



**Certification Page  
Regular and Emergency Rules**

**1. General Information**

a. Agency/Board Name *See attached list for references*

Department of Environmental Quality, Water Quality

b. Agency/Board Address

122 West 25th Street, Herschler Building 4

c. Agency/Board City

Cheyenne

d. Agency/Board Zip Code

WY

e. Name of Contact Person

William Tillman

f. Contact Telephone Number

307-777-6941

g. Contact Email Address

william.tillman@wyo.gov

h. Adoption Date:

May 17, 2012

i. Program(s) *See attached list for references*

**2. Rule Type and Information**

a. These rules are:

☐ Emergency Rules *(After completing all of Section 2, proceed to Section 5 below)*

☒ Regular Rules

b. Choose all that apply:

☐ New Rules\*

☒ Amended Rules

☐ Repealed Rules

\* "New" rules means the first set of regular rules to be promulgated by the Agency after the Legislature adopted a new statutory provision or significantly amended an existing statute.

If "New," provide the Enrolled Act number and year enacted:

c. Provide the Chapter Number, and Short Title of Each Chapter being Created/Amended/Repealed *(if more than 5 chapters are being created/amended/repealed, please use the Additional Rule Information form and attach it to this certification)*

Chapter Number:

Chapter 5

Short Title:

Operator Certification

Chapter Number:

Short Title:

Chapter Number:

Short Title:

Chapter Number:

Short Title:

Chapter Number:

Short Title:

d. ☒ The Statement of Reasons is attached to this certification.

e. If applicable, describe the emergency which requires promulgation of these rules without providing notice or an opportunity for a public hearing:

**3. State Government Notice of Intended Rulemaking**

a. Date on which the Notice of Intent containing all of the information required by W.S. 16-3-103(a) was filed with the Secretary of State:

12/9/11

b. Date on which the Notice of Intent and proposed rules in strike and underscore format were provided to the Legislative Service Office:

12/7/11

c. Date on which the Notice of Intent and proposed rules in strike and underscore format were provided to the Attorney General:

12/9/11

#### 4. Public Notice of Intended Rulemaking

a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice. ☐ Yes ☐ No ☒ N/A

b. A public hearing was held on the proposed rules. ☒ Yes ☐ No

|           |                       |               |                            |                                                |
|-----------|-----------------------|---------------|----------------------------|------------------------------------------------|
| If "Yes:" | Date:<br>May 11, 2012 | Time:<br>8:00 | City:<br>Sheridan, Wyoming | Location:<br>DEQ Field Office<br>2100 West 5th |
|-----------|-----------------------|---------------|----------------------------|------------------------------------------------|

#### 5. Final Filing of Rules

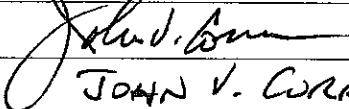
a. Date on which the Certification Page with original signatures and final rules were sent to the Attorney General's Office for the Governor's signature:

b. Date on which final rules were sent to the Legislative Service Office:

c. Date on which a PDF of the final rules was electronically sent to the Secretary of State:

#### 6. Agency/Board Certification

The undersigned certifies that the foregoing information is correct.

|                                    |                                                                                   |
|------------------------------------|-----------------------------------------------------------------------------------|
| Signature of Authorized Individual |  |
| Printed Name of Signatory          | JOHN V. CORRA                                                                     |
| Signatory Title                    | Director                                                                          |
| Date of Signature                  | 5/23/12                                                                           |

#### 7. Governor's Certification

I have reviewed these rules and determined that they:

1. Are within the scope of the statutory authority delegated to the adopting agency;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

Governor's Signature

Date of Signature

#### Distribution List:

##### Attorney General

1. Statement of Reasons;
2. Original Certification Page;
3. Summary of Comments (regular rules);
4. Hard copy of rules: clean and strike/underscore; and
5. Memo to Governor documenting emergency (emergency rules).

##### LSO

1. Statement of Reasons;
2. Copy of Certification Page;
3. Summary of Comments (regular rules);
4. Hard copy of rules: clean and strike/underscore;
5. Electronic copy of rules: clean and strike/underscore; and
6. Memo to Governor documenting emergency (emergency rules).

##### SOS

1. PDF of clean copy of rules; and
2. Hard copy of Certification Page as delivered by the AG.

# **Wyoming Department of Environmental Quality**

## **Water Quality Rules and Regulations**

### **Chapter 5**

#### **Certification of Operators of**

#### **Public Water and Distribution Systems**

#### **And**

#### **Publically Owned Wastewater Treatment And Collection Systems**

## TABLE OF CONTENTS

|                                                                                                               |      |
|---------------------------------------------------------------------------------------------------------------|------|
| SECTION 1 – <b>AUTHORITY</b> .....                                                                            | 5-1  |
| SECTION 2 – <b>OBJECTIVE</b> .....                                                                            | 5-1  |
| SECTION 3 – <b>DEFINITIONS</b> .....                                                                          | 5-1  |
| SECTION 4 – <b>STAKEHOLDER INVOLVEMENT</b> .....                                                              | 5-3  |
| SECTION 5 – <b>FACILITY CLASSIFICATION</b> .....                                                              | 5-3  |
| SECTION 6 – <b>OPERATOR CERTIFICATION LEVELS</b> .....                                                        | 5-3  |
| SECTION 7 – <b>EXAMINATIONS</b> .....                                                                         | 5-7  |
| SECTION 8 – <b>CERTIFICATES</b> .....                                                                         | 5-7  |
| SECTION 9 – <b>OPERATOR RESPONSIBILITIES</b> .....                                                            | 5-7  |
| SECTION 10 - <b>CONTRACT OPERATORS</b> .....                                                                  | 5-7  |
| SECTION 11 – <b>RENEWAL OF CERTIFICATES</b> .....                                                             | 5-8  |
| SECTION 12 – <b>CONTINUING EDUCATION</b> .....                                                                | 5-9  |
| SECTION 13 – <b>AUDITS</b> .....                                                                              | 5-9  |
| SECTION 14 – <b>RECIPROCITY</b> .....                                                                         | 5-9  |
| SECTION 15 – <b>FACILITY OWNER RESPONSIBILITY</b> .....                                                       | 5-10 |
| SECTION 16 – <b>REVOCATION OR SUSPENSION OF OPERATOR CERTIFICATION</b> .....                                  | 5-10 |
| SECTION 17 – <b>REINSTATEMENT AFTER SUSPENSION OF CERTIFICATION</b> .....                                     | 5-11 |
| SECTION 18 – <b>RECERTIFICATION AFTER LOSING CERTIFICATION FOR LACK OF<br/>CONTINUING EDUCATION</b> .....     | 5-11 |
| SECTION 19 - <b>CONVERSION OF LEVEL 1 WATER SYSTEMS AND LEVEL 1 WASTEWATER<br/>SYSTEMS CERTIFICATES</b> ..... | 5-12 |

**Section 1 – Authority.** This rule is promulgated pursuant to W.S. 35-11-101 through 1904, specifically 302(a)(iv).

**Section 2 – Objective.** Water treatment systems, water distribution systems, wastewater collection systems, and wastewater treatment systems protect public health and the environment only if they are being properly operated and maintained. This rule requires all public water supplies and publically owned wastewater treatment and collection systems be operated by an appropriately certified operator and establishes the standards for experience, training and certification of such operators for the protection of the public health of the people of Wyoming.

**Section 3 – Definitions.**

(a) **“Administrator”** means, for the purposes of this rule, the administrator of the Wyoming Department of Environmental Quality (DEQ) Water Quality Division (WQD) or their authorized agents.

(b) **“Available”** means a certified operator shall be on site or shall be able to initiate the appropriate operational and technical actions in a timely manner.

(c) **“Certificate”** means the document showing the level and area of competency of an operator, the operator’s identification number, issue date, certificate number, and expiration date.

(d) **“Certification”** means the level and area of competency of an operator.

(e) **“Certified Operator”** means an individual who has met the requirements of this rule and has been certified by DEQ to hold at least one certificate as defined by this rule and who is directly involved in the on-site operational and technical actions of a publically owned wastewater treatment or collection system and/or public water supply. “Certified operator” shall not include an individual whose duties are limited to laboratory testing, general facility maintenance, or who exercises general or indirect supervision only.

(f) **“Contract operator”** means a certified water, distribution, collection, or wastewater operator who is offering to provide services to a facility on a contractual basis.

(g) **“DEQ”** means the Wyoming Department of Environmental Quality.

(h) **“Distribution system”** means all parts of a public water supply system except collection, treatment, or wells.

(i) **“Equivalent”** means experience and education determined in written policy, by the Administrator, to be comparable to a high school diploma.

(j) **“Facility”** means the components of any public water supply, publically owned sewerage, or publically owned wastewater treatment works, including all infrastructure associated with the water/wastewater system.

(k) **“Facility classification”** means the level of operational complexity of a water treatment, water distribution, wastewater collection, or wastewater treatment system based on a nationally recognized point rating system.

(l) **“Letter of good standing”** means a letter from the regulatory agency that issued a certificate to an applicant applying for reciprocity, stating the certification is current and has no violations against it.

(m) **“Operating shift”** means the period of time during which certified operator decisions that affect public health are necessary for proper operation of the facility.

(n) **“Operator Certification Program”** means the Wyoming Department of Environmental Quality, Water Quality Division, Operator Certification Program.

(o) **“Owner”** means the entity who owns the real estate, easement, or facility.

(p) **“Pertinent continuing education”** means training which pertains to, or is consistent with, what an operator needs to understand in order to successfully perform a water or wastewater job.

(q) **“Pertinent experience”** means employment as an operator or employment in other Administrator-recognized professions closely related to the operation of a public water supply, sewerage, or treatment works.

(r) **“Publicly Owned Wastewater Treatment or Collection System”** means any federal, state, or local government system collecting or treating greater than 2,000 gallons a day average flow of wastewaters containing human waste. This definition includes improvement and service districts and homeowner associations. Underground Injection Control (UIC) facilities permitted in accordance with DEQ WQD Chapter 16 rules and utilizing septic tanks as primary treatment are excluded.

(s) **“Public Water Supply”** means as defined in W.S. 35-11-103(c)(viii).

(t) **“Responsible charge operator”** means the person(s) designated by the facility owner to be the certified operator who makes decisions regarding the daily operational and technical actions of a water treatment facility, distribution system, wastewater treatment facility, or collection system that will directly impact the quality or quantity of drinking water or wastewater treatment.

(u) **“Treatment Works”** means as defined in W.S. 35-11-103(c)(iv).

(v) **“Wastewater treatment”** means treatment works as defined by W.S. 35-11-103(c)(iv).

(w) **“Water treatment”** means all parts of a water supply that collect or treat water. All disinfection equipment and wells are considered part of water treatment.

(x) **“WQD”** means the Water Quality Division of the Wyoming Department of Environmental Quality.

**Section 4 – Stakeholder Involvement.** The public health objective of the operator certification program is supported by stakeholder involvement. This requirement is satisfied by public meetings and hearings held by the Water and Wastewater Advisory Board, as created and empowered by W.S. 35-11-113 to 114, and the Environmental Quality Council, as created and empowered by W.S. 35-11-111 to 112.

**Section 5 – Facility Classification.**

(a) All water and wastewater treatment facilities subject to this rule shall be classified in accordance with the Points and Classification System from the Association of Boards of Certification Program Standards, Copyright 1999-2007.

(b) All water distribution and wastewater collection systems subject to this rule shall be classified by the Administrator.

(i) The rating systems used to classify water distribution and wastewater collection systems will be posted to the DEQ/WQD Operator Certification webpage.

(c) The Administrator may alter the classification of an individual plant or system because of special conditions including ease or difficulty of operation or extraordinary environmental or public health factors.

(d) A facility classification review by the Administrator is required for any change to a facility that is significant enough to require a DEQ individual permit to construct.

(e) Upon completion of a classification or classification review, the Administrator shall notify the facility owner of the classification level.

(f) Classification levels shall be:

(i) Level 1 through 4 for Water Treatment

(ii) Level 1 or 2 for Water Distribution

(iii) Level 1 through 4 for Wastewater Treatment

(iv) Level 1 or 2 for Wastewater Collection

**Section 6 – Operator Certification Levels.**

(a) Requirements for the different levels of certification are to have:

(i) Level 1 Water Treatment

- (A) A high school diploma or equivalent; and
- (B) Passed a Level 1 Water Treatment exam with a score of at least 70%; and
- (C) A minimum of 6 months work experience at or above a Level 1 Water Treatment system or pertinent experience; and
- (D) 35 hours of pertinent continuing education.
- (E) Level 1 Water Treatment operators may also operate Level 1 Water Distribution facilities.

(ii) Level 1 Water Distribution

- (A) A high school diploma or equivalent; and
- (B) Passed a Level 1 Water Distribution exam with a score of at least 70%; and
- (C) A minimum of 6 months work experience at or above a Level 1 Water Distribution system or pertinent experience; and
- (D) 35 hours of pertinent continuing education.

(iii) Level 1 Wastewater Treatment

- (A) A high school diploma or equivalent; and
  - (B) Passed a Level 1 Wastewater Treatment exam with a score of at least 70%;
- and
- (C) A minimum of 6 months of work experience at or above a Level 1 Wastewater Treatment system or pertinent experience; and
  - (D) 35 hours of pertinent continuing education.
  - (E) Level 1 Wastewater Treatment operators may also operate Level 1 Wastewater Collection facilities.

(iv) Level 1 Wastewater Collection

- (A) A high school diploma or equivalent; and
- (B) Passed a Level 1 Wastewater Treatment Collection exam with a score of at least 70%; and
- (C) A minimum of 6 months work experience at or above a Level 1 Wastewater Collection or Level 1 Wastewater Treatment system or pertinent experience; and

(D) 35 hours of pertinent continuing education.

(v) Level 2 Water Treatment

(A) A high school diploma or equivalent; and

(B) Passed a Level 2 Water Treatment exam with a score of at least 70%; and

(C) A minimum of 12 months work experience at or above a Level 1 Water Treatment system or pertinent experience; and

(D) 70 hours of pertinent continuing education.

(vi) Level 2 Water Distribution

(A) A high school diploma or equivalent; and

(B) Passed a Level 2 Water Distribution exam with a score of at least 70%; and

(C) A minimum of 12 months work experience at or above a Level 1 Water Distribution or Level 1 Water Treatment system or pertinent experience; and

(D) 70 hours of pertinent continuing education.

(vii) Level 2 Wastewater Treatment

(A) A high school diploma or equivalent; and

(B) Passed a Level 2 Wastewater Treatment exam with a score of at least 70%;  
and

(C) A minimum of 12 months work experience at or above a Level 1 Wastewater Treatment system or pertinent experience; and

(D) 70 hours of pertinent continuing education.

(viii) Level 2 Wastewater Collection

(A) A high school diploma or equivalent; and

(B) Passed a Level 2 Wastewater Collection exam with a score of at least 70%;  
and

(C) A minimum of 12 months work experience at or above a Level 1 Wastewater Collection system or pertinent experience; and

(D) 70 hours of pertinent continuing education.

(ix) Level 3 Water Treatment

(A) A high school diploma or equivalent; and

(B) Passed a Level 3 Water Treatment exam with a score of at least 70%; and

(C) A minimum of 24 months experience, 12 of which shall be at or above a Level 2 Water Treatment system; and

(D) 300 hours of pertinent continuing education.

(x) Level 3 Wastewater Treatment

(A) A high school diploma or equivalent; and

(B) Passed a Level 3 Wastewater Treatment exam with a score of at least 70%;  
and

(C) A minimum of 24 months experience, 12 of which shall be at or above a Level 2 Wastewater Treatment system; and

(D) 300 hours of pertinent continuing education.

(xi) Level 4 Water Treatment

(A) A high school diploma or equivalent; and

(B) Passed a Level 4 Water Treatment exam with a score of at least 70%; and

(C) A minimum of 36 months experience, 24 of which shall be at or above a Level 3 Water Treatment system; and

(D) 400 hours of pertinent continuing education.

(xii) Level 4 Wastewater Treatment

(A) A high school diploma or equivalent; and

(B) Passed a Level 4 Wastewater Treatment exam with a score of at least 70%;  
and

(C) A minimum of 36 months experience, 24 of which shall be at or above a Level 3 Wastewater Treatment system; and

(D) 400 hours of pertinent continuing education.

## **Section 7 – Examinations.**

- (a) The Administrator, the Administrator's designee, or an appropriate proctoring agency selected by the Administrator, will proctor exams.
- (b) Exams will be obtained from a nationally recognized standardized exam development program that uses validated questions.
- (i) Information about exams can be found on the DEQ/WQD Operator Certification website.
- (c) Applicants who take and pass exams without meeting the experience or education requirement will have two (2) years from the exam date to complete the requirements for certification
- (d) Special accommodations for testing will be considered for individuals who submit a written request to the Administrator.

## **Section 8 – Certificates.**

- (a) Upon completion of the requirements of this rule, the Administrator will provide a certificate indicating the level and category for which the operator has qualified and the expiration date of the certification.
- (b) The first certificate from any level and category issued to an operator shall be valid for the remainder of the issuing year plus two (2) years and shall expire on December 31.
- (c) Thereafter, each certificate shall be valid for three (3) years and shall expire on December 31.
- (d) The certificate will be provided through an Internet portal provided by the Administrator.

## **Section 9 – Operator Responsibilities.**

- (a) Operators shall maintain accurate pertinent continuing education records including original, signed documents attesting to the completion of the coursework for the current three year certification period for each certification.
- (b) Certified operators shall be available to any system for which they are designated.

## **Section 10 - Contract Operators.**

- (a) Contract operators shall keep records of the amount of time spent and duties performed at each contracted facility.

(i) These records shall be accessible for review upon request by the Administrator or the owner.

(ii) Contract operators shall keep their records for no less than five (5) years from the date of each record.

(b) Contract operators shall make a physical inspection of each contracted facility at least once per week.

(i) Upon written request from the owner, the Administrator may make an exception to the frequency of the visits based on:

(A) Location; or

(B) Automation; or

(C) Complexity of the facility; or

(D) Special conditions including extraordinary environmental or public health factors.

(ii) No exception shall jeopardize public health.

(c) DEQ may periodically audit the records kept by contract operators.

(d) Contract operators shall be certified at a level equal to or greater than the classification level of a facility before they enter into a contract with that facility.

#### **Section 11 – Renewal of Certificates.**

(a) Certified operators are required to obtain 24 hours of pertinent continuing education within the three year time period for which the certificate is valid in order to renew their certification.

(b) Failure to obtain 24 hours of pertinent continuing education within the time period for which the certificate is valid shall result in expiration of the certificate.

(c) If a certified operator is unable to renew their certification because of extenuating circumstances or undue hardship, the Administrator may grant an extension to renewal not to exceed two (2) years. The expiration date of the certification for which the operator is asking an extension shall not be extended.

(d) Certified operators that will need to obtain a higher certification as a result of this rule will have one year from the adoption of this rule to obtain that certification.

(e) The requirement for 24 hours of pertinent continuing education for certificate renewal will begin on January 1 after the adoption of this rule.

## **Section 12 – Continuing Education.**

(a) A minimum of eight (8) hours of pertinent continuing education, for the purpose of renewing a certification, shall come from courses listed on the DEQ/WQD Operator Certification Program website.

(b) Operators shall enter their pertinent continuing education information into an Internet portal provided by the Administrator.

(i) The exception to operator-entered pertinent continuing education information shall be that any training obtained through a DEQ-recognized training provider shall be entered by the training provider.

(ii) Training information entered by DEQ-recognized training providers may not be modified by any operator.

(c) Operators shall verify the accuracy of their pertinent continuing education information.

(d) If a certified operator fails to complete (b) and (c) of this section prior to the expiration date of their certification(s), the certification(s) shall not be renewed.

(e) A single training unit may be applied to no more than one certificate.

## **Section 13 – Audits**

(a) Certified operator continuing education records may be audited by the operator certification program.

(b) An audit may include a review of documents, signed by the proctor or instructor, attesting to completion of the pertinent continuing education for which a certified operator is claiming hours.

**Section 14 – Reciprocity.** An operator who is certified as a water or wastewater operator in another state may obtain a reciprocal certification in Wyoming if the following criteria are met:

(a) The Administrator has received a letter of good standing or similar verification from the regulatory agency from which the certification was issued stating the name of the applicant, status of their certification, date originally issued, expiration date, level and area of the certification, and any disciplinary action imposed against the applicant; and

(b) The applicant's education and experience meets Wyoming's minimum requirements, and;

(c) The applicant has passed an exam that meets Wyoming's minimum requirements.

(d) If all the above requirements are met, the expiration date of the Wyoming certification will be December 31 of the expiration year of the certification being reciprocated, not to exceed three years. Thereafter, the certification shall be subject to the requirements of this rule.

#### **Section 15 – Facility Owner Responsibility.**

(a) Owners of facilities in Wyoming subject to this rule shall designate a certified responsible charge operator who is responsible for the operation and/or direct supervision of that facility.

(i) For facilities with multiple operating shifts, an operator certified to the level of the facility shall be available for each shift.

(b) The facility owner shall replace the responsible charge operator with an adequately certified operator or adequately certified contract operator within forty five (45) days in the event of termination of services of the responsible charge operator.

(c) The responsible charge operator and any substitute responsible charge operator shall be certified at a level equal to or greater than the facility for which they are responsible.

(d) A substitute responsible charge operator shall fill in and perform the duties and make the decisions of the primary responsible charge operator when the designated responsible charge operator is not available.

(e) Any changes made to operating personnel for positions which require certification shall be reported to the Administrator no later than ten (10) days after the change has been made.

(f) Any system may be operated by an operator with a higher level of certification than the level of the facility.

(g) The facility owner shall make accessible to the responsible charge operator a comprehensive operation and maintenance manual for the facility. Specific guidance for contents of such manuals can be found in Wyoming Water Quality Rules and Regulations Chapter 11 and Chapter 12 under “Operation and Maintenance Manuals”.

(h) In the case of a contract operator, the facility owner shall outline in writing the services expected of the contract operator. A description of services expected shall be made accessible to DEQ upon request.

(i) The facility owner shall ensure compliance with the requirements of this rule.

#### **Section 16 –Revocation or Suspension of Operator Certification.**

(a) The Administrator shall suspend an operator’s certification for a minimum of one year for any one of the following:

(i) Obtaining certification by knowingly making false statements, submitting false information, refusing to provide complete information including continuing education documents, or;

(ii) Falsification of operating records, or;

(iii) Falsification of records by a contract operator, or;

(iv) Cheating on an exam, or;

(v) Fraud.

(b) The Administrator shall permanently revoke an operator's certification for the following:

(i) Willful negligence in operation, or;

(ii) Falsification of sample results, or;

(iii) While acting in the official capacity as a certified operator, being convicted of any act that endangers public health.

(c) Appeal of the Administrator's decision suspending or revoking certification may be made in accordance with the Wyoming Administrative Procedure Act, specifically 16-3-113 and the DEQ rules of practice and procedure.

#### **Section 17 – Reinstatement after Suspension of Certification**

(a) The operator shall have three (3) months after the end of the suspension period to apply for reinstatement.

(b) If reinstatement of the suspended certificate is not requested within three (3) months after the end date of the suspension, the certification(s) that were suspended shall be terminated.

#### **Section 18 – Recertification after Losing Certification for Lack of Continuing Education**

(a) If the operator requests recertification within three (3) months of the end of the certification period, the operator shall provide the Administrator with proof of pertinent continuing education equal to the amount the operator was short for renewal. These pertinent continuing education hours can only be used for this recertification and shall be from courses listed on the DEQ/WQD Operator Certification Program website as appropriate for the certificate being renewed.

(b) If the operator requests recertification more than three (3) months after the end of the certification period, the operator shall:

(i) Provide the Administrator with proof of pertinent continuing education equal to the amount the operator was short for renewal. These pertinent continuing education hours can

only be used for this recertification and shall be from courses listed on the DEQ/WQD Operator Certification Program website as appropriate for the certificate being renewed; and

(ii) Provide the Administrator with proof of pertinent continuing education equal to eight (8) hours for each year or part of year past the termination date, not to exceed 24 hours; and

(iii) Pass an exam at the level of the certification desired, not to exceed the level of the previous certification.

**Section 19 - Conversion of Level 1 Water Systems and Level 1 Wastewater Systems Certificates.**

(a) Level 1 Water Systems certificates will be converted to Level 1 Water Treatment certificates upon the first renewal cycle after final adoption of this rule. If the operator prefers to be certified as a Level 1 Water Distribution or as both Level 1 Water Treatment and Level 1 Water Distribution, the operator shall request the alternate certification prior to the first renewal after final adoption of this rule.

(b) Level 1 Wastewater Systems certificates will be converted to Level 1 Wastewater Treatment certificates upon the first renewal cycle after final adoption of this rule. If the operator prefers to be certified as a Level 1 Wastewater Collection or as both Level 1 Wastewater Treatment and Level 1 Wastewater Collection, the operator shall request the alternate certification prior to the first renewal after final adoption of this rule.

**Wyoming Department of Environmental Quality  
Water Quality Rules and Regulations**

**Proposed Chapter 5**

**CERTIFICATION OF OPERATORS OF**

**PUBLIC WATER AND DISTRIBUTION SYSTEMS**

**AND**

**PUBLICALLY OWNED WASTEWATER TREATMENT AND COLLECTION SYSTEMS**

**CERTIFICATION OF OPERATORS OF PUBLIC WATER AND  
PUBLIC WASTEWATER TREATMENT PLANTS,  
PUBLIC COLLECTION AND PUBLIC DISTRIBUTION SYSTEMS**

**CHAPTER 5**

Section 1 - **Authority.** ~~These regulations are~~ This rule is promulgated pursuant to W.S. 35-11-101 through ~~1207~~ 1904, specifically 302(a)(iv). ~~which states that no person shall operate a public water or public wastewater treatment plant, public collection, or public distribution system in violation of the requirements contained herein. In accordance with W.S. 35-11-302 (a) (iv), these regulations establish the standards for technical competency for owners and designated individuals who operate public water supplies and wastewater treatment systems.~~

Section 2 – **Objective.** Water treatment systems, water distribution systems, wastewater collection systems, and wastewater treatment systems protect public health and the environment only if they are being properly operated and maintained. This rule requires all public water supplies and publically owned wastewater treatment and collection systems be operated by an appropriately certified operator and establishes the standards for experience, training, and certification of such operators for the protection of the public health of the people of Wyoming.

Section 2.3 **Definitions.** ~~The following definitions supplement those definitions contained in Section 35-11-103 of the Wyoming Environmental Quality Act.~~

(a) ~~"Act" means the Wyoming Environmental Quality Act as amended (W.S. 35-11-101 et. seq.).~~

(b) ~~"Activated sludge" means a biological wastewater treatment process in which a mixture of wastewater and activated sludge is agitated and aerated and includes extended aeration and oxidation ditch treatment processes.~~

(a)(c) **"Administrator"** means, for the purposes of this rule, the administrator of the Water Quality Division, Wyoming Department of Environmental Quality (DEQ) Water Quality Division (WQD) or his their authorized agents.

(b) **"Available"** means a certified operator shall be on-site or shall be able to initiate the appropriate operational and technical actions in a timely manner.

(c) **"Certificate"** means the document showing the level and area of competency of an operator, the operator's identification number, issue date, certificate number, and expiration date.

(d) **"Certification"** means the level and area of competency of an operator.

(e) **"Certified Operator"** means an individual who has met the requirements of this rule and has been certified by DEQ to hold at least one certificate as defined by this rule and who is directly involved in the on-site operational and technical actions of a publically owned wastewater treatment or collection system and/or public water supply. "Certified operator" shall not include an individual whose duties are limited to laboratory testing, general facility maintenance, or who exercises general or indirect supervision only.

(f) **"Contract operator"** means a certified water, distribution, collection, or wastewater operator who is offering to provide services to a facility on a contractual basis.

~~(d) "Backup operator" is an individual who is designated by the owner to function in the role of the chief operator when the chief operator is absent.~~

~~(f) "Contact hour" means one hour of administrator approved operator training and education including but not limited to technical seminars, college courses, lectures, workshops, correspondence courses, hands-on training, and in-house training programs that are related to water and wastewater treatment, collection and distribution.~~

(g) **"DEQ"** means the Wyoming Department of Environmental Quality.

~~(h)(t) "Public water d**Distribution system**" means any system of pipes, pumps, wells, storage tanks, or other facilities for the purpose of conveying potable water to a system requiring standards for operators as defined in W.S. 35-11-302 (a) (iv). Such a system shall not include any treatment methods included under Section 6 (a) except disinfection and fluoridation. all parts of a public water supply system except collection, treatment, or wells.~~

(i) **"Equivalent"** means experience and education determined in written policy, by the Administrator, to be comparable to a high school diploma.

(j) **"Facility"** means the components of any public water supply, publically owned sewerage, or publically owned wastewater treatment works including all infrastructure associated with the system.

~~(k)(h) **"Facility classification configuration form"** means a form sent to facilities for completion that will guide the Water Quality Division in determining the level of classification for the water and wastewater plants and distribution and collection systems the level of operational complexity of a water treatment, water distribution, wastewater collection, or wastewater treatment system based on a nationally recognized point rating system.~~

~~(i) "Fixed growth" means a biological wastewater treatment process in which the wastewater is treated by contact with biological growth affixed to a media and includes trickling filter, rotating biological contactor, and biological tower treatment processes.~~

~~(j) "Hands-on responsibility" means the on-site responsibility for the operational decisions necessary for the proper functioning of plants and systems.~~

~~(k) "Municipality" means any city, town, county, district, association, or other public body including state and federal government.~~

~~(l) "Non-municipal public water supply" means any public water treatment plant and/or public water distribution system not operated by a municipality.~~

~~(m) "Nutrient removal" means a wastewater plant using biological, chemical, or physical/chemical nutrient removal in its process.~~

(l) "Letter of good standing" means a letter from the regulatory agency that issued a certificate to an applicant applying for reciprocity, stating the certification is current and has no violations against it.

(m) "Operating shift" means the period of time during which certified operator decisions that affect public health are necessary for proper operation of the facility.

~~(n) "Operator" means, for systems, any individual who is directly involved in the on-site operation, maintenance, and repair of a system, or, for plants, any person who is directly involved in the on-site operation of the plant, but not those whose duties are related only to laboratory, maintenance, or other non-operational functions.~~

(n) "Operator Certification Program" means the Wyoming Department of Environmental Quality, Water Quality Division, Operator Certification Program.

~~(o) "Owner" means in the case of a town or city, the mayor or his agent; in the case of a county, the chairman of the county commissioners or his agent; in the case of a water and sewer district, board of public utilities, association, or other public body, the president or chairman of the board or his agent; in the case of a non-municipal public water supply, the legal owner. the entity who owns the real estate, easement, or facility.~~

(p) "Pertinent continuing education" means training which pertains to, or is consistent with, what an operator needs to understand in order to successfully perform a water or wastewater job.

~~(q)(g) "Pertinent Experience" means employment as an operator or employment in other Administrator-recognized professions closely related to the water/wastewater operator profession operation of a public water supply, sewerage, or treatment works.~~

~~(p) "Physical/chemical" means a wastewater treatment plant which operates through the addition and removal of chemicals and alteration of physical properties and does not include any biological treatment processes.~~

~~(q) "Plant" means water treatment works or wastewater treatment works.~~

~~(r) "Public wastewater collection system" means any system of lines, pipes, manholes, lift stations or other facilities operated by a municipality for the purpose of collecting and transporting wastewater.~~

(r) **"Publically Owned Wastewater Treatment or Collection System"** means any federal, state, or local government system collecting or treating greater than 2,000 gallons a day average flow of wastewaters containing human waste. This definition includes improvement and service districts and homeowner associations. Underground Injection Control (UIC) facilities permitted in accordance with DEQ WQD Chapter 16 rules and utilizing septic tanks as primary treatment are excluded.

(s) **"Public Water Supply"** means as defined in W.S. § 35-11-103(c)(viii).

~~(t)(e) "Chief operator" "Responsible charge operator" means is the individual person(s) who is designated by the facility owner to be the certified operator who makes decisions regarding the daily operational and technical actions of a water treatment facility, distribution system, wastewater treatment facility, or collection system that will directly impact the quality or quantity of drinking water or wastewater treatment. have the primary hands on responsibility for the operation of each plant or system.~~

(u) **"Treatment Works"** means as defined in W.S. § 35-11-103(c)(iv).

(v) **"Wastewater treatment"** means treatment works as defined by W.S. § 35-11-103(c)(iv).

~~(s) "Public wastewater treatment plant" means any structure, pond, lagoon or combination thereof, but not including individual septic tanks, operated by a municipality for the purpose of treating wastewater.~~

~~(w)(u) "Public wWater treatment plant" means any structure, equipment, or facility for the purpose of treating or conditioning raw water but not including systems consisting only of well(s), disinfection, and/or fluoridation. The plant must provide finished water to a system requiring standards for operators as defined in W.S. 35-11-302 (a) (iv). all parts of a water supply that collect or treat water. All disinfection equipment and wells are considered part of water treatment.~~

~~(v) "Service connection" means the individual water service, metered or not, to a building, mobile home, campsite or consumer serviced from a public water distribution system.~~

~~(w) "Small consecutive water distribution system" means a system that purchases water from a public water supply to provide water to 100 or fewer service connections and the system does not include any storage, disinfection, or booster pumps.~~

~~(x) "System" means wastewater collection facilities or water distribution facilities.~~

~~(x) "WQD" means the Water Quality Division of the Wyoming Department of Environmental Quality.~~

### ~~Section 3. **Operator Criteria.** SEE SECTION 6~~

~~(a) The chief operator must hold, at a minimum, certification at the same level as the classification of the plant or system for which he is responsible. Certification must be in the same area as the plant or system for which the operator is responsible.~~

~~(b) The backup operator must hold, at a minimum, certification at one level below the classification of the plant or system for which he may be held responsible. In the case of a Class I plant or system, this operator must hold a level I certification. Certification must be in the same area as the plant or system for which the operator is responsible.~~

~~(c) Other individuals may operate the plant or system provided they are under the direct supervision of a chief or backup operator.~~

~~(d) Operator in training is an individual who has passed the level I exam and is working towards meeting the experience and educational requirements for level I. This individual is not a certified operator until the educational/experience requirements of Section 10 have been met.~~

~~(e) Owners may designate contract operators to meet the requirements of this section, provided the operator has the appropriate level of certification for the plant or system and they can respond to systems operations and maintenance problems within a reasonable period of time. The owner shall retain verification that the contract operator has made the necessary inspections of repairs, provided maintenance and performed sampling.~~

~~(f) Owners or operators of small consecutive water distribution systems may obtain a small systems certification in accordance with Section 10 of these regulations. This certification cannot be used for a chief or backup operator of any other plant or system.~~

Section 4 – **Stakeholder Involvement.** The public health objective of the operator certification program is supported by stakeholder involvement. This requirement is satisfied by public meetings and hearings held by the Water and Wastewater Advisory Board, as created and empowered by W.S. § 35-11-113 to 114, and the Environmental Quality Council, as created and empowered by W.S. § 35-11-111 to 112.

**Section 4.      ~~Designation of Operators.~~ SEE SECTION 16**

~~(a)      Within 60 days of adoption of these regulations all owners shall provide the administrator with a written list of the chief and backup operators.~~

~~(b)      Within 60 days of any change of the list referred to in item (a) above, the owners shall inform the administrator of that change in writing.~~

~~(c)      All system owners shall inform the administrator in writing of any change in the employment of a chief or backup operator, or any alteration of responsibilities within 60 days of such change.~~

**Section 5 – Facility Classification.**

(a)      All water and wastewater treatment facilities subject to this rule shall be classified in accordance with the Points Classification System from the Association of Boards of Certification Operator Certification Program Standards, Copyright 1999-2007.

(b)      All water distribution and wastewater collection systems subject to this rule shall be classified by the Administrator.

(i)      The rating systems used to classify water distribution and wastewater collection systems will be posted to the DEQ/WQD Operator Certification webpage.

(c)      The Administrator may alter the classification of an individual plant or system because of special conditions including ease or difficulty of operation or extraordinary environmental or public health factors.

(d)      A facility classification review by the Administrator is required for any change to a facility that is significant enough to require a DEQ individual permit to construct.

(e)      Upon completion of a classification or classification review, the Administrator shall notify the facility owner of the classification level.

(f)      Classification levels shall be:

(i)      Level 1 through 4 for Water Treatment

(ii)     Level 1 or 2 for Water Distribution

(iii)    Level 1 through 4 for Wastewater Treatment

(iv)    Level 1 or 2 for Wastewater Collection

**Section 5. ~~Regulation Compliance.~~ [SEE SECTION 16]**

~~(a) All municipal and non-municipal public water supplies in Wyoming shall be in compliance with the requirements of these regulations within one year of the date of adoption.~~

~~(b) If a municipal or non-municipal public water supply is unable to comply with these regulations, the administrator will negotiate a schedule of compliance which shall state action(s) to be taken towards compliance and date(s) by which compliance will be attained.~~

~~(c) It shall be the responsibility of the owner to ensure compliance with the requirements of these regulations.~~

**Section 6 – Operator Certification Levels.**

(a) Requirements for the different levels of certification are to have:

(i) Level 1 Water Treatment

(A) A high school diploma or equivalent; and

(B) Passed a Level 1 Water Treatment exam with a score of at least 70%; and

(C) A minimum of 6 months work experience at or above a Level 1 Water Treatment system or pertinent experience; and

(D) 35 hours of pertinent continuing education.

(E) Level 1 Water Treatment operators may also operate Level 1 Water Distribution facilities.

(ii) Level 1 Water Distribution

(A) A high school diploma or equivalent; and

(B) Passed a Level 1 Water Distribution exam with a score of at least 70%; and

(C) A minimum of 6 months work experience at or above a Level 1 Water Distribution system or pertinent experience; and

(D) 35 hours of pertinent continuing education.

(iii) Level 1 Wastewater Treatment

- (A) A high school diploma or equivalent; and
- (B) Passed a Level 1 Wastewater Treatment exam with a score of at least 70%; and
- (C) A minimum of 6 months of work experience at or above a Level 1 Wastewater Treatment system or pertinent experience; and
- (D) 35 hours of pertinent continuing education.

(E) Level 1 Wastewater Treatment operators may also operate Level 1 Wastewater Collection facilities.

(iv) Level 1 Wastewater Collection

- (A) A high school diploma or equivalent; and
- (B) Passed a Level 1 Wastewater Treatment Collection exam with a score of at least 70%; and
- (C) A minimum of 6 months work experience at or above a Level 1 Wastewater Collection or Level 1 Wastewater Treatment system or pertinent experience; and
- (D) 35 hours of pertinent continuing education.

(v) Level 2 Water Treatment

- (A) A high school diploma or equivalent; and
- (B) Passed a Level 2 Water Treatment exam with a score of at least 70%; and
- (C) A minimum of 12 months work experience at or above a Level 1 Water Treatment system or pertinent experience; and
- (D) 70 hours of pertinent continuing education.

(vi) Level 2 Water Distribution

- (A) A high school diploma or equivalent; and
- (B) Passed a Level 2 Water Distribution exam with a score of at least 70%; and

(C) A minimum of 12 months work experience at or above a Level 1 Water Distribution or Level 1 Water Treatment system or pertinent experience; and

(D) 70 hours of pertinent continuing education.

(vii) Level 2 Wastewater Treatment

(A) A high school diploma or equivalent; and

(B) Passed a Level 2 Wastewater Treatment exam with a score of at least 70%; and

(C) A minimum of 12 months work experience at or above a Level 1 Wastewater Treatment system or pertinent experience; and

(D) 70 hours of pertinent continuing education.

(viii) Level 2 Wastewater Collection

(A) A high school diploma or equivalent; and

(B) Passed a Level 2 Wastewater Collection exam with a score of at least 70%; and

(C) A minimum of 12 months work experience at or above a Level 1 Wastewater Collection system or pertinent experience; and

(D) 70 hours of pertinent continuing education.

(ix) Level 3 Water Treatment

(A) A high school diploma or equivalent; and

(B) Passed a Level 3 Water Treatment exam with a score of at least 70%; and

(C) A minimum of 24 months experience, 12 of which shall be at or above a Level 2 Water Treatment system; and

(D) 300 hours of pertinent continuing education.

(x) Level 3 Wastewater Treatment

- (A) A high school diploma or equivalent; and
- (B) Passed a Level 3 Wastewater Treatment exam with a score of at least 70%; and
- (C) A minimum of 24 months experience, 12 of which shall be at or above a Level 2 Wastewater Treatment system; and
- (D) 300 hours of pertinent continuing education.

(xi) Level 4 Water Treatment

- (A) A high school diploma or equivalent; and
- (B) Passed a Level 4 Water Treatment exam with a score of at least 70%; and
- (C) A minimum of 36 months experience, 24 of which shall be at or above a Level 3 Water Treatment system; and
- (D) 400 hours of pertinent continuing education.

(xii) Level 4 Wastewater Treatment

- (A) A high school diploma or equivalent; and
- (B) Passed a Level 4 Wastewater Treatment exam with a score of at least 70%; and
- (C) A minimum of 36 months experience, 24 of which shall be at or above a Level 3 Wastewater Treatment system; and
- (D) 400 hours of pertinent continuing education.

~~Section 6. Criteria for Classification of Plants and Systems. SEE SECTION 5~~ Plants and systems will be classified by the administrator according to the criteria below; however, the administrator may, after negotiation with the owner, alter the classification of an individual plant or system because of special conditions including the ease or difficulty of operation or extraordinary environmental or public health factors.

~~(a) All public water treatment plants shall be classified according to the following criteria:~~

| <u>Size</u>                                                                                         | <u>Points</u> |
|-----------------------------------------------------------------------------------------------------|---------------|
| Population served 7,500 or less, or                                                                 | 1             |
| Population served 7,501 or more                                                                     | 2             |
| <u>Treatment</u>                                                                                    |               |
| Coagulation and/or sedimentation                                                                    | 2             |
| Filtration other than diatomaceous earth                                                            | 2             |
| Diatomaceous earth filtration                                                                       | 3             |
| Chemical precipitation softening                                                                    | 2             |
| Calcium/sodium hypochlorite and/or fluoridation                                                     | 1             |
| Chlorine gas, ozonation, chlorine dioxide, ultraviolet systems or onsite generation of hypochlorite | 2             |
| Membrane filtration, electrodialysis or reverse osmosis                                             | 6             |
| Ion exchange                                                                                        | 2             |

For purposes of plant classification, treatment facilities must be under the supervision of plant personnel.

#### CLASSIFICATION

|           |                   |
|-----------|-------------------|
| Class IV  | 8 points or more  |
| Class III | 6 or 7 points     |
| Class II  | 5 points or fewer |

(b) All municipal wastewater treatment plants shall be classified according to the following criteria:

| <u>Size</u>                         | <u>Points</u> |
|-------------------------------------|---------------|
| Population served 7,500 or less, or | 1             |
| Population served 7,501 or more     | 2             |
| <u>Treatment</u>                    |               |
| Non-aerated stabilization ponds, or | 1             |
| Aerated stabilization ponds, or     | 2             |
| Physical/chemical treatment, or     | 4             |

|                                                                                                                |              |
|----------------------------------------------------------------------------------------------------------------|--------------|
| <del>Fixed growth and solids handling, or</del>                                                                | <del>5</del> |
| <del>Activated sludge and solids handling</del>                                                                | <del>6</del> |
| <del>Calcium/sodium hypochlorite and dechlorination</del>                                                      | <del>1</del> |
| <del>Chlorine gas, ozonation, chlorine dioxide, ultraviolet systems or onsite generation of hypochlorite</del> | <del>2</del> |
| <del>Nutrient removal</del>                                                                                    | <del>2</del> |

#### Receiving Water

|                                                        |              |
|--------------------------------------------------------|--------------|
| <del>Class IV surface water, or</del>                  | <del>1</del> |
| <del>Class I, II, or III surface water, or</del>       | <del>2</del> |
| <del>Subsurface disposal and/or land application</del> | <del>2</del> |

#### CLASSIFICATION—

|                      |                             |
|----------------------|-----------------------------|
| <del>Class IV</del>  | <del>9 points or more</del> |
| <del>Class III</del> | <del>7 or 8 points</del>    |
| <del>Class II</del>  | <del>5 or 6 points</del>    |
| <del>Class I</del>   | <del>4 points or less</del> |

(c) ~~All public water distribution systems shall be classified in accordance with the following criteria:~~

|                                                |               |
|------------------------------------------------|---------------|
| <u>Size</u>                                    | <u>Points</u> |
| <del>Population served 7,500 or less, or</del> | <del>1</del>  |
| <del>Population served 7,501 or more</del>     | <del>2</del>  |

#### Treatment

|                                                                                                                 |              |
|-----------------------------------------------------------------------------------------------------------------|--------------|
| <del>Calcium/sodium hypochlorite and/or fluoridation</del>                                                      | <del>1</del> |
| <del>Chlorine gas, ozonation, chlorine dioxide, ultraviolet systems, or onsite generation of hypochlorite</del> | <del>2</del> |

#### Flow

|                                                |              |
|------------------------------------------------|--------------|
| <del>Gravity, or</del>                         | <del>1</del> |
| <del>Pressure provided by well pumps, or</del> | <del>1</del> |

~~Booster stations~~

~~2~~

~~For purposes of system classification, flow and treatment systems must be under the supervision of distribution personnel.~~

~~CLASSIFICATION—~~

~~Class II 4 points or more~~

~~Class I fewer than 4 points~~

~~(d) All public wastewater collection systems shall be classified according to the following criteria:~~

| <u>Size</u>                         | <u>Points</u> |
|-------------------------------------|---------------|
| Population served 7,500 or less, or | <del>1</del>  |
| Population served 7,501 or more     | <del>2</del>  |
| <u>Lift Stations</u>                |               |
| Lift stations                       | <del>2</del>  |

~~CLASSIFICATION—~~

~~Class II 4 points or more~~

~~Class I fewer than 4 points~~

~~Section 7. Classification of Plants and Systems.—~~ [ Now Section 5 ]

~~(a) Within 60 days of receipt of a facility configuration form, the owner shall complete said form and return it to the administrator.~~

~~(b) Within 60 days of receipt of a properly completed facility configuration form, the administrator shall classify the plants and/or systems and submit such classifications to the owner.~~

~~Section 8~~ 7. **Examinations.**

~~(a) An operator must receive a score of 70% or greater on the examination which is prepared by the administrator to attain certification.~~

The Administrator, the Administrator's designee, or an appropriate proctoring agency selected by the Administrator, will proctor exams.

~~(b) Scheduled examinations will be given during the first full week of May and the second full week of September each year, and at other times as approved by the administrator.~~

Exams will be obtained from a nationally recognized standardized exam development program that uses validated questions.

(i) Information about exams can be found on the DEQ/WQD Operator Certification website.

~~(c) All applicants will take regularly scheduled written examinations except in cases which the administrator decides represent proper exceptions.~~

Applicants who take and pass exams without meeting the experience or education requirement will have two (2) years from the exam date to complete the requirements for certification.

~~(d) Examination scores will be provided to the applicant in writing within 60 days of the date of the examination. The examination score will be held confidential and shall not be subject to disclosure to any other persons.~~

Special accommodations for testing will be considered for individuals who submit a written request to the Administrator.

~~(e) The employer of each applicant who passes the examination will be informed 15 days after release of the scores to the applicant.~~

~~(f) Graded examinations may be reviewed by the examinee under supervised conditions and at a site approved by the administrator. Additional persons may not aid with the review without the permission of the administrator. Reviews will not be allowed 30 days prior to, or until 30 days after an examination.~~

~~(g) Separate examinations will be prepared to cover the basic differences in duties and responsibilities associated with the varying complexities and sizes of water and wastewater treatment plants and collection and distribution systems. A separate examination will be prepared for each plant or system classification described in Section 6, except a single water system examination will be prepared for class I public water distribution systems, and a single wastewater system examination will be prepared to include both class I public wastewater treatment plants and class I public wastewater collection systems. The administrator may appoint an examination certification committee to provide the certification staff with guidance and advice on the content of the examinations.~~

~~(h) A certificate will be issued to each certified operator. Upon initial certification and the renewal thereof, the administrator will issue wallet-size cards to each certified operator as proof of current certification.~~

## Section 8 – Certificates

(a) Upon completion of the requirements of this rule, the Administrator will provide a certificate indicating the level and category for which the operator has qualified and the expiration date of the certification.

(b) The first certificate from any level and category issued to an operator shall be valid for the remainder of the issuing year plus two (2) years and shall expire on December 31.

(c) Thereafter, each certificate shall be valid for three (3) years and shall expire on December 31.

(d) The certificate will be provided through an Internet portal provided by the Administrator.

#### **Section 9. ~~Application for Examination~~**

~~(a) No later than March 1 and July 15 of each year, the administrator shall establish the exact dates, times and locations for the next examination and shall make available, application forms for persons who wish to take the examinations.~~

~~(b) Any person wishing to take an examination must have submitted to the administrator a properly completed application form postmarked no later than August 15 for the September examinations and April 1 for the May examinations.~~

~~(c) The administrator shall send notice seven (7) days before the exam date advising applicants of their eligibility to take the requested examinations.~~

#### **Section 9 – Operator Responsibilities.**

(a) Operators shall maintain accurate pertinent continuing education records including original, signed documents attesting to the completion of the coursework for the current three year certification period for each certification.

(b) Certified operators shall be available to any system for which they are designated.

#### **Section 10 - Contract Operators.**

(a) Contract operators shall keep records of the amount of time spent and duties performed at each contracted facility.

(i) These records shall be accessible for review upon request by the Administrator or the owner.

(ii) Contract operators shall keep their records for no less than five (5) years, from the date of each record.

(b) Contract operators shall make a physical inspection of each contracted facility at least once per week.

(i) Upon written request from the owner, the Administrator may make an exception to the frequency of the visits based on:

(A) Location; or

(B) Automation; or

(C) Complexity of the facility; or

(D) Special conditions including extraordinary environmental or public health factors.

(ii) No exception shall jeopardize public health.

(c) DEQ may periodically audit the records kept by contract operators.

(d) Contract operators shall be certified at a level equal to or greater than the classification level of a facility before they enter into a contract with that facility.

~~Section 10. **Eligibility to Take Examinations.** To be authorized to take any level examination, an applicant shall have a high school diploma or GED and meet the requirements given in the following table:~~

| <u>Experience</u>                    |                                                                | <u>Contact Hours</u> |                |
|--------------------------------------|----------------------------------------------------------------|----------------------|----------------|
| <del>Small consecutive systems</del> | <del>6 months</del>                                            | <del>and</del>       | <del>14</del>  |
| <del>Level I</del>                   | <del>6 months</del>                                            | <del>and</del>       | <del>35</del>  |
| <del>Level II</del>                  | <del>—1 year</del>                                             | <del>and</del>       | <del>70</del>  |
| <del>Level III</del>                 | <del>2 years total, 1 at Class II or higher facility(s)</del>  | <del>and</del>       | <del>300</del> |
| <del>Level IV</del>                  | <del>3 years total, 2 at Class III or higher facility(s)</del> | <del>and</del>       | <del>400</del> |

~~Experience must be earned at the type of plant or system for which certification is desired. Contact hours must be specific to the area for which certification is desired.~~

#### **Section 11      ~~Issuance of Certification.~~**

(a)      ~~Within 60 days of attaining a score of 70% or greater on a certification examination, the administrator shall issue the applicant a certificate designating the level and type of plant/system for which certification has been earned. Such certification shall expire on December 31 of the third full year following the date of certification issuance unless revoked according to the provisions of Section 16 of these regulations.~~

(b)      ~~Whenever a higher level of certification is earned in the same area, the lower level certification is inactivated; except:~~

~~(i)      A level I certification shall not be inactivated (except in instances of failure to renew) until a higher level of certification is earned in all applicable plant and/or system types; or~~

~~(ii)     When a higher level of restricted certification is held, a lower level of certification in the same area is not inactivated.~~

#### **Section ~~12~~11.   ~~Certification Renewal.~~      Renewal of Certificates**

(a)      ~~An operator's certification shall be renewed provided the operator obtains seven (7) contact hours for small consecutive systems (in distribution only) and 21 contact hours for levels I through IV during the three (3) year renewal period.~~

Certified operators are required to obtain 24 hours of pertinent continuing education within the three year time period for which the certificate is valid in order to renew their certification.

(b)      ~~Contact hours earned during the three (3) years previous to the certification expiration date must be specific to the area for which certification is desired.~~

Failure to obtain 24 hours of pertinent continuing education within the time period for which the certificate is valid shall result in expiration of the certificate.

(c)      ~~Within 12 to 18 months prior to the expiration date of an operator's certification, the administrator shall send to the operator a reminder of the renewal requirements.~~

If a certified operator is unable to renew their certification because of extenuating circumstances or undue hardship, the Administrator may grant an extension to renewal not to exceed two (2) years. The expiration date of the certification for which the operator is asking an extension shall not be extended.

(d)      ~~If an operator fails to meet the requirements of the certification renewal, the operator's employer shall be notified 60 days prior to the certification expiration.~~

Certified operators that will need to obtain a higher certification as a result of this rule will have one year from the adoption of this rule to obtain that certification.

~~(e) An operator who fails to renew his certification may become recertified only by meeting the provisions of Sections 8, 9, and 10 of these regulations.~~

The requirement for 24 hours of pertinent continuing education for certificate renewal will begin on January 1 after the adoption of this rule.

~~(f) Operators who hold multiple certifications may request the administrator to adjust their renewal date for each certification to coincide with one (1) renewal date.~~

#### Section ~~13~~12. **Training, Continuing Education**

~~(a) Contact hours shall be earned through successful completion of administrator approved operator training programs including but not limited to technical seminars, college courses, lectures, workshops, correspondence courses, hands-on training and in-house training programs.~~

A minimum of eight (8) hours of pertinent continuing education, for the purpose of renewing a certification, shall come from courses listed on the DEQ/WQD Operator Certification Program website.

~~(b) Operator attendance is mandatory for the duration of any training session for contact hours to be awarded.~~

Operators shall enter their pertinent continuing education information into an Internet portal provided by the Administrator.

(i) The exception to operator-entered pertinent continuing education information shall be that any training obtained through a DEQ-recognized training provider shall be entered by the training provider.

(ii) Training information entered by DEQ-recognized training providers may not be modified by any operator.

~~(c) Attendance at the same course in two (2) consecutive renewal periods unless the course content has been significantly changed, or completion of the same correspondence course more than once, it will be counted only once for purposes of earning contact hours.~~

Operators shall verify the accuracy of their pertinent continuing education information.

~~(d) Any person who desires to obtain contact hours for a training program shall submit to the administrator the documentation necessary to evaluate the program. The administrator shall provide a determination of the number and type(s) of contact hours which will be earned for successfully completing the program as submitted.~~

If a certified operator fails to complete (b) and (c) of this section prior to the expiration date of their certification(s), the certification(s) shall not be renewed.

(e) A single training unit may be applied to no more than one certificate.

### Sections 13 - **Audits**

(a) Certified operator continuing education records may be audited by the operator certification program.

(b) An audit may include a review of documents, signed by the proctor or instructor, attesting to completion of the pertinent continuing education for which a certified operator is claiming hours.

### **Section 14. Restricted Certification.**

~~(a) Upon receiving a written request from an owner, the administrator may, after making a determination of technical competency, and after considering other relevant factors, issue an operator of a specific plant or system a restricted certification. Such certification shall be limited to that specific plant or system and shall not be transferable to any other plant or system.~~

~~(b) When issuing restricted certifications the administrator must find substantial reason as to why it is not reasonable for the owner or the designated operator to meet the requirements of Section 10 and that the designated operator is technically competent to operate the plant or system.~~

~~(c) A restricted certification shall expire if the plant or system is significantly modified, but may be reinstated upon evaluation by the administrator.~~

~~(d) An operator holding a restricted certification shall be required to meet the renewal requirements described in Section 12.~~

Section 14 – **Reciprocity.** An operator who is certified as a water or wastewater operator in another state may obtain a reciprocal certification in Wyoming if the following criteria are met:

(a) The Administrator has received a letter of good standing or similar verification from the regulatory agency from which the certification was issued stating the name of the applicant, status of their certification, date originally issued, expiration date, level, and area of the certification, and any disciplinary action imposed against the applicant; and

(b) The applicant's education and experience meets Wyoming's minimum requirements, and;

(c) The applicant has passed an exam that meets Wyoming's minimum requirements.

(d) If all the above requirements are met, the expiration date of the Wyoming certification will be December 31 of the expiration year of the certification being reciprocated, not to exceed three years. Thereafter, the certification shall be subject to the requirements of this rule.

~~Section 15. **Operator Position Vacancy.** In the event that a municipal or non-municipal public water supply loses or terminates an operator with the result that the entity cannot comply with Section 3, that entity shall have 60 days to either achieve compliance or submit a compliance schedule to the administrator for approval. The compliance schedule shall state action(s) to be taken and date(s) by which compliance will be attained.~~

#### Section 15 – Facility Owner Responsibility.

(a) Owners of facilities in Wyoming subject to this rule shall designate a certified responsible charge operator who is responsible for the operation and/or direct supervision of that facility.

(i) For facilities with multiple operating shifts, an operator certified to the level of the facility shall be available for each shift.

(b) The facility owner shall replace the responsible charge operator with an adequately certified operator or adequately certified contract operator within forty five (45) days in the event of termination of services of the responsible charge operator.

(c) The responsible charge operator and any substitute responsible charge operator shall be certified at a level equal to or greater than the facility for which they are responsible.

(d) A substitute responsible charge operator shall fill in and perform the duties and make the decisions of the primary responsible charge operator when the designated responsible charge operator is not available.

(e) Any changes made to operating personnel for positions which require certification shall be reported to the Administrator no later than ten (10) days after the change has been made.

(f) Any system may be operated by an operator with a higher level of certification than the level of the facility.

(g) The facility owner shall make accessible to the responsible charge operator a comprehensive operation and maintenance manual for the facility. Specific guidance for contents of such manuals can be found in Wyoming Water Quality Rules and Regulations Chapter 11 and Chapter 12 under “Operation and Maintenance Manuals”.

(h) In the case of a contract operator, the facility owner shall outline in writing the

services expected of the contract operator. A description of services expected shall be made accessible to DEQ upon request.

- (i) The facility owner shall ensure compliance with the requirements of this rule.

Section 16. **Revocation or Suspension of Operator Certification** ~~Revocation.~~  
~~When, in the judgment of the administrator, it is deemed to be necessary, the administrator may revoke an operator's certification for a minimum of one (1) year. Appeal of the administrator's decision may be made as specified in the Environmental Quality Act. A copy of the act and appeal procedures will be provided to the operator and the owner.~~

(a) The Administrator shall suspend an operator's certification for a minimum of one year for any one of the following:

(i) Obtaining certification by knowingly making false statements, submitting false information, refusing to provide complete information including continuing education documents, or;

(ii) Falsification of operating records, or;

(iii) Falsification of records by a contract operator, or;

(iv) Cheating on an exam, or;

(v) Fraud.

(b) The Administrator will permanently revoke an operator's certification for the following:

(i) Willful negligence in operation, or;

(ii) Falsification of sample results, or;

(iii) While acting in the official capacity as a certified operator, being convicted of any act that endangers public health.

(c) Appeal of the Administrator's decision suspending or revoking certification may be made in accordance with the Wyoming Administrative Procedure Act, specifically 16-3-113 and the DEQ rules of practice and procedure.

Section 17. **Reinstatement of Certification after Suspension of Certification.** ~~If an operator's certification is revoked according to Section 16, that person may, at the discretion of the administrator, be allowed to become recertified by meeting the requirements of Sections 8, 9, and 10.~~

(a) The operator shall have three (3) months after the end of the suspension period to apply for reinstatement.

(b) If reinstatement of the suspended certificate is not requested within three (3) months after the end date of the suspension, the certification(s) that were suspended shall be terminated.

**Section 18. ~~Renewal of Certification Earned Prior to Adoption of These Regulations.~~**

~~(a) Operators whose certifications were earned prior to the effective date of these regulations but whose certifications expire after the effective date of these regulations, must renew their certifications according to Section 12 of these regulations, except that for their first renewal under these regulations, such operators need prove only that a minimum of 14 contact hours of operator training were earned for a level I and II operator during the previous three (3) years.~~

~~(b) Operators who were certified on the effective date of these regulations need not meet the minimum requirements of Section 10 to renew their certification.~~

**Section 18 – Recertification after Losing Certification for Lack of Continuing Education**

(a) If the operator requests recertification within three (3) months of the end of the certification period, the operator shall provide the Administrator with proof of pertinent continuing education equal to the amount the operator was short for renewal. These pertinent continuing education hours can only be used for this recertification and shall be from courses listed on the DEQ/WQD Operator Certification Program website as appropriate for the certificate being renewed.

(b) If the operator requests recertification more than three (3) months after the end of the certification period, the operator shall:

(i) Provide the Administrator with proof of pertinent continuing education equal to the amount the operator was short for renewal. These pertinent continuing education hours can only be used for this recertification and shall be from courses listed on the DEQ/WQD Operator Certification Program website as appropriate for the certificate being renewed; and

(ii) Provide the Administrator with proof of pertinent continuing education equal to eight (8) hours for each year or part of year past the termination date, not to exceed 24 hours; and

(iii) Pass an exam at the level of the certification desired, not to exceed the level of the previous certification.

~~Section 19 Reciprocity. SEE SECTION 15 The administrator shall have the authority to grant reciprocity outside of Wyoming on a case by case basis. An application must be completed for the area and the level that reciprocity is being sought. The administrator may request a copy of the base exam taken to review for equivalency. Reciprocity is granted on meeting the same requirements for experience and training of these regulations and equivalency of the base exam.~~

**Section 19 - Conversion of Level 1 Water Systems and Level 1 Wastewater Systems Certificates.**

(a) Level 1 Water Systems certificates will be converted to Level 1 Water Treatment certificates upon the first renewal cycle after final adoption of this Rule. If the operator prefers to be certified as a Level 1 Water Distribution or as both Level 1 Water System and Level 1 Water Distribution, the operator shall request the alternate certification prior to the first renewal after final adoption of this Rule.

(b) Level 1 Wastewater Systems certificates will be converted to Level 1 Wastewater Treatment certificates upon the first renewal cycle after final adoption of this Rule. If the operator prefers to be certified as a Level 1 Wastewater Collection or as both Level 1 Wastewater Treatment and Level 1 Wastewater Collection, the operator shall request the alternate certification prior to the first renewal after final adoption of this Rule.