 100.1.4(d)(i) are exempt from the requirement to operate under the supervision of a certified operator in responsible charge and shall not be classified.

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**100.56 DOMESTIC WASTEWATER TREATMENT FACILITY CLASSIFICATION**

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100.56.1 Domestic wastewater treatment facilities and category D non-single family, indoor toilet and urinal flushing graywater treatment facilities shall be classified in accordance with the following four classes: Class D, Class C, Class B, or Class A. Class A is the highest level of classification and Class D is the lowest level of classification. The Division may make changes in classification in accordance with the needs created by particular complexities of any specific domestic wastewater treatment facility based on consideration of facility specific factors, including, but not limited to:

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(a) design features or other characteristics that make the facility more difficult to operate than usual;

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(b) facility design flow;

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(c) the character and volume of wastes to be treated;

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(d) the facility's design being approved under the Department's variance procedure;

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(e) a waste unusually difficult to treat;

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

333 100.56.2 Table – Criteria for Domestic Wastewater Treatment Facility Classes A, B, C, and D

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

334 100.56.3 The classification of any domestic wastewater treatment facility may be changed at the  
 335 discretion of the Division ~~by reason of~~ based on changes in any condition or  
 336 circumstance ~~on which~~ since the last classification ~~was predicated~~ determination.

337 100.56.4 Any domestic wastewater treatment facility that utilizes a combination of two or more of  
 338 the treatment processes described in section 100.56.2 ~~of this regulation~~ shall be  
 339 classified in accordance with the highest level of treatment process utilized.

340 **100.67 INDUSTRIAL WASTEWATER TREATMENT FACILITY CLASSIFICATION**

341 ~~100.6.1 Classification~~

- 342 (a) ~~Industrial wastewater treatment facilities shall be classified as Class 1 or Class 2~~  
 343 ~~facilities. Class 2 facilities shall be exempt from the requirement to operate under the~~

344 ~~supervision of a certified operator in responsible charge. Facilities not classified as Class~~  
 345 ~~2 facilities shall be classified as Class 1 facilities.~~

346 ~~(b) Class 2 Facilities~~

347 ~~(i) Class 2 facilities shall include facilities:~~

348 ~~(c) Class 1 Industrial Wastewater Treatment Facilities.~~

349 100.7.1 ~~Class 1~~ Industrial wastewater treatment facilities shall be ~~further~~ classified in accordance  
 350 with the following four classes: Class D, Class C, Class B, or Class A. Class A is the  
 351 highest level of classification and Class D is the lowest level of classification. The  
 352 Division may make changes in classification in accordance with the needs created by  
 353 particular complexities of any specific industrial wastewater treatment facility based on  
 354 consideration of facility specific factors, including, but not limited to:

- 355 (a) design features or other characteristics that make the plant more difficult to  
 356 operate;
- 357 (b) treatment of a waste that is unusually difficult to process adequately;
- 358 (c) flow conditions, use classifications and/or water quality standards assigned to the  
 359 waters receiving the treated effluent requiring an unusually high degree of plant  
 360 operation control in order to meet permit conditions; or
- 361 (d) any combination of the above conditions or circumstances.

362 100.67.2 Table – Criteria for Industrial Wastewater Treatment Facility Classes A, B, C, and D  
 363 ~~(under the “Class 1” Category)~~

<u>CLASSIFICATION</u>	<u>TREATMENT PROCESS<sup>1</sup></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 that regularly utilize chemical addition); Filtration (e.g., mixed media, pressure); Neutralization; Solids Dewatering (e.g., sand or surfaced drying beds, mechanical); Airstripping;

	Sludge Digestion.
Class D	Particulate settling ponds; Simple gravity flow filtration without chemical addition; Physical water/gas separation without chemical addition; Cooling water discharge without chemical addition.

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

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100.67.3 The classification of any ~~Class 4~~ industrial wastewater treatment facility may be changed at the discretion of the Division ~~by reason of~~ based on changes in any condition or circumstances ~~on which~~ since the last classification ~~was predicated~~ determination.

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100.67.4 Any ~~Class 4~~ industrial wastewater treatment facility that regularly utilizes a combination of two or more of the treatment processes described in section 100.67.2 ~~of this regulation~~ shall be classified in accordance with the highest level of treatment process utilized.

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100.7.5 Industrial wastewater treatment facilities that meet the exemption criteria in section 100.1.4(d)(iv) are exempt from the requirement to operate under the supervision of a certified operator in responsible charge and shall not be classified.

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~~100.6.1(b)(ii) If at any time the facility does not meet the conditions of section 100.6.1(b)(i), the facility must notify the Division, in writing, and begin operating under the supervision of a certified operator in responsible charge within 30 days of the change in operations.~~

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#### **100.78 WATER DISTRIBUTION SYSTEM CLASSIFICATION**

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100.78.1 Water distribution systems shall be classified in accordance with the following four classes: Class 1, Class 2, Class 3 or Class 4. Class 4 is the highest level of classification and Class 1 is the lowest level of classification. The Division may make changes in classification in accordance with the needs created by particular complexities of any specific water distribution system based on consideration of system specific factors, including, but not limited to:

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(a) unusual factors affecting the complexity of transmission, mixing of sources, or potential public health hazards;

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(b) size and/or length of the system's water mains;

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(c) whether or not there are automatic control valves, including but not limited to, pressure reducing or altitude valves;

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(d) number and/or size and/or types of meters;

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(e) existence of storage tanks in the system;

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(f) existence of multiple pressure zones;

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(g) maximum pressure in the system;

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(h) existence of booster stations;

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(i) number of service connections; or

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(j) quantity of water distributed.

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100.78.2 Table – Criteria for Water Distribution System Classes 1, 2, 3, and 4

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

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100.78.3 The classification of any water distribution system may be changed at the discretion of the Division ~~by reason of~~ based on changes in any condition or circumstances ~~on which~~ since the last classification ~~was predicated~~ determination.

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100.78.4 Water distribution systems that meet the exemption criteria in sections 100.1.4(d)(ii) or (iii) are exempt from the requirement to operate under the supervision of a certified operator in responsible charge and are not "public water systems" subject to the Colorado Primary Drinking Water Regulations, 5 CCR 1002-11, shall be exempt from the requirement to operate under the supervision of a certified operator in responsible charge, and thus shall not be classified.

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~~100.7.5 An entire distribution system that falls within the jurisdiction of the Water Well Construction and Pump Installation Contractors Act, C.R.S. 37-91-101, et seq., shall be exempt from the requirement to operate under the supervision of a certified operator in responsible charge, and thus shall not be classified.~~

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**100.89 WASTEWATER COLLECTION SYSTEM CLASSIFICATION**

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100.89.1 Wastewater collection systems shall be classified in accordance with the following four classes: Class 1, Class 2, Class 3 or Class 4. Class 4 is the highest level of classification and Class 1 is the lowest level of classification. The Division may make changes in classification in accordance with the needs created by particular complexities of any specific wastewater collection system based on consideration of facility specific factors, including, but not limited to:

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- (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.

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

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

Class 3	25,001 – 100,000
Class 4	Over 100,000

421 100.~~89~~.3 The classification of any wastewater collection system may be changed at the discretion  
422 of the Division ~~for based on~~ changes in any condition or circumstances ~~on which~~ since the  
423 ~~last~~ classification ~~was predicated~~ determination.

424 **100.~~48~~10 RESPONSIBILITIES AND DUTIES OF WATER AND WASTEWATER FACILITY**  
425 **OWNERS**

426 100.~~10~~~~48~~.1 Supervision by a Certified Operator in Responsible Charge

427 (a) No owner of a water or wastewater facility shall allow the facility to be operated  
428 without the direct supervision of one or more certified operators in responsible  
429 charge.

430 “Direct supervision” means that the certified operators in responsible charge  
431 have supervisory responsibility and authority with respect to the operation of the  
432 water or wastewater facility and for the activities and functions of other facility  
433 operators.

434 (b) The owner designates the certified operators in responsible charge of the water  
435 or wastewater facility by completing and submitting the appropriate division  
436 contact update form.

437 (c) Owners shall ensure that their agreements with the certified operators in  
438 responsible charge are sufficiently detailed and formal to reflect all the duties as  
439 outlined in section 100.~~46~~~~12~~.

440 (d) Contracts for limited services do not fulfill the owner’s obligation, under section  
441 100.~~48~~~~10~~.1(a), to place the facility under the supervision of one or more certified  
442 operators in responsible charge. Contracts for limited services, such as  
443 compliance sampling, do not rise to the level of a contract for a certified operator  
444 in responsible charge.

445 100.~~10~~~~48~~.2 Decisions Reserved to Certified Operator in Responsible Charge

446 Each owner of a water or wastewater facility shall ensure that all process control and/or  
447 facility integrity decisions about water quality or quantity or wastewater effluent quality or  
448 quantity that may affect public health or the environment are made by either a certified  
449 operator in responsible charge or by another operator certified at a level equal to or  
450 above the classification of the facility he or she is operating in accordance with the  
451 facility’s written operating plan as described in section 100.~~46~~~~12~~.6.

452 100.~~10~~~~48~~.3 Availability of Certified Operator in Responsible Charge

453 Each owner of a water or wastewater facility shall ensure that a certified operator in  
454 responsible charge is available or ensure that operations are conducted in accordance  
455 with the facility’s written operating plan as described in section 100.~~46~~~~12~~.6 whenever the  
456 facility is in operation.

457 Available” means either on-site or able to be contacted as needed to make decisions and  
 458 to initiate appropriate actions in a timely manner.

459 100.10~~18~~.4 Reporting Requirement

460 Each owner of a water or wastewater facility shall submit the appropriate division contact  
 461 update form, no later than thirty (30) days following the date the facility is initially placed  
 462 on-line and thereafter, no later than thirty (30) days after changes to any of the following  
 463 information:

- 464 (a) name, mailing address, phone number, and email address (if available) of the  
 465 facility legal representative providing the information;
- 466 (b) full legal name and operator identification number of the certified operators in  
 467 responsible charge;
- 468 (c) identification of the facility or facilities for which each certified operator in  
 469 responsible charge has responsibility; or
- 470 (d) the Public Water System Identification (PWSID) number, the Colorado Discharge  
 471 Permit System (CDPS) permit number, or general permit certification number for  
 472 all facilities listed.

473 100.48~~10~~.5 Certified Operator in Responsible Charge Certification Requirements

474 (a) Each water and wastewater facility shall have at least one certified operator in  
 475 responsible charge certified as shown in the following table:

476 (b) Table – Criteria for Certified Operator in Responsible Charge

<u>Facility or System Classification</u>	<u>Certified Operator in Responsible Charge Minimum Required Certification Levels</u>
<u>Water Systems</u> <del>Facilities</del>	
Water Treatment	
A	A
B	A or B
C	A, B, or C
D	A, B, C, D, S <sup>1</sup> or T <sup>2</sup>
Water Distribution	
4	4
3	4 or 3
2	4, 3 or 2

1	4, 3, 2, 1, or S <sup>1</sup>
<u>Domestic Wastewater Systems</u> <del>Facilities</del>	
Wastewater Treatment	
A	A
B	A or B
C	A, B, or C
D	A, B, C, D, or S <sup>3</sup>
Wastewater Collection	
4	4
3	4 or 3
2	4, 3 or 2
1	4, 3, 2, 1, or S <sup>3</sup>
<u>Industrial Wastewater Systems</u> <del>Facilities</del>	
A	A
B	A or B
C	A, B, or C
D	A, B, C, or D, or S <sup>3</sup>

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<sup>1</sup> Applicable only in accordance with section 100.4810.5(d)  
<sup>2</sup> Applicable only in accordance with section 100.4810.5(c)  
<sup>3</sup> Applicable only in accordance with section 100.4810.5(e)

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(c) Class T certificate is only valid for operating facilities that meet all of the following criteria:

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(i) are classified as transient non-community public water systems;

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(ii) that draw water from ground water sources not under the direct influence of surface water;

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(iii) serve fewer than 100 individuals per day;

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(iv) utilize treatment consisting only of non-gaseous chlorine disinfection; and

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(v) would be classified as a Class "D" water treatment facility and/or as a Class "1" water distribution system under the provisions of this regulation.

- 490 (d) Class S Water certificate is only valid for operating facilities that meet all of the  
491 following criteria:
- 492 (i) serve no more than 3,300 persons; and
- 493 (ii) would be classified as a Class "D" water treatment facility and/or as a  
494 Class "1" water distribution system under the provisions of this  
495 regulation.
- 496 (e) Class S Wastewater certificate is only valid for operating facilities that meet all of  
497 the following criteria:
- 498 (i) serve no more than 3,300 persons; and
- 499 (ii) would be classified as a Class "D" wastewater treatment facility and/or as  
500 a Class "1" wastewater collection system under the provisions of this  
501 regulation.

502 100.~~48~~10.6 The Division shall investigate any instances of possible violations of the requirements  
503 of section 100.~~48-10~~ of this regulation by any owner of a water or wastewater facility.  
504 The Division shall enforce compliance with these requirements in accordance with the  
505 procedures in sections 25-9-110(3), (4), and (6), C.R.S.

506 [100.10.7 Any water or wastewater facility owner who seeks a hearing in response to a Division](#)  
507 [finding of a violation or a Department assessment of a civil penalty for such violation may](#)  
508 [request a hearing before the Board in accordance with section 100.4.](#)

509 **100.~~45~~11 RESPONSIBILITIES AND DUTIES OF A CERTIFIED OPERATOR-DUTIES**

510 100.~~45~~11.1 In the performance of their duties, certified operators shall exercise a level of  
511 reasonable care and judgment consistent with the experience and training appropriate to  
512 their level of certification as defined in these regulations.

513 100.~~45~~11.2 Certified operators shall protect the public health and the environment by properly  
514 performing and/or supervising the activities pertinent to controlling the operation of a  
515 water or wastewater facility in accordance with a written operating plan as described in  
516 section 100.16.6 as appropriate to their level of certification, including but not limited to  
517 the following:

- 518 (a) controlling the selection of or flow from a source to a water or wastewater facility  
519 and controlling the selection of or flow from a water or wastewater facility to a  
520 receiving body or system;
- 521 (b) controlling the processing of raw and/or treated and/or finished  
522 water/wastewater;
- 523 (c) preparing and/or controlling chemical addition for water or wastewater treatment;
- 524 (d) observing and taking necessary actions in response to variations in operating  
525 conditions;
- 526 (e) interpreting meter and/or gauge readings and adjusting facility processes based  
527 on such interpretations;

- 528 (f) controlling the operation and maintenance of valves and/or gates;
- 529 (g) controlling the operation and maintenance of pumps;
- 530 (h) maintaining logs and/or records;
- 531 (i) collecting and/or analyzing process control samples; and
- 532 (j) reporting instances of non-compliance or situations that could result in non-
- 533 compliance to the certified operator in responsible charge.

534 100.4511.3 When acting in the capacity of a certified operator, certified operators shall refrain  
 535 from behaving in a threatening, intimidating, demeaning or similar manner in verbal or  
 536 written communications or in interactions with the public, the regulated community and  
 537 regulators.

538 100.13.611.4 Certified operators shall update the Board or its designee with any changes to  
 539 mailing address, telephone number, or email within 30 days of such change.

540 **100.4612 RESPONSIBILITIES AND DUTIES OF A CERTIFIED OPERATOR IN RESPONSIBLE**  
 541 **CHARGE DUTIES**

542 100.4612.1 Certified operators in responsible charge are designated by the owner of the water or  
 543 wastewater facility and have supervisory responsibility for the operation of the facility and  
 544 for the operational activities and functions of other facility operators.

545 100.4612.2 Process control and/or system integrity decisions with respect to drinking water  
 546 quality or quantity that may affect the public health or the environment are reserved to  
 547 certified operators in responsible charge.

548 100.4612.3 Process control and/or facility integrity decisions with respect to effluent quality or  
 549 quantity that may affect the public health or the environment are reserved to certified  
 550 operators in responsible charge.

551 ~~100.16.4 Certified operator(s) in responsible charge of a water or wastewater facility must hold a~~  
 552 ~~valid certificate equal to or greater than the classification of the water or wastewater~~  
 553 ~~facility they operate.~~

554 100.4612.4 Certified operators in responsible charge of a water or wastewater facility must hold a  
 555 valid certificate equal to or greater than the classification of the water or wastewater  
 556 facility they operate.

557 100.4612.5 Certified operators in responsible charge shall protect the public health and the  
 558 environment in the conduct of their duties. The certified operators in responsible charge  
 559 are accountable for the operation and maintenance of the water or wastewater facility  
 560 and are responsible for understanding the requirements of the applicable permits, laws  
 561 and regulations. These duties include the following:

562 (a) controlling, supervising or actively participating in the planning, operation and  
 563 maintenance of a water or wastewater facility;

564 (b) making process control and system integrity decisions on the operation and  
 565 maintenance of the water or wastewater facility;

- 566 (c) making decisions and initiating actions regarding the operation of the water or  
567 wastewater facility in a timely manner;
- 568 (d) inspecting and testing new, modified, or repaired facilities prior to placing or  
569 returning such facilities into service;
- 570 (e) developing maintenance programs;
- 571 (f) developing and maintaining the written operating plan as described in section  
572 100.4612.6;
- 573 (g) reporting instances of non-compliance or situations that could result in non-  
574 compliance as appropriate to facility owners and the Department; and
- 575 (h) performing other functions of direct responsibility, including those enumerated in  
576 section 100.4511.
- 577 100.4612.6 Certified operators in responsible charge of a water or wastewater facility may  
578 delegate tasks or activities, including those listed in section 100.12.5, to other facility  
579 operators when delineated by a written operating plan.
- 580 (a) Such tasks may be performed by the facility operators even if the certified  
581 operator in responsible charge is not on-site.
- 582 (b) The operating plan must be precise in defining the limits of such tasks or  
583 activities.
- 584 (i) The operating plan must be reviewed and updated, as needed, at least  
585 once each calendar year by a certified operator in responsible charge.
- 586 (ii) The operating plan must be available to the facility owner and other  
587 facility operators at all times. The operating plan must be available for  
588 inspection by the Department upon request.
- 589 (c) Any operational activity beyond the limits defined in the operating plan requires  
590 the immediate and direct consultation with and participation of a certified operator  
591 in responsible charge or another operator holding a certificate equal to or above  
592 the classification of the facility he or she is operating.
- 593 (d) Certified operators in responsible charge remain accountable for the  
594 consequences of the performance of such tasks or activities by other facility  
595 operators under their charge.

596 **100.2013 DISCIPLINARY PROCEEDINGS**

597 ~~400.20.3~~ 100.13.1 The Division shall investigate any instances of possible misconduct by  
598 certified operators or certified operators in responsible charge. ~~The Division shall present~~  
599 ~~the results of the investigation and its recommendations for any disciplinary action,~~  
600 ~~including reprimand or suspension or revocation of a certificate, to the Board in~~  
601 ~~accordance with section 24-4-104, C.R.S.~~

602 100.20.1 13.2 The Board may reprimand a certified operator, and/or suspend or revoke the  
603 certificate of any certified operator who violates the requirements of this regulation,  
604 including, but not limited to the following:

- 605 (a) failing to exercise reasonable care and judgment consistent with the operator's  
606 level of certification and degree of responsibility for the operation of a water or  
607 wastewater facility;
- 608 (b) failing to properly perform and/or supervise activities pertinent to controlling the  
609 operation of a water or wastewater facility, including, but not limited to the tasks  
610 described in section 100.45-11 of this regulation;
- 611 (c) willfully or negligently violating, causing, or allowing the violation of this  
612 regulation, 5 CCR 1003-2; the *Colorado Primary Drinking Water Regulations*, 5  
613 CCR 1002-11; the *Colorado Discharge Permit System Regulations*, 5 CCR 1002-  
614 61, or a discharge permit issued thereunder; or any other relevant regulations;
- 615 (d) submitting false or misleading information on any document provided to the  
616 Department, Division, Board, or designee of the Board;
- 617 (e) using fraud or deception in the course of employment as a certified operator;
- 618 (f) failing to conform with minimum standards of performance of a certified  
619 operator's duty;
- 620 (g) engaging in dishonest conduct during an examination;
- 621 (h) obtaining a certificate through fraud, deceit, or the submission of materially  
622 inaccurate application information;
- 623 (i) representing oneself as holding a valid operator's certificate after the expiration,  
624 suspension, or revocation of the certificate; or
- 625 (j) when acting in the capacity of a certified operator, behaving in a threatening,  
626 intimidating, demeaning or similar manner in verbal or written communications or  
627 in interactions with the public, the regulated community or regulators.

628 | 100.20.2-13.3 The Board may reprimand a certified operator in responsible charge, and/or  
629 suspend or revoke the certificate of any certified operator in responsible charge, who:

- 630 (a) fails to meet the requirements of a certified operator in responsible charge as  
631 defined in section 100.46-12 of this regulation; and/or
- 632 (b) willfully or negligently causes, instructs, or allows any other person or operator  
633 under his or her charge, direction, or supervision to act in a manner inconsistent  
634 with a certified operator's duties and obligations as described in section 100.45  
635 11 or other relevant parts of this regulation, or to act in a manner inconsistent  
636 with the ~~Colorado Primary Drinking Water Regulations, 5 CCR 1002-11; the~~  
637 ~~Colorado Discharge Permit System Regulation, 5 CCR 1002-61; or a discharge~~  
638 ~~permit issued thereunder; or~~ any other relevant regulations or permits.

639 ~~100.20.3 The Division shall investigate any instances of possible misconduct by certified~~  
640 ~~operators or certified operators in responsible charge. The Division shall present the~~  
641 ~~results of the investigation and its recommendations for any disciplinary action, including~~  
642 ~~reprimand or suspension or revocation of a certificate, to the Board in accordance with~~  
643 ~~section 24-4-104, C.R.S.~~

644 | 100.20.4 100.13.4 Reprimand

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

649 ~~100.20.5~~ 100.13.5 Suspension

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

658 ~~100.20.6~~ 100.13.6 Revocation

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

665 ~~100.20.7~~ 100.13.7 Emergency Suspension or Revocation

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

668 ~~100.20.8~~ 100.13.8 Following the suspension or revocation of his or her certificate, an operator  
669 shall not represent that he or she holds a certificate in the classification category for  
670 which the certificate was suspended or revoked. No person shall operate a water or  
671 wastewater facility ~~in reliance with on~~ a suspended or revoked certificate.

672 ~~100.14~~ 100.14 **APPLICATION TO SIT FOR CERTIFICATION EXAMINATION, QUALIFICATIONS,**  
673 **EDUCATION, EXPERIENCE AND SUBSTITUTIONS**

674 ~~100.14~~ 100.14.1 A person desiring to be certified to operate a water or wastewater facility shall first file  
675 an application to sit for examination with the Board or its designee.

676 ~~100.14~~ 100.14.2 The Board shall designate the number of examination cycles during each calendar  
677 year.

678 ~~100.14~~ 100.14.3 For each examination cycle, the Board or its designee shall specify an application  
679 deadline.

680 ~~100.14~~ 100.14.4 All applications for certification examinations shall be made on forms provided by the  
681 Board or its designee.

- 682 | 100.4014.5 Completed application materials and fees must be received by the Board or its  
683 | designee on or before the application deadline for each examination cycle.
- 684 | 100.4014.6 While an applicant may apply for more than one examination during a cycle, that  
685 | applicant may apply for only one level of certification for each certification category (water  
686 | treatment facility, domestic or industrial wastewater treatment facility, distribution system  
687 | or collection system).
- 688 | 100.4014.7 The applicant must specify examination category (i.e. water, domestic or industrial  
689 | wastewater, distribution, collection, Class S water system, I Class S wastewater, or Class  
690 | T), level of certification sought, examination date, and testing location and may only take  
691 | the specified examination once during each examination cycle.
- 692 | 100.4014.8 The Board or its designee shall review applications and supporting documents,  
693 | determine the eligibility of applicants to sit for the examination, and notify the applicants  
694 | of their status. Any application disapproval notification shall specify the reason(s) the  
695 | application does not meet the minimum requirements.
- 696 | 100.4014.9 If an application is disapproved, the applicant may request a re-review of the  
697 | application, including consideration of any clarifying information that the applicant may  
698 | choose to submit regarding the identified basis for disapproval.
- 699 | (a) Any such request for re-review must be received by the Board or its designee  
700 | within two weeks of the date of the disapproval notification letter.
- 701 | (b) All additional factual information supporting the application must be received with  
702 | the re-review request.
- 703 | 100.4014.10 If an application is still disapproved after re-review, the applicant may appeal this  
704 | determination to the Board.
- 705 | (a) Any such appeal must be received in the Board's office within two weeks of the  
706 | date of the second disapproval notification letter.
- 707 | (b) No new factual information will be accepted during the Board appeal process,  
708 | except for good cause shown.
- 709 | ~~100.9~~100.14.11 ~~Qualifications for Certification~~Of Operators
- 710 | ~~100.9.1 Continuity of Certification~~
- 711 | ~~(a) — Operators certified under the system of classification and certification in place prior to~~  
712 | ~~January 30, 2001, including distribution and collection system operators who~~  
713 | ~~passed the voluntary examination administered by the Colorado Water~~  
714 | ~~Distribution and Wastewater Collection Certification Council, shall be deemed~~  
715 | ~~compliant with this provision and fully capable of operating facilities as described~~  
716 | ~~herein.~~
- 717 | ~~(b) — Operators holding Class 3 water distribution or wastewater collection certifications issued~~  
718 | ~~prior to January 1, 2008 shall be deemed to have met the requirements for the~~  
719 | ~~Class 4 certification and shall be issued Class 4 certifications.~~
- 720 | ~~100.9.2(a)~~ Basic Requirements for Certification by Examination

- 721 (a) Applicants shall be evaluated by the Board or its designee as to  
722 education, experience, and knowledge related to the classification level  
723 for which the applicant seeks to be certified.
- 724 (b) An applicant must pass a validated examination designated for the  
725 category and level of facility for which application is being made with a  
726 minimum passing score of 70 percent.
- 727 (c) To qualify to sit for an examination, an applicant must meet the minimum  
728 education requirements, the minimum experience or cross-experience  
729 requirements, and the prior certification requirements as set forth in  
730 section 100.9.814.11(g).
- 731 ~~100.9.3~~(b) Minimum Educational Requirements for Certification by Examination
- 732 (a) Applicants must have a high school diploma or a general equivalency  
733 diploma (GED), except as provided in section 100.9.3(e)14.11(b)(iii).
- 734 (b) Experience and relevant training may substitute for a high school  
735 diploma or GED. Applicants substituting experience and relevant  
736 training for the high school diploma or GED shall:
- 737 (A) have an additional six (6) months of qualifying experience; and
- 738 (B) demonstrate the completion of 1.0 training units in a course  
739 approved as a substitute for entry-level experience requirements.
- 740 (c) Applicants for certification as Class D, Class 1, Class S, or Class T  
741 operators of water or wastewater facilities who are enrolled in the last  
742 semester of Board approved courses or programs which are specifically  
743 designed to prepare secondary students to operate water or wastewater  
744 facilities may be approved to take the examination before earning a high  
745 school diploma.
- 746 (A) Such an approval shall be based on a case-by-case  
747 determination that such courses or programs are directly and  
748 specifically relevant to the operation of water and wastewater  
749 facilities.
- 750 (B) After passing the examination, the certificate will be issued upon  
751 submitting proof of the high school diploma to the Board or its  
752 designee.
- 753 ~~100.9.4~~(c) Experience Determinations for Certification by Examination
- 754 (a) No more than one year of experience will be credited for  
755 employment/activities during any one calendar year.
- 756 (b) For water or wastewater facilities that require less than a full time  
757 operator for proper operation, the experience of an operator of such a  
758 facility who works less than half time will be counted as half-time  
759 experience; the experience of an operator of such a facility who works  
760 half-time or more will be counted as full-time experience.

761 (eiii) The aggregate time spent operating multiple facilities shall be considered  
762 in any determination of whether to credit full-time experience or half-time  
763 experience.

764 (eiv) Experience obtained in the operation of a seasonal water or wastewater  
765 facility will be credited only for that portion of the year during which the  
766 facility is in operation.

767 (ev) Except as described in section 100.9.9.14.11(h)-below, the certification  
768 examination application deadline is the experience cut-off date in  
769 determining whether an operator has the required experience to take a  
770 certification examination at a particular level.

771 (evi) To meet the experience requirement to test for a particular level of  
772 certification, the experience relied upon does not have to be at the level  
773 of the examination for which application is being made.

774 100.9.5(d) Evaluation of Experience. For purposes of this section, domestic and  
775 industrial wastewater treatment facility experience shall be considered  
776 interchangeable. In evaluating experience of operators the Board or its designee  
777 will be guided by:

778 (ai) whether and to what degree the experience required technical  
779 knowledge of the operation of a water or wastewater facility;

780 (bii) whether and to what degree the experience was actual on-site operating  
781 experience with the daily operational aspects of a facility that could affect  
782 water quality or quantity; and

783 (eiii) whether or not the experience included the responsible charge of a water  
784 or wastewater facility.

785 100.9.6(e)- Once specific experience or relevant training is credited toward the  
786 satisfaction of either the experience or education requirements of this section,  
787 that same experience and/or training may not be further credited to meet other  
788 requirements of this section.

789 100.9.7(f) Prior Certification Requirements. To qualify to sit for an examination, an  
790 applicant must hold a certificate for the same certification category (water  
791 treatment facility, domestic or industrial wastewater treatment facility, distribution  
792 system or collection system) and in the class immediately below the class for  
793 which application is being made. Prior certification requirements are shown in  
794 the table below.

795 100.9.8(g) Table - Prior Certification and Experience Requirements

Certification Class	Prior Certification Required <sup>1</sup>	Minimum Experience Required
Class T	None	No minimum experience requirement
Class S, Class D, or Class 1	None	1 Month

Class C	Class D or Class S	2 Years
Class 2	Class 1 or Class S	2 Years
Class B	Class C	3 Years
Class 3	Class 2	3 Years
Class A	Class B	4 Years
Class 4	Class 3	4 Years

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

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~~100.9.9(h)~~ Special Rules for Satisfying the Minimum Experience Requirements for Class D, Class 1, Class S and Class T Certifications:

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(a) Applicants for certification as Class D, Class 1, Class S, or Class T operators of water or wastewater facilities may be approved to take the examination before accruing the necessary experience for the issuance of a certificate.

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(b) After passing the examination, the certificate will be issued upon showing completion of satisfactory experience to the Board or its designee.

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(c) The required experience may be obtained either under the supervision of a certified operator in responsible charge or through the successful completion of an approved training course or course of study.

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(d) Any education courses used to satisfy the basic experience requirement for a Class D, Class 1, Class S, or Class T certificate may not be used to satisfy the certificate renewal requirements for that same certification.

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100.14.12 Substituting education and cross experience substituted for the experience requirements

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~~100.12.1(a)~~ ~~Substitution~~ Substituting Education for Experience Requirements

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(a) Post-secondary education may also be substituted for the experience requirements of section 100.9-11 based on ~~the basis of~~ successful completion of formal academic credit hours, as approved by the Board or its designee in accordance with section 100.11.12-2(b), for all or a portion of an academic year. For education substitution for experience, academic credit hours shall be calculated as follows:

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(A) 15 semester hours = ½ academic year = 6 months experience;  
15 quarter hours = 1/3 academic year = 4 months experience;

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824

(B) Training units: 300 contact hours or 30 training units = 15 quarter hours = 4 months experience;

- 825 (iiiC) thirty (30) semester hours and/or forty-five (45) quarter hours  
826 shall constitute one (1) year's formal education and may be  
827 substituted for one (1) year of experience.
- 828 (bii) Consideration of Field(s) of Study
- 829 (iA) Credit for up to fifty percent (50%) of the applicable experience  
830 requirement of section 100.9-14.11 may be granted for  
831 satisfactorily completing structured programs of study in a  
832 degree or certificate granting educational institution or equivalent  
833 for technically oriented programs which the Board or its designee  
834 has determined are directly relevant to the operation of water  
835 and wastewater facilities, including but not limited to post high  
836 school education in the environmental control field, engineering  
837 or related science. Experience credit shall be granted based  
838 upon the number of academic years required to complete the  
839 program, in accordance with ~~subsection~~ 100.12.14.12(a).
- 840 (iiB) Credit for up to twenty-five (25%) of the applicable experience  
841 requirement of section 100.9-14.11 may be granted for  
842 satisfactorily completing structured programs of study in a  
843 degree granting educational institution or equivalent, regardless  
844 of field of study. Experience credit shall be granted based upon  
845 the number of academic years required to complete the program,  
846 in accordance with ~~subsection~~ 100.12.14.12(a).
- 847 (eiii) In instances where an approved degree or certificate program has not  
848 been completed, credit for up to fifty percent (50%) of the applicable  
849 experience requirement of section 100.9-14.11 may be granted for the  
850 completion of individual technically oriented courses as approved by the  
851 Board or its designee as relevant to the operation of water and  
852 wastewater facilities, including but not limited to post high school  
853 education in the environmental control field, engineering or related  
854 science, in accordance with ~~subsection~~ 100.12.14.12(a).
- 855 (div) At least fifty percent (50%) of any experience requirement of section  
856 100.9 of this regulation shall be met by actual on-site operating  
857 experience in a water or wastewater facility, except that Class D, Class  
858 1, and Class S applicants may satisfy the experience requirements  
859 exclusively with formal academic education credits or training units, in  
860 accordance with ~~subsection~~ 100.914.12.
- 861 ~~100.12.2(b)~~ Approval of Training, Educational Courses, and Institutions When  
862 Substituting Education for Experience
- 863 (ei) The Board or its designee may approve, for purposes of substituting  
864 education for experience, courses or programs which are specifically  
865 designed to prepare secondary students to operate water or wastewater  
866 facilities. Such an approval shall be based on a case-by-case  
867 determination that such courses or programs are directly and specifically  
868 relevant to the operation of water and wastewater facilities.
- 869 (bii) Approval of technically-oriented courses or programs, for purposes of  
870 substituting education for experience, shall be determined by the Board  
871 or its designee based on a determination that such courses or programs

872 are directly relevant to the operation of water and wastewater facilities.  
873 Such courses and programs may include, but are not limited to, post-  
874 secondary education in the environmental control field, engineering,  
875 microbiology, chemistry, or other related science.

876 (eiii) Approval of educational institutions for purposes of substituting education  
877 for experience shall be determined by the Board or its designee based  
878 on accreditation by recognized regional associations for such institutions  
879 in the United States. For educational institutions outside the United  
880 States, the applicant shall be required to establish to the satisfaction of  
881 the Board or its designee the equivalency and suitability of the courses of  
882 study claimed for credit.

883 (eiv) Other educational programs, including but not limited to, specialized  
884 operator training courses, seminars, workshops, correspondence or  
885 computer courses, and technical conferences, may be credited toward  
886 education for purposes of substitution for experience as approved by the  
887 Board or its designee. Such programs will receive credit in training units  
888 on the following basis:

889 (iA) Ten (10) contact hours shall be required to equal one training  
890 unit. A contact hour means a classroom or supervised hour of  
891 attendance or hour of participation, recognized by the Board as a  
892 training unit, successfully completed by an applicant.

893 (iB) Three (3) training units shall equal one semester credit hour or  
894 two training units shall equal one quarter credit hour for purposes  
895 of equivalency.

896 ~~100.12.3~~(c) Substitution of Cross-Experience for Experience Requirements

897 (ei) Cross-experience may be substituted for the experience requirements of  
898 section ~~100.9-14.11~~ for certification as a Class C, Class B, or Class A  
899 water treatment facility operator, domestic or industrial wastewater  
900 treatment facility operator; or for a Class 2, Class 3, or Class 4 water  
901 distribution or wastewater collection system operator, except that at least  
902 fifty percent (50%) of any experience requirement of section ~~100.9-14.11~~  
903 shall be met by actual on-site operating experience in the specific  
904 certification category, water or wastewater, for which application is being  
905 made.

906 (bii) For the purpose of this section, “cross-experience” means that:

907 (iA) qualifying experience as an operator in a water treatment facility  
908 may be substituted for up to fifty percent (50%) of the experience  
909 requirement for certification as an operator of a wastewater  
910 treatment facility;

911 (iB) qualifying experience as an operator in a wastewater treatment  
912 facility may be substituted for up to fifty percent (50%) of the  
913 experience requirement for certification as an operator of a water  
914 treatment facility;

915 (iiiC) qualifying experience as an operator in a water distribution  
916 system may be substituted for up to fifty percent (50%) of the  
917 experience requirement for certification as an operator of a  
918 wastewater collection system; or

919 (ivD) qualifying experience as an operator in a wastewater collection  
920 system may be substituted for up to fifty percent (50%) of the  
921 experience requirement for certification as an operator of a water  
922 distribution system.

923 100.14.4413 Examinations

924 ~~400.11.1~~(a) The Board or its designee shall oversee the preparation and  
925 administration of validated examinations to be used in determining whether or not  
926 the applicant has the necessary skills, knowledge, ability and judgment  
927 appropriate for the level of certification sought.

928 ~~400.11.2~~(b) Examinations shall be held at places and times set by the Board or its  
929 designee. Advance announcements of the date and locations of examinations  
930 shall be made by the Board or its designee.

931 ~~400.11.3~~(c) All examinations shall be written or administered electronically, except in  
932 such cases as the Board or its designee decide, on a case-by-case basis,  
933 represent proper exceptions to this requirement.

934 ~~400.11.4~~(d) All examinations will be graded by the Board or its designee, and the  
935 applicants shall be notified of the results.

936 ~~400.11.5~~(e) Examinees shall be provided an analysis of their examination  
937 performance indicating the level of knowledge demonstrated for each topic  
938 tested.

939 ~~400.11.6~~(f) Separate validated examinations will be prepared for each category and  
940 level of certification available. The appropriate range and balance of examination  
941 material shall be developed from formal job analyses and the need-to-know  
942 criteria resulting from such analyses.

943 ~~400.11.7~~(g) Applicants who fail an examination may retest during subsequent,  
944 regularly scheduled examination cycles upon complying with all applicable  
945 application procedures including the payment of appropriate fees.

946 ~~400.11.8~~(h) Any form of cheating on the part of an applicant will invalidate the results  
947 of his or her examination and may result in the applicant being barred from ~~taking~~  
948 sitting for an examination for a period of 1 to 5 years, as determined by the  
949 Board following a hearing in accordance with section 24-4-104, pursuant to  
950 Article 4 of Title 24, C.R.S.

951 ~~100.13~~15 APPLICATION FOR NEW CERTIFICATES AND CERTIFICATES BY RECIPROCITY

952 100.15.1 The Board or its designee shall award to the applicant a certificate designating  
953 the appropriate certification level upon satisfactory fulfillment of the requirements of  
954 section ~~100.13.1~~15.3, ~~100.13.2~~ or ~~100.13.5~~15.4, as appropriate, and payment of all  
955 applicable program fees listed in section ~~100.49~~17.2.

956 100.15.2 New ~~operator~~ certificates shall be valid for three (3) years from the date of the  
957 certification eligibility notification letter. ~~Renewal~~ Renewed certificates shall be valid for  
958 three (3) years from the date of expiration of the prior certificate, not from the issue date  
959 of the renewed certificate.

960 ~~100.13.4~~ 15.3 Application for New Certificates

961 (a) After receiving written notification of eligibility to apply for the certificate, the  
962 applicant must complete and submit the certificate application. Applicants must  
963 meet all certification requirements and shall submit the following, where  
964 applicable:

965 (i) verification of the experience requirements for Class D, Class 1, Class S  
966 and Class T certification pursuant to section 100.~~9.9~~ 14.11(h);

967 (ii) a copy of a high school diploma pursuant to section 100.~~9.3(e)~~ 14.11(b);

968 (iii) a current mailing address, telephone number and email address (if  
969 available); and

970 (iv) verification of lawful presence in the United States in accordance with  
971 section 24-76.5-101 et.seq, C.R.S.

972 (b) An applicant shall complete the certification process within three (3) years from  
973 the date of the certification eligibility notification letter.

974 ~~100.13.5~~ 15.4 Application for Certificates by Reciprocity

975 (~~ba~~) Operators must submit a written application for certification by reciprocity to the  
976 Board or its designee.

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

980 (i) Passed an adequate, validated examination and who hold a valid  
981 certificate in another state, territory or possession of the United States, or  
982 other country as issued by one of these entities or, at the discretion of  
983 the Board, by another certifying entity, provided the requirements for  
984 certification of operators under which the person's certificate was issued  
985 do not conflict with the provisions of Article 9 of Title 25, C.R.S., and are  
986 of a standard not lower than that specified by these regulations.

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

989 (c) After receiving written notification of approval by the Board for certification in  
990 Colorado, applicants shall follow the instructions provided in the approval letter to  
991 complete the certification process.

992 (d) Certificates by reciprocity shall be considered "new" certificates subject to all  
993 requirements of sections 100.~~13.4~~ 15.3 and 100.~~19~~ 17.

994 **100.1416** ~~PROFESSIONAL DEVELOPMENT - TRAINING UNIT REQUIREMENTS FOR~~  
995 ~~RENEWAL OF CERTIFICATION~~CERTIFICATE RENEWAL, EXPIRATION, REVOCATION AND  
996 TRAINING UNIT REQUIREMENTS

997 ~~100.13.2~~16.1 Application for Renewal of Certificates

998 (a) Certified operators must submit a complete written application for renewal to the  
999 Board or its designee six to eight weeks prior to the expiration date of the  
1000 certificate, ~~in order to avoid expiration of a certificate under section 100.13.3.~~

1001 (b) Renewal applications must demonstrate that the certified operator satisfies the  
1002 requirements of this regulation including meeting the renewal training unit  
1003 requirements ~~stated in~~of section 100.1416.

1004 (c) Renewal applications must include verification of lawful presence in the United  
1005 States in accordance with sections 24-76.5-101 et.seq, C.R.S.

1006 (d) The Board or its designee shall provide all application forms for renewal of  
1007 certificates.

1008 (e) Renewal Process for Certified Operators Absent Due to Military Service

1009 (i) "Military service" means service in the uniformed services, as defined in  
1010 the Uniformed Services Employment and Reemployment Rights Act  
1011 (USERRA), 38 U.S.C. §§ 4301-4335, as the performance of duty on a  
1012 voluntary or involuntary basis in a uniformed service under competent  
1013 authority and includes active duty, active duty for training, initial active  
1014 duty for training, inactive duty training, full-time National Guard duty, a  
1015 period for which a person is absent from a position of employment for the  
1016 purpose of an examination to determine the fitness of the person to any  
1017 such duty, and a period for which a person is absent from employment  
1018 for the purpose of performing funeral honors duty as authorized by  
1019 section 12503 of title 10 or section 115 of title 32.

1020 (ii) During the period a certified operator is participating in military service,  
1021 his or her certificate(s) shall be tolled relative to certification renewal and  
1022 training unit requirements (i.e., for every day a certified operator is in  
1023 military service, all certifications held by that operator will be put on hold  
1024 for purposes of meeting the renewal and training unit deadlines). In  
1025 addition to the number of days in service, an extra 90-day grace period  
1026 shall be afforded to certified operators upon return from military service  
1027 for purposes of meeting renewal and training unit deadlines. The Board  
1028 or its designee shall have the discretion to extend this grace period to  
1029 address extenuating circumstances on a case-by-case basis.

1030 (iii) If the two-year renewal window for any certificate expires while a certified  
1031 operator is in military service, the operator's certificate(s) will not become  
1032 invalid during the period the operator is in service. Upon return from  
1033 military service, the certified operator will have the amount of time  
1034 accrued while in military service, plus an additional 90 days to obtain the  
1035 required training unit credits and to submit a renewal application. The  
1036 operator's certificate(s) will remain valid during that extended time  
1037 period. In no case will the certified operator be subject to any late fees at  
1038 the time of submitting a renewal application that is in conformance with  
1039 section 100.13.216.1(e).

1040 (iv) It is the certified operator's responsibility to alert the Board or its  
1041 designee of intervening military service at the time of filing a renewal  
1042 application. Such notification shall include the dates the operator was in  
1043 "service in the uniformed services" in accordance with the USERRA  
1044 definition. Certified operators shall be expected to provide a signature  
1045 swearing under the penalty of perjury to the veracity of all statements  
1046 regarding military service.

1047 ~~100.13.3~~ 100.16.2 Expired Certificates

1048 (a) A certificate becomes invalid on its expiration date.

1049 (b) Following expiration of a certificate, the operator shall not represent that he or  
1050 she holds a certificate in the class for which the certificate expired.

1051 (c) No certified operator in responsible charge of a water or wastewater facility shall  
1052 operate a facility ~~in reliance~~ relying on ~~with~~ an expired certificate.

1053 ~~(d)~~ 100.16.3 Restoration of expired certificates

1054 (a) An operator may apply for renewal for two years following expiration of the  
1055 certificate. The Board or its designee will renew the certificate if the operator  
1056 pays the renewal and applicable late fees, as listed in section ~~100.19~~ 100.17.2 ~~(ef)~~,  
1057 and satisfies all applicable renewal requirements.

1058 (e) Certificates which are renewed after their expiration date shall be valid for three  
1059 years from the date of expiration of the prior certificate, not from the issue date of  
1060 renewed certificate.

1061 ~~100.13~~ 100.16.4 Revocation of Non-Renewed Certificates

1062 (a) Any certificate not renewed by the operator within two years of its expiration is  
1063 automatically revoked.

1064 (b) Any operator whose certificate is revoked shall be treated as a new applicant for  
1065 purposes of this regulation and must meet all the initial certification requirements,  
1066 including passing the appropriate certification examination.

1067 ~~100.14.1~~ 100.16.5 Training Units

1068 (a) In addition to the other requirements of this regulation, all certified operators must  
1069 earn the appropriate number of training units, as specified in ~~this~~ section  
1070 100.16.6, before the operator's certificate will be renewed.

1071 (a) At least fifty percent (50%) of the training units for certificate renewal must be for  
1072 courses approved for credit in the specific field of the certificate being renewed.

1073 (b) Up to fifty percent (50%) of the training units for certificate renewal may come  
1074 from courses approved for credit in a field other than that of the certificate being  
1075 renewed, including supplemental training courses.

1076 (c) The maximum number of training units from a specific course that may be  
1077 credited toward the renewal of a single certificate is the training unit equivalent of  
1078 the actual number of approved hours in the course.

- 1079 (e) If applicable, the training units from one course may be applied toward the  
1080 renewal of more than one certificate.
- 1081 (f) Training units may only be used once in each category to renew a certificate.
- 1082 (g) Training units are earned during the three-year period a certificate is valid.  
1083 Training units may not carry over from one three-year period to the next.
- 1084 (h) For training that occurs over multiple dates, the training units will be considered  
1085 to have been obtained on the date of completion of the training course or class.
- 1086 (i) If an operator takes a training course prior to taking a certification examination,  
1087 passes the examination, and obtains a certificate at a new level, the training  
1088 course completed prior to the examination will not count toward training units for  
1089 renewal of the new certificate. Should a certified operator complete such a  
1090 training course and not pass a new certification examination, that training course  
1091 can be used, if applicable, to meet the training unit requirements for renewal of  
1092 the operator's current certificate.
- 1093 (j) Late renewal
- 1094 (i) Training classes taken after the expiration date of a certificate, but before  
1095 the automatic revocation date, may be used to renew the expired  
1096 certificate.
- 1097 (ii) If an operator completes training units after the expiration date of a  
1098 certificate, but before the certificate is renewed and does not use the  
1099 training units to renew the previous certificate, the training units may be  
1100 used for the subsequent renewal.
- 1101 (iii) It is the certified operator's responsibility to keep track of when the  
1102 training unit credits have been used and will be responsible to verify and  
1103 affirm on the renewal application that he or she is not using the credits  
1104 more than once.
- 1105 (iv) In the event that a certified operator uses training credits more than  
1106 once, that could be grounds for disciplinary action, including revocation  
1107 of a certificate.

1108 100.44-216.6 Table – Training Unit Requirements for Operator Certificate Renewal

Certified Operator Class	Training Unit Requirement
Class T	1.2 Training Units
Class D or Class 1	1.2 Training Units
Class S	1.8 Training Units
Class C or Class 2	1.8 Training Units
Class B or	2.4 Training Units

Class 3	
Class A or Class 4	3.0 Training Units

1109 | 100.~~14.3~~16.7 All training unit subject matter ~~for which training units~~ will be ~~granted must be~~  
 1110 | determined by the Board or its designee to be relevant and necessary to the successful  
 1111 | operation of a water or wastewater facility.

1112 | (a) The Board or its designee shall approve as “core training” courses with topics  
 1113 | that are directly applicable to aspects of water and wastewater facility operations  
 1114 | that may affect public health or the environment, or the need to maintain  
 1115 | compliance with established requirements. Training units from such courses  
 1116 | may be used to satisfy the training units requirements for the renewal of an  
 1117 | operator’s certificate in accordance with sections 100.44.416.5 and 100.16.6.

1118 | (b) Eligible “core training” topics may include the following subjects:

1119 | (i) operation and maintenance of facility mechanical systems, electrical  
 1120 | equipment or hydraulics;

1121 | (ii) physical treatment, chemical treatment, biological treatment;

1122 | (iii) physical testing, chemical testing, biological testing, or disinfection;

1123 | (iv) regulatory compliance; or

1124 | (v) other relevant topics approved by the Board or its designee.

1125 | (c) The Board or its designee may approve as “supplemental training” any courses  
 1126 | that are found to provide useful operator knowledge but are not directly related to  
 1127 | water or wastewater facility operations. Training units from courses approved as  
 1128 | “supplemental training” may be used to satisfy the training unit requirements for  
 1129 | renewal of an operator’s certificate in accordance with sections 100.44.416.5 and  
 1130 | 100.16.6.

1131 | 100.~~14.4~~16.8 Training units shall be awarded to certified operators for teaching a classroom  
 1132 | course that has been approved by the Board or its designee. The training units awarded  
 1133 | shall be double the training units approved for the course. If a course is given multiple  
 1134 | times in a given year under a single course approval number, double training units will be  
 1135 | given the first time the course is taught and no additional training units will be granted for  
 1136 | repeat presentations of the same course with the same course approval number.

1137 | 100.~~14.5~~16.9 Institutions, seminar presenters, and others may seek approval of their training or  
 1138 | educational courses or programs by application to the Board or its designee. Such an  
 1139 | application must demonstrate that their proposed material, curricula, contact hour  
 1140 | equivalency, and facilities meet the criteria established in section 100.~~12.2~~14.12(b).

1141 | **100.~~19~~17 FEES**

1142 | 100.~~19~~17.1 Application fees for ~~new certification~~certificates, ~~renewal~~renewed of  
 1143 | certificationcertificates, and ~~issuance of a~~certificates ~~upon a Board finding of~~by  
 1144 | reciprocity shall be \$15, and shall be nonrefundable.

- 1145 | 100.~~19~~17.2 Program fees shall consist of the following.
- 1146 | (a) Examination fees in the amount of \$45.00 will be charged for each examination  
1147 | the applicant signs up to take. Examination fees are based on the cost of  
1148 | preparing, administering, and scoring the certification examination.
- 1149 | (b) An additional fee of \$35.00 per examination will be charged applicants who  
1150 | choose to take certification examinations electronically. This fee is based upon  
1151 | the added cost to the program of making electronic testing available.
- 1152 | (c) Administration fees will be charged upon issuance of all new and renewal  
1153 | certificates and will be based on the cost of administering the operator  
1154 | certification program. Administration fees shall be:
- 1155 | (i) \$55.00 for each new ~~certification~~-certificate by examination; and
- 1156 | (ii) \$70.00 for each renewal ~~certification~~-certificate and each new  
1157 | ~~certification~~-certificate by reciprocity.
- 1158 | (iii) For all new and renewed certificates, a standard 6 x 9 inch certificate is  
1159 | available at no additional cost. A 9 x 11 inch certificate may be  
1160 | requested by the operator for a \$5.00 fee.
- 1161 | (d) There shall be a \$20.00 fee to cover the cost of replacing certification  
1162 | documentation.
- 1163 | (e) There shall be a \$50.00 late fee, in addition to the regular administration fee, for  
1164 | issuance of certificates for new ~~certification-certificates~~ or ~~certification-certificates~~  
1165 | by reciprocity requested sixty-one (61) days or more after the date of the letter  
1166 | notifying the applicant of eligibility to receive certification.
- 1167 | (f) There shall be a \$50.00 late fee, in addition to the regular administration fee, for  
1168 | the renewal of any certificate for which the renewal application is submitted after  
1169 | the expiration date of the certificate being renewed.
- 1170 | (g) Training unit approval fees shall be \$50.00 for each course submitted for review,  
1171 | except that:
- 1172 | (i) Accredited or equivalent educational institutions as referenced in  
1173 | subsection 100.~~12~~-14.12(b) shall not be required to submit courses for  
1174 | review in order for such courses to be used to satisfy training unit  
1175 | requirements; if such institutions choose to submit courses for review,  
1176 | the \$50.00 fee will apply and the applicable courses will be posted along  
1177 | with other approved courses;
- 1178 | (ii) An individual attending a course that has not been approved for training  
1179 | units may apply for training unit credit for that course for a fee of \$25.00,  
1180 | provided that the course will then be approved only for the individual  
1181 | operator requesting approval; and
- 1182 | (iii) The \$50.00 fee may be waived by the Board or its designee on a case-  
1183 | by-case basis upon a determination that:

- 1184 (A) The course is offered for open enrollment at no cost to those
- 1185 taking the course and with no compensation to the course
- 1186 sponsor;
  
- 1187 (B) Payment of the fee would constitute a financial hardship for the
- 1188 course sponsor; and
  
- 1189 (C) In the absence of the fee waiver, it is unlikely that this training
- 1190 opportunity would be available to operators.

1191 **100.1718** **AUTHORIZATION FOR CONTINUED OPERATION OF RESTRICTED WATER**  
 1192 **DISTRIBUTION AND WASTEWATER COLLECTION SYSTEMS CERTIFICATES**

1193 ~~100.17.1 Operators of water distribution and/or wastewater collection systems certified prior to~~  
 1194 ~~January 30, 2001, under the voluntary program administered by the Colorado Water and~~  
 1195 ~~Wastewater Collection Systems Certification Council, Inc., shall be considered compliant~~  
 1196 ~~with the certification requirements of this provision. Upon expiration of current certificates~~  
 1197 ~~issued under this voluntary program, all new and renewed certificates shall be valid for a~~  
 1198 ~~period of three years. Such certification shall be renewable upon payment of appropriate~~  
 1199 ~~fees and obtaining the required training units.~~

1200 ~~100.17.2~~ Existing operators of water distribution or wastewater collection systems as of January 30, 2001,  
 1201 whose responsibility includes making process control and/or system integrity decisions about  
 1202 water quality or quantity that may affect the public health or environment, may continue to operate  
 1203 the specific system in which they are currently employed ~~for a period of two years from the~~  
 1204 ~~issuance of an authorization for continued operation without meeting the certification~~  
 1205 ~~requirements of this regulation, provided that they have the requisite minimum experience levels~~  
 1206 ~~provided in section 100.9 and so long as the following requirements are satisfied:~~

1207 ~~(a) The owner of the existing water distribution or wastewater collection system applies to~~  
 1208 ~~the Board or its designee for issuance of an authorization for such operator to continue~~  
 1209 ~~operation without compliance with the otherwise applicable certification requirements of~~  
 1210 ~~this regulation. The owner must submit such application to the Board or its designee~~  
 1211 ~~within one year of January 30, 2001.~~

1212 (ba) ~~Such an~~The operator shall not operate any other system until he or she meets the initial  
 1213 certification requirements for that system and obtains a certificate appropriate for that  
 1214 system.

1215 (eb) ~~Authorization for continued system operation under t~~This provision is non-transferable,  
 1216 applies only to the specific system and operator and does not authorize operation of the  
 1217 system by any other operator.

1218 ~~(d) Within two (2) years from the issuance of an authorization for continued operation under~~  
 1219 ~~this provision, an operator must obtain a certificate, restricted to the operation of the~~  
 1220 ~~specific system, by meeting all requirements for obtaining certificate renewal including~~  
 1221 ~~payment of fees, acquiring the minimum training units, and demonstrating to the Board or~~  
 1222 ~~its designee all requisite skills, knowledge, ability and judgment for the type of system.~~

1223 (ec) If the classification of a facility ~~or system~~ changes to a higher level, ~~the authorization to~~  
 1224 ~~continue operation under~~ this provision expires, and is no longer valid ~~unless the~~  
 1225 ~~classification change occurs without any significant physical change in the system as~~  
 1226 ~~determined by the Board or its designee.~~

1227 (fd) Any operator authorized to continue operation under this provision ~~who~~ that chooses to  
1228 work for a different facility ~~or system~~ must meet all the initial certification requirements for  
1229 that facility ~~or system, including obtaining a certificate appropriate to that facility or~~  
1230 ~~system, passage of a validated written examination, and satisfaction of the minimum~~  
1231 ~~experience requirements of this regulation~~ as specified in sections 100.14 and 100.15.

1232 **100.22-19 - 29 RESERVED**

1233 ....

1234 **100.53 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE: NOVEMBER**  
1235 **29, 2016 RULEMAKING; EFFECTIVE JANUARY 30, 2017**

1236 Provisions of section 25-9-104, C.R.S., provide the specific statutory authority for the adoption of these  
1237 amendments to the established regulatory provisions of Regulation 100 governing the requirements for  
1238 water and wastewater facility operators (5 CCR 1003-2). The board hereby adopts, in compliance with  
1239 section 24-4-103(4), C.R.S., the following statement of basis and purpose.

1240 **BASIS AND PURPOSE**

1241 The board held a rulemaking hearing on November 29, 2016. After receiving testimony from the division  
1242 and members of the public, the board determined that it was necessary to revise Regulation 100 as  
1243 follows:

1244 Generally, the board made grammatical corrections, stylistic changes and used simple declarative  
1245 sentences when possible to avoid confusion or ambiguity. The board also made clarifications, removed  
1246 duplicates and obsolete language, updated citations and numbering, and changed section titles to be  
1247 more specific. The sections of the regulation were reorganized for a more logical flow and to increase  
1248 readability. Sections 100.1 through 100.13 are administrative in nature and sections 100.14 through  
1249 100.18 detail the certification process and requirements.

1250 Based on the input received from stakeholders, no changes to the provisions regarding the two year  
1251 restoration period for expired certificates, section 100.16.3, are being made at this time.

1252 Section 100.1.3. The board created a new section titled severability for clarity. If, for any reason, a portion  
1253 of the regulation is held inoperative, unconstitutional, void or invalid, the validity of the remaining portions  
1254 is not affected.

1255 Section 100.1.4. The board created a new section titled applicability. For clarity, the board defined who  
1256 the regulation applies to, outlines the board's authority to exempt certain water and wastewater facilities  
1257 from the requirement to operate under the supervision of a certified operator in responsible charge, and  
1258 consolidated a list of types of facilities and the criteria the board uses to exempt the facilities that were in  
1259 sections 100.4, 100.6 and 100.7.

1260 Section 100.1.5. The board created a new section titled exemption requests. This new section outlines  
1261 the procedure for facilities that don't meet the criteria of section 100.1.4 to request exemptions from the  
1262 requirement to operate under the supervision of a certified operator in responsible charge. Provisions in  
1263 this section are a combination of language from 25-9-104.4, C.R.S., and from section 100.6 which was  
1264 specific to industrial wastewater facilities, but has been expanded to include all wastewater facilities. The  
1265 board also removed the requirement in section 100.6 for an adjudicatory hearing to address an exemption  
1266 request. The division will evaluate the request and make a recommendation to the board. The board will  
1267 make a decision regarding the request at a regularly scheduled meeting.

1268 Section 100.1.6. The board created a new section titled exceptions. This section was added for  
1269 transparency regarding the board's explicit authority to make exceptions to their regulation. The exception  
1270 provision from section 100.6.1(b)(i)(A) was moved to this new section.

1271 Section 100.1.7. The board created a new section titled enforcement and division oversight. This section  
1272 details the scope of division enforcement authority and oversight and reserves all enforcement and  
1273 oversight regarding graywater facilities to the local city, city and county, or county with a local graywater  
1274 control program in accordance with the *Graywater Control Regulation, # 86, 5 CCR 1002-86*.

1275 Section 100.2(9). The board added the definition for graywater treatment facility. In this rulemaking, the  
1276 board is adding a requirement for a certified operator in responsible charge for certain graywater  
1277 treatment works as defined in the *Graywater Control Regulation, # 86, 5 CCR 1002-86*.

1278 Section 100.3. The board clarifies the duties delegated to their contractor and removed two provisions.  
1279 The division maintains records of water and wastewater facilities and the designated ORC. The company  
1280 that provides the exams does not conduct failed exam reviews, but sends a summary for each exam with  
1281 a breakdown detailing areas of concern.

1282 Section 100.3.2. For clarity, the board added this provision from section 25-9-104.2(4).

1283 Section 100.6. The board added category D non-single family, indoor toilet and urinal flushing graywater  
1284 treatment facilities, as defined in the *Graywater Control Regulation, 5 CCR 1002-86*, to domestic  
1285 wastewater treatment facilities that require supervision by an ORC. Treated graywater is not potable  
1286 water and is not required to be treated to potable water standards prior to recycling. Using non-potable  
1287 water in homes, apartments or condominiums, schools, businesses, hotels, dormitories, etc. may  
1288 increase the possibility of exposure to pathogens or other substances from partially treated water and  
1289 could pose a public health risk. Current research is showing an increase in risk with each additional  
1290 contributor to a graywater system, such as apartments, condominiums, hotel rooms, or numbers of  
1291 people.

1292 Ensuring treatment processes are functioning properly is a critical barrier in protecting public health. A  
1293 certified operator is specifically trained to understand and oversee operation of treatment processes.  
1294 Based on this increased risk from multiple contributors and the unique role of a certified operator in  
1295 protecting public health, the board is requiring an ORC for non-single family graywater treatment facilities  
1296 that supply non-potable water for toilet and urinal flushing.

1297 The board is not requiring an ORC for category A and C single family graywater systems and category B  
1298 non-single family subsurface irrigation graywater systems as defined in the *Graywater Control Regulation,*  
1299 *5 CCR 1002-86*.

1300 Section 100.10.7. For clarity and transparency, the board added a facility owner's appeal rights regarding  
1301 a violation or assessment of penalties for failure to have an ORC.

1302 Section 100.16.5 (f)-(j). The board added provisions from Policy #15-3 regarding timing of training units  
1303 for renewal for clarification and transparency.

1304 Section 100.16.8. The board clarified the criteria for a certified operator to receive double training units for  
1305 | teaching a board approved classroom course.

1306