



Certification Page Regular and Emergency Rules

Revised September 2016

Emergency Rules *(After completing all of Sections 1 through 3, proceed to Section 5 below)*

Regular Rules

1. General Information

a. Agency/Board Name Environmental Quality		
b. Agency/Board Address 200 W 17th St Ste 400	c. City Cheyenne	d. Zip Code 82002
e. Name of Agency Liaison William Tillman	f. Agency Liaison Telephone Number 777-6941	
g. Agency Liaison Email Address william.tillman@wyo.gov	h. Adoption Date 2/21/18	
i. Program Water Quality		

2. Legislative Enactment

For purposes of this Section 2, "new" only applies to regular rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.

a. Are these rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?

No. Yes. Please provide the Enrolled Act Numbers and Years Enacted:

3. Rule Type and Information

a. Provide the Chapter Number, Title, and Proposed Action for Each Chapter.
(Please use the Additional Rule Information form for more than 10 chapters and attach it to this certification)

Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
5	Operator Certification (Certification of Operators of Public Water and Distribution Systems and Publicly Owned Wastewater Treatment)	
		<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
		<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
		<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
		<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
		<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
		<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
		<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
		<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
		<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
		<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed

3. State Government Notice of Intended Rulemaking

a. Date on which the Proposed Rule Packet (consisting of the Notice of Intent as per W.S. 16-3-103(a), Statement of Principal Reasons, strike and underscore format and a clean copy of each chapter of rules were: **12/15/17**

- approved as to form by the Registrar of Rules; and
- provided to the Legislative Service Office and Attorney General:

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. No. Yes. N/A

b. A public hearing was held on the proposed rules. No. Yes. Please complete the boxes below.

Date: February 21, 2018	Time: 10:00 am	City: Cheyenne	Location: Herschler Building, Room 1699, 122 W 25th St
---------------------------------------	--------------------------	--------------------------	--

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

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 approved as to form by the **Secretary of State** and sent to the Legislative Service Office:

c. The Statement of Reasons is attached to this certification.

6. Agency/Board Certification

The undersigned certifies that the foregoing information is correct.

Signature of Authorized Individual	
Printed Name of Signatory	Todd Parfitt
Signatory Title	Director
Date of Signature	2/21/2018

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	

**BEFORE THE
ENVIRONMENTAL QUALITY COUNCIL
STATE OF WYOMING**

IN THE MATTER OF REVISIONS TO)	
WATER QUALITY RULES AND)	STATEMENT OF
REGULATIONS, CHAPTER 5)	PRINCIPAL REASONS
CERTIFICATION OF OPERATORS OF)	FOR ADOPTION
PUBLIC WATER AND DISTRIBUTION)	
SYSTEMS AND PUBLICALLY OWNED)	
WASTEWATER TREATMENT AND)	
COLLECTION SYSTEMS)	

INTRODUCTION

The Environmental Quality Council, pursuant to the authority vested in it by the Wyoming Statutes 35-11-112 (a)(i) has adopted revisions to the following chapters and sections of the Wyoming Water Quality Rules and Regulations: Chapter 5, Certification of Operators of Public Water and Distribution Systems and Publically Owned Wastewater Treatment And Collection Systems.

Section 35-11-302 (a) of the Environmental Quality Act (Act) states that the administrator, after receiving public comment and after consultation with the advisory board, shall recommend to the director rules, regulations, standards and permit systems to promote the purposes of this act. Such rules, regulations, standards and permit systems shall prescribe:

- (iv) Standards for the definition of technical competency and the certification of operating personnel for community water systems and nontransient noncommunity water systems, sewerage systems, treatment works and disposal systems and for determining that the operation shall be under the supervision of certified personnel.
- (vi) In recommending any standards, rules, regulations, or permits, the administrator and advisory board shall consider all the facts and circumstances bearing upon the reasonableness of the pollution involved including:
 - (A) The character and degree of injury to or interference with the health and wellbeing of the people, animals, wildlife, aquatic life and plant life affected;

- (B) The social and economic value of the source of pollution;
- (C) The priority of location in the area involved;
- (D) The technical practicability and economic reasonableness of reducing or eliminating the source of pollution; and
- (E) The effect upon the environment.

SUMMARY OF REVISIONS TO CHAPTER 5

Per the requirements at 35-11-302(a)(iv), on May 5, 2017, the Water Quality Division sent a copy of the proposed revisions to affected municipalities, water and sewer districts, counties and treatment operators and accepted written and electronic comments for 30 days.

Chapter 5 was revised to clarify requirements concerning operator availability; to add certification levels for simple water and wastewater treatment facilities; to specify designation of substitute responsible charge operators; to remove designation grace periods for systems that terminate responsible charge operators; to add continuing education requirements for state and/or federal rule training; and to correct redundancies, grammar, and formatting errors. The revisions are no more stringent than the Federal Guidelines, “Final Guidelines for the Certification of the Operators of Community and Non-transient Non-community Public Water Systems; Final Allocation Methodology for Funding to States for the Operator Certification Expense Reimbursement Grants Program” April 18, 2001.

Section 3. New language was added to cross-reference definitions contained in 35-11-103 of the Wyoming Environmental Quality Act. Definitions that were duplicates of statutory definitions were removed. The definition of “available” was removed as it is a requirement and a defined term. New definitions for “lagoon system” and “well system” were added as requirements for these systems were added later in the chapter. Spelling errors were corrected.

Section 5. Two classification levels, well systems and lagoon systems, were added in order to more accurately classify simple systems that were previously classified under Level 1 Water Treatment and Level 1 Wastewater Treatment. Consistency errors were corrected.

Section 6. Section 6 was reorganized and streamlined. Redundant statements were removed. Cross references were added to other sections of the chapter. Subsection (d) was added to minimize unnecessary workload in the Water Quality Division from applicants requesting certification with no intention of working in Wyoming.

Section 7. Passive statements were reworded for clarity. Subsection (c) was added as the requirement had previously been stated repeatedly in Section 6, but is more appropriately placed in Section 7. Subsections were renumbered as needed.

Section 8. Section 8 was edited for clarity and formatting consistency.

Section 9. Subsection (a) was edited to remove requirements that are now unnecessary due to Water Quality Division's electronic record keeping practices instead of hard copy record keeping. Subsection (b) was expanded to include requirements related to operator availability in order to ensure the protection of human health and the environment. Subsection (c) was added in order to encourage record accuracy. Subsection (d) was moved from Section (15)(d) as it is more appropriately suited for Section 9. Subsection (d) was edited for clarity.

Section 10. Section 10 was edited to correct a formatting inconsistency.

Section 11. Section 11 was edited to correct a formatting inconsistency and to remove timing requirements that are applicable to previous promulgations of this chapter.

Section 12. Section 12 was edited for clarity and streamlined to remove passages that are redundant to passages elsewhere in the chapter. Subsection (b) was added to require familiarity with state and/or federal regulations in continuing education as the exam provider has removed regulations from their testing curriculum.

Section 13. Section 13 was edited to remove any vagueness concerning audited documents.

Section 14. Section 14 was edited to clarify the requirements for reciprocity and to remove redundant statements.

Section 15. Section 15 was reorganized to include only requirements applicable to facility owners. Requirements applicable to operators were moved to Section 9. Paragraph (a)(ii) was added to include requirements related to operator availability in order to ensure the protection of human health and the environment. The 45-day grace period for replacing the responsible charge operator was removed in order to ensure the protection of human health and the environment. Subsection (h) was added to ensure the protection of human health and the environment. Formatting errors were corrected.

Section 16. Section 16 was edited to make the section consistent with the Department of Environmental Quality Rules of Practice and Procedure and edited to give the Administrator discretion when considering suspension or revocation of an operator's certificate.

Section 17. Section 17 was edited to correct formatting and grammar inconsistencies.

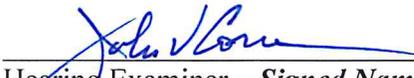
Section 18. Section 18 was edited to correct formatting and grammar inconsistencies. Paragraph (a)(i) was added to clarify the deadline for recertification requests.

Section 19. Section 19 was removed as it is applicable to an earlier promulgation of the rule.

The Council finds that these regulations are reasonable and necessary to accomplish the policy and purpose of the Act, as stated in W.S. 35-11-102, and that they have been promulgated in accordance with rulemaking provisions of the Wyoming Administrative Procedures Act.

Dated this 21 day of FEB., 2018.

JOHN V CORRA
Hearing Examiner – *Printed Name*
Wyoming Environmental Quality Council


Hearing Examiner – *Signed Name*
Wyoming Environmental Quality Council

Proposed Revisions to Water Quality Rules and Regulations Chapter 5

Response to Comments For Comment Period Ending February 2, 2018



February 16, 2018

Prepared by:

Wyoming Department of Environmental Quality

Water Quality Division

Water and Wastewater Program

DRAFT RESPONSES TO CHAPTER 5 COMMENTS

Commenters:

Karen Heath

Comments and Responses

Comment: Having too many levels can be confusing. When I first tested for my first license, I didn't realize there were so many kinds of tests and ended up taking the Distribution test instead of the Level 1 Treatment. Later that was changed to the Level 1 Treatment license. It should be clearly stated somewhere on the website what tests you need to take for which level. For example, if your facility is a level 1, then all the tests you need to take to get that level 1 should be listed as a requirement. If it's only 1 test, then that test should be specifically listed. If you need Distribution and Level 1 Treatment to get the proper license for the facility, both should be listed.

Department Response:

WDEQ/WQD has considered this comment and will make modifications to the Operator Certification website in order to more clearly identify which exams will need to be taken for each facility type.

Chapter 5

Certification of Operators of Public Water and Distribution Systems and Publicly Owned Wastewater Treatment and Collection Systems

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 publicly 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.

The following definitions supplement those contained in W. S. 35-11-103 of the Wyoming Environmental Quality Act.

- (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) “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.
- (c) “Certification” means the level and area of competency of an operator.
- (d) “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 publicly 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.
- (e) “Contract operator” means a certified water, distribution, collection, or wastewater operator who is offering to provide services to a facility on a contractual basis.
- (f) “Distribution system” means all parts of a public water supply system except collection, treatment, or wells.
- (g) “Equivalent” means experience and education determined in written policy, by the Administrator, to be comparable to a high school diploma.

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

(i) “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.

(j) “Lagoon system” means a publicly owned wastewater collection and treatment system where the primary method of treatment is a lagoon.

(k) “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.

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

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

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

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

(p) “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.

(q) “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 Water Quality Rules and Regulations Chapter 27 and utilizing septic tanks as primary treatment are excluded.

(r) “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.

(s) “Well system” means a public water system consisting of a well or wells, disinfection equipment, and a distribution system.

(t) “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.

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 website.

(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

(v) Well System

(vi) Lagoon System

Section 6. Operator Certification Levels.

(a) Operators shall obtain certification for the desired level and all preceding levels listed in Section 5(f) of this chapter.

(b) Operators shall demonstrate that they have achieved a high-school diploma or equivalent prior to requesting certification.

(c) Operators shall demonstrate compliance with Section 7(c) of this chapter for the desired certification level and all preceding levels listed in Section 5(f) of this chapter.

(d) The applicant must reside in or be employed as an operator in the State of Wyoming.

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

(f) Operators shall meet the following requirements for each level of certification prior to requesting a certificate:

(i) All Level 1 certifications, including Well System and Lagoon System, require:

(A) At least six (6) months of operational experience at a facility in the area of the certification. Other pertinent experience may be used to substitute for operational experience.

(B) Demonstration that the operator has completed at least thirty-five (35) hours of pertinent continuing education.

(C) Level 1 Water Treatment operators may also operate Level 1 Water Distribution facilities and Well Systems.

(D) Level 1 Wastewater Treatment operators may also operate Level 1 Wastewater Collection facilities and Lagoon Systems.

(ii) All level 2 certifications require:

(A) At least twelve (12) months of operational experience at a facility at or above a Level 1 in the area of the certification. Other pertinent experience may be used to substitute for operational experience.

(B) Demonstration that the operator has completed at least seventy (70) hours of pertinent continuing education.

(iii) All Level 3 certifications require:

(A) At least twenty-four (24) months of operational experience at a facility at or above a Level 1 in the area of the certification. Other pertinent experience may be used to substitute for no more than twelve (12) months of operational experience.

(B) At least twelve (12) months of plant operational experience must be obtained at a Level 2 or higher facility in the area of the certification. Other pertinent experience may not be used to substitute for plant operational experience.

(C) Demonstration that the operator has completed 300 hours of pertinent continuing education.

(iv) All Level 4 certifications require:

(A) At least thirty-six (36) months of operational experience at a facility at or above a Level 1 in the area of the certification. Other pertinent experience may be used to substitute for no more than twelve (12) months of operational experience.

(B) At least twenty-four (24) months of plant operational experience must be obtained at a Level 3 or higher facility in the area of the certification. Other pertinent experience may not be used to substitute for plant operational experience.

(C) Demonstration that the operator has completed 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) Exam information is available at the DEQ/WQD Operator Certification website.

(c) A passing exam score is seventy percent (70%) or other score as determined by the exam development program.

(d) 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.

(e) 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) calendar years and shall expire on December 31.

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

(d) The certificate will be provided through an online account provided by the Administrator.

Section 9. Operator Responsibilities.

(a) Operators shall maintain accurate pertinent continuing education records.

(b) Operators shall be available to any system for which they are designated, unless as provided in paragraph (ii) of this section.

(i) Operators shall be capable of being on-site within eight (8) hours and shall initiate the appropriate operational and technical actions within one (1) hour of being notified that there is a problem at the facility.

(ii) If the operator is not available, they shall notify the owner and the substitute responsible charge operator.

(c) Operators shall ensure that their employment history is accurate and current.

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

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 twenty-four (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 twenty-four (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.

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 core topic areas.

(i) A list of core topic areas shall be maintained on the DEQ/WQD Operator Certification Program website.

(b) In addition to the eight (8) hours of core topic area training, a minimum of two (2) hours of pertinent continuing education, for the purpose of renewing a certification, shall consist of state and/or federal rule training pertinent to the area of the certification.

(c) Operators shall enter their pertinent continuing education information into an online account provided by the Administrator.

(i) Training obtained through a DEQ-recognized training provider shall be entered by the training provider into the operator's online account.

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

(d) 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 shall 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.

(a) Criteria

(i) The Administrator has received a letter of good standing or similar verification from the regulatory agency that issued the current certification 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; if any.

(ii) The applicant must meet Wyoming certification requirements in Section 6 of this chapter.

(b) 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 Responsibilities.

(a) Owners of facilities in Wyoming subject to this rule shall designate a responsible charge operator and a substitute responsible charge operator who are 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.

(ii) Owners shall ensure that either the responsible charge operator or the substitute responsible charge operator is capable of being on-site within eight (8) hours and shall initiate the appropriate operational and technical actions within one (1) hour of being notified that there is a problem at the facility.

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

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

(d) Any changes made to the responsible charge operator, the substitute responsible charge operator or other personnel for positions that require certification shall be reported to the Administrator no later than ten (10) days after the change has been made.

(e) 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".

(f) 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.

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

(h) The facility owner shall not allow inadequately certified or non-certified individuals to operate or maintain any facility.

Section 16. Revocation or Suspension of Operator Certification.

(a) In addition to any other penalties or enforcement actions the Administrator may suspend or revoke an operator's certificate for violations including, but not limited to:

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

(ii) Falsification of operating records;

(iii) Falsification of operating records by a contract operator;

- (iv) Cheating on an exam;
- (v) Fraud
- (vi) Willful negligence in operation;
- (vii) Falsification of sample results, or;

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

(b) The Administrator shall suspend or revoke an operator's certificate by providing notice and an opportunity for a hearing to the operator.

(i) The notice to the operator shall include a statement of the basis for suspension or revocation and shall state the date on which the revocation or suspension is effective.

(ii) The suspension or revocation shall become final thirty (30) days from the date of such notice unless within that time the operator requests a contested case hearing in accordance with the Department of Environmental Quality Rules of Practice and Procedure, Chapter 2, Contested Case Hearings and W.S. 16-3-113.

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 was/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 and appropriate for the certificate being renewed.

(i) Operators requesting recertification shall submit their request and all documentation prior to close of business on the last business day of the deadline described in subsection (a) of this section.

(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 and 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 twenty-four (24) hours; and

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

Chapter 5

Certification of Operators of Public Water and Distribution Systems and Publicly Owned Wastewater Treatment and Collection Systems

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 publicly 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.

The following definitions supplement those contained in W. S. 35-11-103 of the Wyoming Environmental Quality Act.

(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.~~

~~(e)~~ (b) “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)~~ (c) “Certification” means the level and area of competency of an operator.

~~(e)~~ (d) “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~~ publicly 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)~~ (e) “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.~~

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

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

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

(ki) “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.

(j) “Lagoon system” means a publicly owned wastewater collection and treatment system where the primary method of treatment is a lagoon.

(k) “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.

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

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

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

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

(qp) “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.

(rq) ~~“Publically 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~~ Water Quality Rules and Regulations Chapter 46 27 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).~~

(tr) “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).~~

(s) “Well system” means a public water system consisting of a well or wells, disinfection equipment, and a distribution system.

~~(wt) “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~~ website.

(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
 - (v) Well System
 - (vi) Lagoon System

Section 6. Operator Certification Levels.

(a) ~~Requirements for the different levels of certification are to have~~ Operators shall obtain certification for the desired level and all preceding levels listed in Section 5(f) of this chapter.

~~(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.~~

(b) Operators shall demonstrate that they have achieved a high-school diploma or equivalent prior to requesting certification.

(c) Operators shall demonstrate compliance with Section 7(c) of this chapter for the desired certification level and all preceding levels listed in Section 5(f) of this chapter.

(d) The applicant must reside in or be employed as an operator in the State of Wyoming.

~~Formerly Section 15(e)-(e)~~ Any system may be operated by an operator with a higher level of certification than the level of the facility.

(f) Operators shall meet the following requirements for each level of certification prior to requesting a certificate:

(i) All Level 1 certifications, including Well System and Lagoon System, require:

(A) At least six (6) months of operational experience at a facility in the area of the certification. Other pertinent experience may be used to substitute for operational experience.

(B) Demonstration that the operator has completed at least thirty-five (35) hours of pertinent continuing education.

(C) Level 1 Water Treatment operators may also operate Level 1 Water Distribution facilities and Well Systems.

(D) Level 1 Wastewater Treatment operators may also operate Level 1 Wastewater Collection facilities and Lagoon Systems.

(ii) All level 2 certifications require:

(A) At least twelve (12) months of operational experience at a facility at or above a Level 1 in the area of the certification. Other pertinent experience may be used to substitute for operational experience.

(B) Demonstration that the operator has completed at least seventy (70) hours of pertinent continuing education.

(iii) All Level 3 certifications require:

(A) At least twenty-four (24) months of operational experience at a facility at or above a Level 1 in the area of the certification. Other pertinent experience may be used to substitute for no more than twelve (12) months of operational experience.

(B) At least twelve (12) months of plant operational experience must be obtained at a Level 2 or higher facility in the area of the certification. Other pertinent experience may not be used to substitute for plant operational experience.

(C) Demonstration that the operator has completed 300 hours of pertinent continuing education.

(iv) All Level 4 certifications require:

(A) At least thirty-six (36) months of operational experience at a facility at or above a Level 1 in the area of the certification. Other pertinent experience may be used to substitute for no more than twelve (12) months of operational experience.

(B) At least twenty-four (24) months of plant operational experience must be obtained at a Level 3 or higher facility in the area of the certification. Other pertinent experience may not be used to substitute for plant operational experience.

(C) Demonstration that the operator has completed 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~~ Exam information is available at the DEQ/WQD Operator Certification website.

(c) A passing exam score is seventy percent (70%) or other score as determined by the exam development program.

~~(e)~~ (d) 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)~~ (e) 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) calendar years and shall expire on December 31.

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

(d) The certificate will be provided through an ~~internet portal~~ online account 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~~ Operators shall be available to any system for which they are designated, unless as provided in paragraph (ii) of this section.

(i) Operators shall be capable of being on-site within eight (8) hours and shall initiate the appropriate operational and technical actions within one (1) hour of being notified that there is a problem at the facility.

(ii) If the operator is not available, they shall notify the owner and the substitute responsible charge operator.

(c) Operators shall ensure that their employment history is accurate and current.

~~(formerly 15(d))~~(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.

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 twenty-four (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 twenty-four (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~~ core topic areas.

(i) A list of core topic areas shall be maintained on the DEQ/WQD Operator Certification Program website.

(b) In addition to the eight (8) hours of core topic area training, a minimum of two (2) hours of pertinent continuing education, for the purpose of renewing a certification, shall consist of state and/or federal rule training pertinent to the area of the certification.

~~(b)~~(c) Operators shall enter their pertinent continuing education information into an online account provided by the Administrator.

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

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

~~(e) — Operators shall verify the accuracy of their pertinent continuing education information.~~

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

~~(e)~~(d) 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~~ shall 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) Criteria

~~(a)~~(i) The Administrator has received a letter of good standing or similar verification from the regulatory agency that issued the current certification 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; if any.

~~(ii) — The applicant must meet Wyoming certification requirements in Section 6 of this chapter.~~

~~(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)~~ (b) ~~If all the above requirements are met, the~~ 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~~ Responsibilities.

(a) Owners of facilities in Wyoming subject to this rule shall designate a ~~certified~~ responsible charge operator and a substitute responsible charge operator who is are 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.

(ii) Owners shall ensure that either the responsible charge operator or the substitute responsible charge operator is capable of being on-site within eight (8) hours and shall initiate the appropriate operational and technical actions within one (1) hour of being notified that there is a problem at the facility.

(b) The facility owner shall immediately 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 owner shall ensure that the responsible charge operator and any substitute responsible charge operator ~~shall be~~ are 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)~~(d) Any changes made to operating the responsible charge operator, the substitute responsible charge operator or other personnel for positions that 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)~~(e) 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)~~(f) 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)~~(g) The facility owner shall ensure compliance with the requirements of this rule.

(h) The facility owner shall not allow inadequately certified or non-certified individuals to operate or maintain any facility.

Section 16. Revocation or Suspension of Operator Certification.

(a) In addition to any other penalties or enforcement actions ~~The the~~ Administrator shall may suspend or revoke an operator's ~~certification certificate~~ for a minimum of one year for any one of the following violations including, but not limited to:

(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 operating 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)(vi)~~ Willful negligence in operation,~~or~~;

~~(ii)(vii)~~ Falsification of sample results, or;

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

~~(c)(b) 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. The Administrator shall suspend or revoke an operator's certificate by providing notice and an opportunity for a hearing to the operator.~~

(i) The notice to the operator shall include a statement of the basis for suspension or revocation and shall state the date on which the revocation or suspension is effective.

(ii) The suspension or revocation shall become final thirty (30) days from the date of such notice unless within that time the operator requests a contested case hearing in accordance with the Department of Environmental Quality Rules of Practice and Procedure, Chapter 2, Contested Case Hearings and W.S. 16-3-113.

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 was/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-and appropriate for the certificate being renewed.

(i) Operators requesting recertification shall submit their request and all documentation prior to close of business on the last business day of the deadline described in subsection (a) of this section.

(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-and 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 twenty-four (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.~~