



## 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 underlining and proposed deletions are shown with ~~strikeouts~~.

### HEARING SCHEDULE:

DATE: Tuesday, November 26, 2019  
TIME: 9:00 a.m.  
PLACE: Sabin Conference Room  
Colorado Department of Public Health and Environment  
4300 Cherry Creek Drive South  
Denver, CO 80246

### WRITTEN AND ORAL 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. The board will only accept written comments on these proposed changes. Due to the limited nature of the proposed changes, oral comments will not be heard.

Written comments must be received by November 14, 2019. 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.

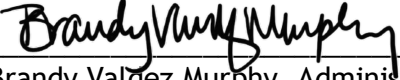
### SPECIFIC STATUTORY AUTHORITY:

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. The purpose of the proposed amendments are to incorporate feedback from the Office of Legislative Legal Services concerning incorporation by reference requirements pursuant to C.R.S. 24-4-103, to add the proper date and citation to references to the Colorado Certified Water Professionals Code of Conduct. 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 10<sup>th</sup> day of October 2019 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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**100.13 DISCIPLINARY PROCEEDINGS**

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100.13.2 Certified Operators – In accordance with the procedures in sections 24-4-104 and 105, C.R.S., the Board may reprimand a certified operator, and/or suspend or revoke the certificate of any certified operator who violates the requirements of this regulation, including, but not limited to the following:

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- (j) when acting in the capacity of a certified operator, behaving in a threatening, intimidating, demeaning or similar manner in verbal or written communications or in interactions with the public, the regulated community or regulators; or
- (k) failure to follow the Colorado Certified Water Professionals Code of Conduct  [\(June 2018\), available online at https://drive.google.com/file/d/1CzfHNNhvgHhT8glSEYxtqOgsildWky5k/view](https://drive.google.com/file/d/1CzfHNNhvgHhT8glSEYxtqOgsildWky5k/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 80246.

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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/1CzfHNNhvgHhT8glSEYxtqOgsildWky5k/view](https://drive.google.com/file/d/1CzfHNNhvgHhT8glSEYxtqOgsildWky5k/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. ~~and Applicants shall also~~ provide the following:

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**100.58 STATEMENT OF BASIS, SPECIFIC STATUTORY AUTHORITY AND PURPOSE; NOVEMBER 26, 2019 RULEMAKING; EFFECTIVE JANUARY 31, 2020**

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**

In response to feedback from the Office of Legislative Legal Services concerning satisfaction of incorporation by reference requirements in the State Administrative Procedure Act, the board conducted a written comment rulemaking to add date and citation information for the Colorado Certified Water Professionals Code of Conduct.