

**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

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Wyoming Environmental Quality Council