



COLORADO

Water & Wastewater Facility
Operators Certification Board

Department of Public Health & Environment

NOTICE OF PUBLIC RULEMAKING HEARING

BEFORE THE

WATER AND WASTEWATER FACILITY OPERATORS CERTIFICATION BOARD

SUBJECT:

For consideration of proposed revisions to Regulation No. 100, "Water and Wastewater Facility Operators Certification Requirements" (5 CCR 1003-2). The revisions to Regulation No. 100 proposed by the Water Quality Control Division, along with proposed Statement of Basis, Statutory Authority and Purpose, are attached to this notice as Exhibit 1. Proposed new language is shown with double-underlining and proposed deletions are shown with strikeouts.

HEARING SCHEDULE:

DATE: Tuesday, September 28, 2021

TIME: 9:00 a.m.

PLACE: Online meeting: Please register at:

<https://us02web.zoom.us/j/84461212693>

WRITTEN COMMENTS:

The Operators Certification Board encourages all interested persons to provide their opinions or recommendations regarding the matters to be addressed in this rulemaking hearing; however, no oral comments on the proposed rule will be received at the hearing.

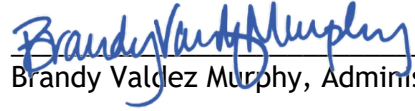
Written comments must be received by September 7, 2021. Anyone providing written comments should deliver an electronic copy to cdphe.wwfocb@state.co.us. All written comments will be available to the public on the Board's website.

SPECIFIC STATUTORY AUTHORITY:

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

Dated this 11th day of August 2021 at Denver, Colorado.

WATER AND WASTEWATER FACILITY OPERATORS CERTIFICATION BOARD



Brandy Valdez Murphy, Administrator

DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT

Water And Wastewater Facility Operators Certification Board

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

5 CCR 1003-2

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100.14 CERTIFICATION QUALIFICATIONS, EDUCATION, EXPERIENCE AND SUBSTITUTIONS

100.14.1 A person desiring to be certified shall apply for certification with the Board or its contractor. Applicants shall affirm agreement with the Colorado Certified Water Professionals Code of Conduct (June 2018), available online at <https://drive.google.com/file/d/1CzfHNNhvgHhT8glSEYxtgOgsildWky5k/view> and available for public inspection during normal business hours from the Water and Wastewater Operators Certification Board, 4300 Cherry Creek Drive South, Denver, CO. Applicants shall also provide the following:

- (a) documentation showing that the minimum educational requirements of section 100.14.5(e) have been met; and
- (b) ~~verification of lawful presence in the United States in accordance with section 24-76.5-101 et. seq., C.R.S., and~~
- ~~(c)~~—verification of regulatory training course completion as described in section 100.14.5(b).

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**100.62 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE:
SEPTEMBER 28, 2021 RULEMAKING; EFFECTIVE NOVEMBER 30, 2021**

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

BASIS AND PURPOSE

The Colorado legislature passed Senate Bill 21-077 in May 2021, which repealed the “lawful presence” verification requirement for individuals seeking licenses or certifications from state agencies. Therefore, the board conducted a “written comment only rulemaking” to remove the requirement in 100.14.1 that applicants for operator certification provide verification of lawful presence in the United States.