

Chapter 5

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

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1 **Chapter 5**

2
3 **Certification of Operators of Public Water and Distribution Systems and Publicly Owned**
4 **Wastewater Treatment and Collection Systems**

5
6 **Section 1. Authority.** This rule is promulgated pursuant to W.S. 35-11-101 through
7 1904, specifically 302(a)(iv).
8

9 **Section 2. Objective.** Water treatment systems, water distribution systems,
10 wastewater collection systems, and wastewater treatment systems protect public health and the
11 environment only if they are being properly operated and maintained.
12

13 This rule requires all public water supplies and publicly owned wastewater treatment and
14 collection systems be operated by an appropriately certified operator and establishes the
15 standards for experience, training, and certification of such operators for the protection of the
16 public health of the people of Wyoming.

17 **Section 3. Definitions.**

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19 The following definitions supplement those contained in W. S. 35-11-103 of the
20 Wyoming Environmental Quality Act.
21

22 (a) “Administrator” means, for the purposes of this rule, the administrator of the
23 Wyoming Department of Environmental Quality (DEQ) Water Quality Division (WQD) or their
24 authorized agents.
25

26 (b) “Certificate” means the document showing the level and area of competency of an
27 operator, the operator’s identification number, issue date, certificate number, and expiration date.
28

29 (c) “Certification” means the level and area of competency of an operator.
30

31 (d) “Certified operator” means an individual who has met the requirements of this
32 rule and has been certified by DEQ to hold at least one certificate as defined by this rule and who
33 is directly involved in the on-site operational and technical actions of a publicly owned
34 wastewater treatment or collection system and/or public water supply. “Certified operator” shall
35 not include an individual whose duties are limited to laboratory testing, general facility
36 maintenance, or who exercises general or indirect supervision only.
37

38 (e) “Contract operator” means a certified water, distribution, collection, or
39 wastewater operator who is offering to provide services to a facility on a contractual basis.
40

41 (f) “Distribution system” means all parts of a public water supply system except
42 collection, treatment, or wells.
43

44 (g) “Equivalent” means experience and education determined in written policy, by
45 the Administrator, to be comparable to a high school diploma.
46

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

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

54
55 (j) “Lagoon system” means a publicly owned wastewater collection and treatment
56 system where the primary method of treatment is a lagoon.

57
58 (k) “Letter of good standing” means a letter from the regulatory agency that issued a
59 certificate to an applicant applying for reciprocity, stating the certification is current and has no
60 violations against it.

61
62 (l) “Operating shift” means the period of time during which certified operator
63 decisions that affect public health are necessary for proper operation of the facility.

64
65 (m) “Operator Certification Program” means the Wyoming Department of
66 Environmental Quality, Water Quality Division, Operator Certification Program.

67
68 (n) “Owner” means the entity who owns the real estate, easement, or facility.

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

73
74 (p) “Pertinent experience” means employment as an operator or employment in other
75 Administrator-recognized professions closely related to the operation of a public water supply,
76 sewerage, or treatment works.

77
78 (q) “Publicly owned wastewater treatment or collection system” means any federal,
79 state, or local government system collecting or treating greater than 2,000 gallons a day average
80 flow of wastewaters containing human waste. This definition includes improvement and service
81 districts and homeowner associations. Underground Injection Control (UIC) facilities permitted
82 in accordance with DEQ Water Quality Rules and Regulations Chapter 27 and utilizing septic
83 tanks as primary treatment are excluded.

84
85 (r) “Responsible charge operator” means the person(s) designated by the facility
86 owner to be the certified operator who makes decisions regarding the daily operational and
87 technical actions of a water treatment facility, distribution system, wastewater treatment facility,
88 or collection system that will directly impact the quality or quantity of drinking water or
89 wastewater treatment.

90
91 (s) “Well system” means a public water system consisting of a well or wells,
92 disinfection equipment, and a distribution system.

93 (t) "Water treatment" means all parts of a water supply that collect or treat water. All
94 disinfection equipment and wells are considered part of water treatment.
95

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

101
102 **Section 5. Facility Classification.**
103

104 (a) All water and wastewater treatment facilities subject to this rule shall be classified
105 in accordance with the Points and Classification System from the Association of Boards of
106 Certification Program Standards, Copyright 1999-2007.
107

108 (b) All water distribution and wastewater collection systems subject to this rule shall
109 be classified by the Administrator.
110

111 (i) The rating systems used to classify water distribution and wastewater
112 collection systems will be posted to the DEQ/WQD Operator Certification website.
113

114 (c) The Administrator may alter the classification of an individual plant or system
115 because of special conditions including ease or difficulty of operation or extraordinary
116 environmental or public health factors.
117

118 (d) A facility classification review by the Administrator is required for any change to
119 a facility that is significant enough to require a DEQ individual permit to construct.
120

121 (e) Upon completion of a classification or classification review, the Administrator
122 shall notify the facility owner of the classification level.
123

124 (f) Classification levels shall be:

125 (i) Level 1 through 4 for Water Treatment
126

127 (ii) Level 1 or 2 for Water Distribution
128

129 (iii) Level 1 through 4 for Wastewater Treatment
130

131 (iv) Level 1 or 2 for Wastewater Collection
132

133 (v) Well System
134

135 (vi) Lagoon System
136

137 **Section 6. Operator Certification Levels.**
138

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

141
142 (b) Operators shall demonstrate that they have achieved a high-school diploma or
143 equivalent prior to requesting certification.

144
145 (c) Operators shall demonstrate compliance with Section 7(c) of this chapter for the
146 desired certification level and all preceding levels listed in Section 5(f) of this chapter.

147
148 (d) The applicant must reside in or be employed as an operator in the State of
149 Wyoming.

150
151 (e) Any system may be operated by an operator with a higher level of certification
152 than the level of the facility.

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

156
157 (i) All Level 1 certifications, including Well System and Lagoon System,
158 require:

159
160 (A) At least six (6) months of operational experience at a facility in the
161 area of the certification. Other pertinent experience may be used to substitute for operational
162 experience.

163
164 (B) Demonstration that the operator has completed at least thirty-five
165 (35) hours of pertinent continuing education.

166
167 (C) Level 1 Water Treatment operators may also operate Level 1
168 Water Distribution facilities and Well Systems.

169
170 (D) Level 1 Wastewater Treatment operators may also operate Level 1
171 Wastewater Collection facilities and Lagoon Systems.

172
173 (ii) All level 2 certifications require:

174
175 (A) At least twelve (12) months of operational experience at a facility
176 at or above a Level 1 in the area of the certification. Other pertinent experience may be used to
177 substitute for operational experience.

178
179 (B) Demonstration that the operator has completed at least seventy
180 (70) hours of pertinent continuing education.

181
182 (iii) All Level 3 certifications require:

183

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

187
188 (B) At least twelve (12) months of plant operational experience must
189 be obtained at a Level 2 or higher facility in the area of the certification. Other pertinent
190 experience may not be used to substitute for plant operational experience.

191
192 (C) Demonstration that the operator has completed 300 hours of
193 pertinent continuing education.

194
195 (iv) All Level 4 certifications require:

196
197 (A) At least thirty-six (36) months of operational experience at a
198 facility at or above a Level 1 in the area of the certification. Other pertinent experience may be
199 used to substitute for no more than twelve (12) months of operational experience.

200
201 (B) At least twenty-four (24) months of plant operational experience
202 must be obtained at a Level 3 or higher facility in the area of the certification. Other pertinent
203 experience may not be used to substitute for plant operational experience.

204
205 (C) Demonstration that the operator has completed 400 hours of
206 pertinent continuing education.

207 **Section 7. Examinations.**

208
209 (a) The Administrator, the Administrator's designee, or an appropriate proctoring
210 agency selected by the Administrator, will proctor exams.

211
212 (b) Exams will be obtained from a nationally recognized standardized exam
213 development program that uses validated questions.

214
215 (i) Exam information is available at the DEQ/WQD Operator Certification
216 website.

217
218 (c) A passing exam score is seventy percent (70%) or other score as determined by
219 the exam development program.

220
221 (d) Applicants who take and pass exams without meeting the experience or education
222 requirement will have two (2) years from the exam date to complete the requirements for
223 certification.

224
225 (e) Special accommodations for testing will be considered for individuals who submit
226 a written request to the Administrator.

227

228 **Section 8. Certificates.**

229
230 (a) Upon completion of the requirements of this rule, the Administrator will provide a
231 certificate indicating the level and category for which the operator has qualified and the
232 expiration date of the certification.

233
234 (b) The first certificate from any level and category issued to an operator shall be
235 valid for the remainder of the issuing year plus two (2) calendar years and shall expire on
236 December 31.

237
238 (c) Thereafter, each certificate shall be valid for three (3) calendar years and shall
239 expire on December 31.

240
241 (d) The certificate will be provided through an online account provided by the
242 Administrator.

243 **Section 9. Operator Responsibilities.**

244
245 (a) Operators shall maintain accurate pertinent continuing education records.

246
247 (b) Operators shall be available to any system for which they are designated, unless
248 as provided in paragraph (ii) of this section.

249
250 (i) Operators shall be capable of being on-site within eight (8) hours and shall
251 initiate the appropriate operational and technical actions within one (1) hour of being notified
252 that there is a problem at the facility.

253
254 (ii) If the operator is not available, they shall notify the owner and the
255 substitute responsible charge operator.

256
257 (c) Operators shall ensure that their employment history is accurate and current.

258
259 (d) A substitute responsible charge operator shall perform the duties and make the
260 decisions of the responsible charge operator when the responsible charge operator is not
261 available.

262 **Section 10. Contract Operators.**

263
264 (a) Contract operators shall keep records of the amount of time spent and duties
265 performed at each contracted facility.

266
267 (i) These records shall be accessible for review upon request by the
268 Administrator or the owner.

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

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(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.

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

318

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

321

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

324

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

327

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

329 **Section 13. Audits.**

330

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

333

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

337

338 **Section 14. Reciprocity.** An operator who is certified as a water or wastewater
339 operator in another state may obtain a reciprocal certification in Wyoming.

340

341 (a) Criteria

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343 (i) The Administrator has received a letter of good standing or similar
344 verification from the regulatory agency that issued the current certification stating the name of
345 the applicant, status of their certification, date originally issued, expiration date, level and area of
346 the certification, and any disciplinary action imposed against the applicant; if any.

347

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

350

351 (b) The expiration date of the Wyoming certification will be December 31 of the
352 expiration year of the certification being reciprocated, not to exceed three years. Thereafter, the
353 certification shall be subject to the requirements of this rule.

354 **Section 15. Facility Owner Responsibilities.**

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

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(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.

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(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;

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- (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.

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(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.