Administrative Rule Review Report – ARR12-037
Legislative Service Office
May 24, 2012

AGENCY	Department of Environmental Quality
DATE SUBMITTED:	May 24, 2012
SUBJECT:	Chapter 5 – Certification of Operators of Public Water and Public Wastewater Treatment Plants, Public Collection and Public Distribution Systems
NATURE OF RULES:	Procedural and Legislative.
STATUTORY AUTHORITY:	W.S. 35-11-302(a)(iv).

DETERMINATION OF PROCEDURAL COMPLIANCE BASED UPON INFORMATION SUBMITTED BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY TO LSO: Apparently complete to date.

SUMMARY OF RULES: These rules amend multiple sections of Chapter 5 (Certification of Operators of Public Water and Public Wastewater Treatment Plants, Public Collection and Public Distribution Systems) of DEQ's Water Quality Rules and Regulations. Following is a summary of significant amendments by section. Copies of the amended Chapter 5 are available in clean or strike and underline versions upon request.

Section 2 – Objective. States that the objective of Chapter 5 is to ensure the protection of public health and the environment by establishing appropriate certification and training standards for operators of public water supplies and publically owned wastewater systems.

Section 3 – Definitions. Contains numerous new and amended definitions related to certification of public water supplies and publically owned wastewater system operators.

Section 4 – Stakeholder Involvement. Stakeholder involvement is satisfied by public meetings and hearing of the Water Advisory Board pursuant to W.S. 35-11-113 and 35-11-114 and EQC pursuant to W.S. 35-11-111 and 35-11-112.

Section 5 – Facility Classification. Describes the facility classification levels for Water Treatment, Water Distribution, Wastewater Treatment and Wastewater Collection. Specifies that all water and wastewater facilities subject to these rules shall be certified in accordance with the Point Classification System from the Boards of Certification Program Standards.

Section 6 – Operator Certification Levels. Specified levels of education, training and minimum experience for operators of various levels of water and wastewater facility classifications.

Section 8 – Certificates. The Administrator of the Water Quality Division will provide certificates indicating the level and category for which the operator is qualified.

Section 10 – Contractor Operators. Specifies the reporting requirements for contract operators and that they must be certified at a level equal to or greater than the classification level of the facility for which they are contracted.

Section 14 – Reciprocity. Describes the process whereby an operator certified in another state may obtain reciprocal certification in Wyoming.

Section 15 – Facility Owner Responsibility. Specifies the requirement to designate a certified responsible charge operator for all shifts of the facility is open and other requirements related to facility owner responsibilities.

Section 16 – Revocation or Suspension of Operator Certification. Amends offenses for which an operator's license can be suspended for one year and permanently.

Section 18 – Recertification after Losing Certification for Lack of Continuing Education. New requirements for regaining certification after not completing or submitting proof of the requisite level of continuing education.

Section 19 – Conversion of Level 1 Water Systems and Level 1 Wastewater System Certificates. Level 1 Water System Certificates will be converted to Level 1 Water Treatment Certificates upon first renewal cycle after final adoption of these rules. The same will occur with Level 1 Wastewater System Certificates. Operator can request to be certified as Level 1 Water Distribution and as a Level 1 Water System.

FINDINGS: The rules appear to be within the scope of statutory authority and legislative intent.

STAFF RECOMMENDATION: That the rules be placed on the Consent List and be approved by the Council as submitted by the Agency.

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Matthew D. Obrecht
Staff Attorney

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Lynda G. Cook
Staff Attorney