



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 100 proposed by the Water Quality Control Division, along with the proposed Statement of Basis, Statutory Authority, and Purpose, are attached to this notice as Exhibit 1. Proposed new language is shown with underlining and proposed deletions are shown with ~~strikeouts~~.

HEARING SCHEDULE:

DATE: Tuesday, December 12, 2023

TIME: 10:00 a.m. (MST)

PLACE: Virtual Meeting

Register:

<https://us02web.zoom.us/meeting/register/tZAsce2prDkvEtaKqPLX-DHvshgdL-oJmVD->

PUBLIC 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, but may be limited for time.

Written comments must be received by November 28, 2023. 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:

Sections 25-9-104 and 25-9-108, C.R.S. provide the specific 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 23rd day of October 2023 at Denver, Colorado.

WATER AND WASTEWATER FACILITY OPERATORS CERTIFICATION BOARD

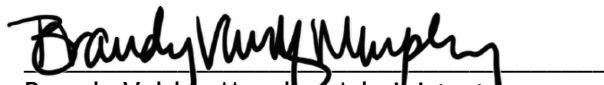

Brandy Valdez Murphy, Administrator

Exhibit 1

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

....

100.15 EXAMINATIONS AND CERTIFICATES

100.15.1 Examinations

....

- (e) Applicants who fail an examination may retest within the ~~100180~~-day eligibility period. ~~A new exam fee will be assessed for each re-examination; however a~~Applicants will not be required to pay additional application and administration fees during the ~~100180~~-day eligibility period.

....

100.17 FEES

100.17.1 Application and administration fees

....

- (c) The fees are:

....

- (ii) ~~\$15085~~ for each application for certification from operators holding valid operator certificates from other certifying entities.

....

100.17.2 Exam fees

....

- (b) The exam fee is ~~\$104100~~ for each exam.

100.17.3 Late fees

- (a) There shall be a ~~\$10050.00~~ late fee, for renewal applications submitted after the expiration date of the certificate being renewed.

....

100.17.4 Fees for providers requesting training unit course approval

(a) Training unit course approval fees shall be as follows:

....

(iv) \$50 for a batch of up to ~~540~~ courses, classroom style or web-based, from a single provider.

....

**100.63 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE:
NOVEMBER 28, 2023 RULEMAKING; EFFECTIVE MARCH 1, 2024**

Sections 25-9-104 and 25-9-108, C.R.S. provide the specific statutory authority for the adoption of amendments to the established regulatory provisions of Regulation 100 (5 CCR 11003-2) governing fees and related requirements for water and wastewater facility operators. 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 December 12, 2023, and revised certain portions of sections 100.15 through 100.17 to ensure that appropriate fees are collected to meet and improve the needs and processes of the program.

The Board determined that, effective March 1, 2024, the cost of administered operator examinations in Colorado will increase from \$100 to \$104, which requires a revision to Regulation 100.17.2(b) since it currently lists the exam fee as \$100. The Board revised the exam fee to reflect the increase established by the Board's contract with the test provider, Water Professionals International (WPI), that becomes effective on March 1, 2024. Exam fees will continue to go directly WPI, formerly the Association of Boards of Certification (ABC).

Upon the Board's request, a Board subcommittee was formed to determine whether simultaneous revisions could be made to Regulation 100 that would generate program revenue without having to raise program fees or application costs. The subcommittee proposed additional revisions to Regulation 100 as a means of generating program revenue without increasing application costs, and to improve the program in general. Consistent with the subcommittee's proposal, the Board made the following revisions:

Section 100.17.1(c)(ii). The Board raised the fee for out-of-state operators seeking reciprocity in Colorado to align the reciprocity fee with the amount an in-state applicant would pay to become a certified operator.

Section 100.17.3(a). The Board raised the late fee for certification renewals. Regulation 100 allows operators to apply for renewal up to two years following the expiration date of a certification (known as the "restoration period"). The Board believes that the program provides operators ample opportunity to timely renew their certifications, and the increased late fee is generous in comparison to what other states charge for late renewals, including the restoration period.

Section 100.17.4(a)(iv). The Board decreased the number of courses in a batch for providers requesting training unit course approval. Taking into consideration the amount of time it takes for the program to review course content for approval, the Board deemed the new batch amount as fair and appropriate. Reducing the number of courses in a batch still results in a financial benefit for the course provider and better compensates the program for its time.

Finally, the Board revised section 100.15.1(e) to shorten the eligibility period for retaking exams from 180 days to 100 days to ensure the operator certification program (program) is not simply creating good test takers, but rather quality operators that take the time to study and prepare for each exam attempt. This

allows an operator three testing attempts under one exam application, with some flexibility for scheduling. The program still wants to allow multiple opportunities for individuals to enter the operator workforce, and three attempts at one examination was deemed more appropriate and fair.