



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, June 20, 2017
TIME: 9:00 a.m.
PLACE: Florence Sabin Conference Room
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South
Denver, CO 80246

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 June 6, 2017. 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 25th day of April 2017 at Denver, Colorado.

WATER AND WASTEWATER FACILITY OPERATORS CERTIFICATION BOARD

Trisha Oeth, 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

....

100.9.7 Any water or wastewater facility owner who seeks a hearing in response to a Division finding of a violation under sections 100.9.1-100.9.5 or a Department assessment of a civil penalty for such violation may request a hearing in accordance with section 24-4-105, C.R.S., before the Board by submitting to the ~~Board~~ Division, within thirty (30) days of notice of such finding or assessment, a request containing the following:

....

100.54 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE: JUNE 20, 2017 RULEMAKING; EFFECTIVE AUGUST 31, 2017

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

At its November 29, 2016 rulemaking hearing, the board revised section 100.9.7 to state that a facility owner can respond to a notice of violation issued by the division or a civil penalty assessment issued by the Department by "submitting to the Board" a hearing request. Subsequently it came to the board's attention that this revision was not consistent with the Board's enabling statute (section 25-9-110(4), C.R.S.), which requires that the facility owner submit such hearing requests to the division. The board conducted a "written comment only rulemaking hearing" to address this relatively minor issue, and received no comments. In order to align the language in the regulation with the statute, the board is now revising section 100.9.7 to indicate that hearing requests for notices of violation under sections 100.9.1-100.9.5 and related civil penalty assessments are to be submitted to the division. The hearings are then conducted by the board.