



## 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 29, 2020

TIME: 9:00 a.m.

PLACE: Due to social distancing requirements due to COVID-19, the meeting will be held online only at:

<https://us02web.zoom.us/join/91123456789>

#### 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.

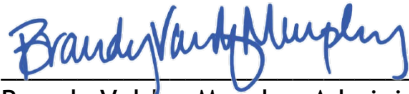
Written comments must be received by September 9, 2020. Anyone providing written comments should deliver an electronic copy to [cdphe.wwfocb@state.co.us](mailto:cdphe.wwfocb@state.co.us). All written comments will be available to the public on the Board's website.

#### SPECIFIC STATUTORY AUTHORITY:

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 13<sup>th</sup> day of August 2020 at Denver, Colorado.

WATER AND WASTEWATER FACILITY OPERATORS CERTIFICATION BOARD



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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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**100.2 DEFINITIONS**

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(8) "DOMESTIC WASTEWATER TREATMENT FACILITY" means any facility or group of units used for the treatment of domestic wastewater or for the reduction and handling of solids and gases removed from such wastes, whether or not ~~such the~~ facility or group of units is discharging into state waters. "Domestic wastewater treatment facility" specifically excludes on-site wastewater treatment systems with a design capacity of two thousand gallons or less per day, unless the system discharges directly to surface water.

....

(10) "INDUSTRIAL WASTEWATER TREATMENT FACILITY" means any facility or group of units used for the pretreatment, treatment, or handling of industrial waters, wastewater, reuse water, and wastes that are discharged into state waters. "Industrial wastewater treatment facility" includes facilities that clean up contaminated ground water or spills; ~~except that such term does not include facilities designed to operate for less than one year or facilities with in-situ discharge. and excludes construction dewatering activities that utilize only passive treatment and occur for less than one year.~~

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**100.59 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE:  
SEPTEMBER 29, 2020 RULEMAKING; EFFECTIVE NOVEMBER 30, 2020**

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**

House Bill 20-1215 changed certain definitions in the Water and Wastewater Facility Operators Certification Statute, 25-9-101 through 25-9-110, CRS. These definitions are mirrored in this Regulation 100. Therefore, the board conducted a "written comment only rulemaking hearing" to align the language in the regulation with the statute.