



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, January 26, 2021

TIME: 10:00 a.m.

PLACE: Online meeting: Please register at:

[https://us02web.zoom.us/meeting/register/tZAocemrjq0sH9DG3TGp2FkJeUsSbextikLz](https://us02web.zoom.us/join/zoom-join?from=addon&url=https://us02web.zoom.us/join/zoom-join?from=addon&url=https://us02web.zoom.us/meeting/register/tZAocemrjq0sH9DG3TGp2FkJeUsSbextikLz)

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. Oral comments on the proposed rule will be received at the hearing. Depending on the number of people wishing to speak, a time limit for oral comments may be established.

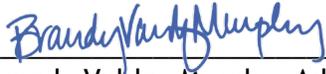
Written comments must be received by December 28, 2020. Anyone providing written comments should deliver an electronic copy to cdphe.wwfocb@state.co.us. All written comments will be available to the public on the Board's website.

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 30th day of November 2020 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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100.3 WATER QUALITY CONTROL DIVISION AND CONTRACTOR DUTIES: APPEALS OF DETERMINATIONS

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100.3.2 In carrying out its responsibilities to administer the operator certification program pursuant to Article 9 of Title 25, C.R.S., the Board may select and appoint through contract, one or more independent nonprofit corporations ("contractors") to carry out the following duties, including but not limited to:

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- (n) evaluating and making recommendations for requests for certification ~~based upon reciprocity from operators holding valid operator certificates from other certifying entities;~~

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100.14 CERTIFICATION QUALIFICATIONS, EDUCATION, EXPERIENCE AND SUBSTITUTIONS

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100.14.5 Qualifications for Certification

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- (d) ~~Certificates by reciprocity may be issued by~~ Applicants holding valid operator certificates from other certifying entities
 - (i) ~~The Board or its contractor,~~ may issue certificates without examination, on a case-by-case basis, to persons who:
 - (iA) hold a valid certificate issued by a state, territory or possession of the United States, or other country or, at the discretion of the Board, by another certifying entity, and are in good standing with that entity at the time of application; ~~that administers validated examinations approved by the Board or its contractor as comparable to exams given in Colorado;~~
 - (B) have passed a Colorado-approved examination for the category and class of certificate requested with a minimum pass rate of 70%;

- (iiC) meet the minimum education and experience ~~or cross-experience~~ requirements specified by these regulations;
 - (iiiD) obtain qualifying experience in the state, territory or possession of the United States, or other country in which they hold a valid certificate; and
 - (ivE) complete the approved mandatory regulatory training as set forth in section 100.14.5(b).
- (ii) The Board or its contractor may waive the sequential testing requirement for applicants who have not passed Colorado-approved examinations but meet all other requirements delineated in section 100.14.5(d)(i).

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100.15 ~~CERTIFICATES BY EXAMINATIONS~~ AND CERTIFICATES ~~BY RECIPROCI~~TY

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100.15.3 All New-new certificates ~~by examination and by reciprocity~~ shall be valid for three (3) years from the effective date of the certificate.

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100.17 FEES

100.17.1 Application and administration fees

- (a) Application and administration fees shall be nonrefundable.
- (b) Fees shall be collected at the time the application is submitted.
- (c) The fees are:
 - (i) \$50 for each application for certificate by examination.
 - (ii) \$85 for each application for certification for certification from operators holding valid operator certificates from other certifying entities for certificate by reciprocity.
 - (iii) \$85 for each application for certificate renewal.

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100.60 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; JANUARY 26, 2021 RULEMAKING; EFFECTIVE MARCH 31, 2021

Provisions of section 25-9-104, C.R.S., provide the specific statutory authority for the adoption of these 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 board held a rulemaking hearing on January 26, 2021. After receiving testimony from the division and members of the public, the board determined to revise section 100.14.5(d) regarding the certification requirements for applicants holding valid operator certificates from other certifying entities. The board also removed the term “reciprocity” throughout the regulation, replacing it with reference to “operators holding valid operator certificates from other certifying entities.”

To provide greater flexibility for applicants holding valid operator certificates from other certifying entities, the board decided not only to issue certificates without examination to applicants who passed a Colorado-approved examination for the category and class of certificate requested with a minimum pass rate of 70%, but also waive the sequential testing requirement for applicants who have not passed a Colorado-approved examination but meet all other requirements delineated in section 100.14.5(d)(i). In this way, Colorado acknowledges the value of certificates issued by other certifying entities, while ensuring that operators who passed custom examinations possess the same knowledge, skills, abilities and judgment required of Colorado operators.