

City of Gillette

Please see attached comments submitted by the City of Gillette regarding the proposed Chapter 5 revisions to the Water Quality Rules & Regulations.



CITY OF GILLETTE

Utilities Department

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ELECTRONIC SUBMITTAL

<http://wq.wyomingdeq.commentinput.com/?id=hJpge>

September 15, 2017

DEQ/WQD

Attn: Gina Thompson

200 W 17th Street, Suite 400

Cheyenne, Wyoming 82002

RE: Proposed Revision to WDEQ Water Quality Rules & Regulations; Chapter 5

The City of Gillette has reviewed the proposed revisions to the Water Quality Rules & Regulations, Chapter 5, *Certification of Operators of Public Water and Distribution Systems and Publicly Owned Wastewater Treatment and Collection Systems*.

The City of Gillette operates the following water and wastewater treatment, distribution and collection facilities:

<u>Facility Description</u>	<u>WDEQ Classification</u>
Wastewater Treatment (sewer plant)	Level 4
Wastewater Collection (sewer pipelines & lift stations)	Level 2
Water Treatment (wells, pump stations & chlorine facilities)	Level 2
Water Distribution (water pipelines & tanks)	Level 2

At this time, the City of Gillette employs 28 certified water and wastewater operators with a combination of training, experience and certification ranging from entry level to Level 4 licensure.

Based upon our review of the proposed revisions, the City of Gillette should be able to meet the more stringent staffing requirements for our existing facilities for the next few months. However, the City of Gillette is very concerned about future staffing levels in 2 to 3 years when several Level 4 licensed operators become eligible for retirement.

Implementation of the proposed Chapter 5 revisions will have significant staffing impacts to comply with the new water/wastewater regulations. Initially, upon implementation of the proposed revisions, our overtime account that we use to pay our water/wastewater operators will increase to ensure adequate staff coverage. On an annual basis, we will need to budget accordingly for additional operators to replace senior operators lost through retirement or attrition. If we cannot find adequate staff resources to comply, the City may need to hire contract operators for interim coverage.

Ultimately, the proposed Chapter 5 Rule Change will have a significant financial impact on private property owners as the costs associated to pay overtime, hire/train/retain staff, and/or hire contract operators to maintain minimum oversight and coverage at our water/wastewater facilities will be passed on to our water and sewer customers through increased water/sewer rates, fees and charges.

The City of Gillette offers the following questions and respectfully requests the Water and Wastewater Advisory Committee provide a written response for each question prior to implementation of the proposed Chapter 5 revisions.

1. Do we need a responsible “in-charge” operator at the same certification level as the designated facility at all times for all staffing shifts?
2. If so, do we need multiple responsible “in-charge” operators for each facility? e.g. one Level 4 operator for the wastewater plant and one Level 2 operator for the wastewater collection system at the same time during the same shift?
3. In an attempt to clarify the certification license, training, experience, continuing education and minimum contact hour requirements, can the existing chart located on DEQ’s website, from the following web link

<http://deq.wyoming.gov/media/attachments/Water%20Quality/Operator%20Certification/Documents/WY-Licensing-Requirements.pdf>

. . . .be inserted into the proposed Chapter 5 revisions instead of the proposed language? The proposed language is somewhat awkward and confusing. A chart or table should clarify.

4. Who is going to enforce and implement these rule changes?
5. What is the effective date of the proposed rule change?
6. If we are in violation, after the proposed rule changes take effect, what are the consequences? A fine? If so, what will the fine be? Will a corrective action plan be considered in lieu of a fine to possibly hire or retain contract operators if the City does not have sufficient coverage?
7. Can the City’s “on-call” operators still be the “primary” on call if they have a lower level license?
8. Can our cross-trained operators still cover both water/wastewater treatment, distribution and collection facilities, or do we need to separate these duties?

9. If the City copies these requirements into our employee job descriptions, what is a reasonable time period one can expect to obtain a level 4 license if they are hired as an entry-level operator? Three years? Four years? Five years?
10. What *training programs* through Wyoming Community Colleges or the WDEQ are available to meet education criteria for the required certification requirements?
11. What is the total estimated *training cost* to obtain a Level 4 license if an employee is hired as an entry level employee with no experience?
12. What *continuing education* programs are available through Wyoming Community Colleges or the WDEQ to meet the 24 hour continuing education requirements?
13. What is the average continuing education *training cost* per license?

Thank you for your consideration. A representative from the City of Gillette will attend the Water and Wastewater Advisory Committee Meeting in Jackson on September 22 to participate in the deliberation and address any questions you might have.

Please feel free to contact Mike Cole at mikec@gillettewy.gov or 307.686.5262 if you have questions or require additional clarification.

Sincerely,
CITY OF GILLETTE



Michael H. Cole, P.E.
Utilities Director

Copy: Mayor Louise Carter-King
Patrick Davidson, Interim City Administrator
Tony Reyes, Interim City Attorney
John Aguirre, Human Resources Director
Robert Molder, Wastewater Manager
Diane Monahan, Water Manager

Wyoming Department of Environmental Quality

Water Quality Division

Water and Wastewater Operator Certification Program

LICENSE NAME	EXPERIENCE REQUIREMENT for LICENSE	TRAINING REQUIREMENT for LICENSE
(The equivalent of a High School Education (HSE) is required for all licenses.)	(Based on a 40 hr week)	(Lifetime total of training hours)
Level 1 Water Treatment (covers Water Treatment and Distribution facilities) Wastewater Treatment (covers Wastewater Trt and Collection facilities) Distribution (covers ONLY Level 1 Distribution facilities) Collection (covers ONLY Level 1 Collection facilities)	6 months of Water 6 months of Wastewater 6 months of Distribution 6 months of Collection	35 hrs in Water 35 hrs in Wastewater 35 hrs in Distribution 35 hrs in Collection
Level 2 Water Treatment Wastewater Treatment Distribution Collection	1 year of Water 1 year of Wastewater 1 year of Distribution 1 year of Collection	70 hrs in Water 70 hrs in Wastewater 70 hrs in Distribution 70 hrs in Collection
Level 3 Water Treatment Wastewater Treatment	2 yrs, 1 at Class 2 plant or higher 2 yrs, 1 at Class 2 plant or higher	300 hrs in Water 300 hrs in Wastewater
Level 4 Water Treatment Wastewater Treatment	3 yrs, 2 at Class 3 plant or higher 3 yrs, 2 at Class 3 plant or higher	400 hrs in Water 400 hrs in Wastewater

All licenses require 24 hours of continuing education for renewal.

All license renewals require a minimum of eight (8) hours of core topic training. These core topic areas are listed at:

<http://deq.wyoming.gov/wqd/operator-certification/>

Updated 1/29/16

Chapter 5

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

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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 ~~O~~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.~~

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

49
50 (ig) “Equivalent” means experience and education determined in written policy, by
51 the Administrator, to be comparable to a high school diploma.

52
53 (jh) “Facility” means the components of any public water supply, ~~publically~~ publicly
54 owned sewerage, or ~~publically~~ publicly owned wastewater treatment works, including all
55 infrastructure associated with the water/wastewater system.

56
57 (ki) “Facility classification” means the level of operational complexity of a water
58 treatment, water distribution, wastewater collection, or wastewater treatment system based on a
59 nationally recognized point rating system.

60
61 (j) “Lagoon system” means a publicly owned wastewater collection and treatment
62 system where the primary method of treatment is a lagoon.

63
64 (kl) “Letter of good standing” means a letter from the regulatory agency that issued a
65 certificate to an applicant applying for reciprocity, stating the certification is current and has no
66 violations against it.

67
68 (ml) “Operating shift” means the period of time during which certified operator
69 decisions that affect public health are necessary for proper operation of the facility.

70
71 (nm) “Operator Certification Program” means the Wyoming Department of
72 Environmental Quality, Water Quality Division, Operator Certification Program.

73
74 (on) “Owner” means the entity who owns the real estate, easement, or facility.

75
76 (po) “Pertinent continuing education” means training that pertains to, or is consistent
77 with, what an operator needs to understand in order to successfully perform a water or
78 wastewater job.

79
80 (qp) “Pertinent experience” means employment as an operator or employment in other
81 Administrator-recognized professions closely related to the operation of a public water supply,
82 sewerage, or treatment works.

83
84 (rq) ~~“Publically Publicly Owned Wwastewater Ftreatment or Ccollection Ssystem”~~
85 means any federal, state, or local government system collecting or treating greater than 2,000
86 gallons a day average flow of wastewaters containing human waste. This definition includes
87 improvement and service districts and homeowner associations. Underground Injection Control
88 (UIC) facilities permitted in accordance with DEQ ~~WQD~~ Water Quality Rules and Regulations
89 Chapter ~~16~~ 27 ~~rules~~ and utilizing septic tanks as primary treatment are excluded.

90
91 ~~(s) “Public Water Supply” means as defined in W.S. 35-11-103(e)(viii).~~

92

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

98
99 ~~(u) “Treatment Works” means as defined in W.S. 35-11-103(e)(iv).~~

100
101 ~~(v) “Wastewater treatment” means treatment works as defined by W.S.~~
102 ~~35-11-103(e)(iv).~~

103
104 (s) “Well system” means a public water system consisting of a well or wells,
105 disinfection equipment, and a distribution system.

106
107 (wt) “Water treatment” means all parts of a water supply that collect or treat water. All
108 disinfection equipment and wells are considered part of water treatment.

109
110 ~~(x) “WQD” means the Water Quality Division of the Wyoming Department of~~
111 ~~Environmental Quality.~~

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

118 **Section 5. Facility Classification.**

119
120 (a) All water and wastewater treatment facilities subject to this rule shall be classified
121 in accordance with the Points and Classification System from the Association of Boards of
122 Certification Program Standards, Copyright 1999-2007.

123
124 (b) All water distribution and wastewater collection systems subject to this rule shall
125 be classified by the Administrator.

126
127 (i) The rating systems used to classify water distribution and wastewater
128 collection systems will be posted to the DEQ/WQD Operator Certification ~~webpage~~ [website](#).

129
130 (c) The Administrator may alter the classification of an individual plant or system
131 because of special conditions including ease or difficulty of operation or extraordinary
132 environmental or public health factors.

133
134 (d) A facility classification review by the Administrator is required for any change to
135 a facility that is significant enough to require a DEQ individual permit to construct.

136
137 (e) Upon completion of a classification or classification review, the Administrator
138 shall notify the facility owner of the classification level.

- 139 (f) Classification levels shall be:
- 140
- 141 (i) Level 1 through 4 for Water Treatment
- 142
- 143 (ii) Level 1 or 2 for Water Distribution
- 144
- 145 (iii) Level 1 through 4 for Wastewater Treatment
- 146
- 147 (iv) Level 1 or 2 for Wastewater Collection
- 148
- 149 (v) Well System
- 150
- 151 (vi) Lagoon System

152 **Section 6. Operator Certification Levels.**

153

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

157

158 ~~(i) Level 1 Water Treatment~~

159

160 ~~(A) A high school diploma or equivalent; and~~

161

162 ~~(B) Passed a Level 1 Water Treatment exam with a score of at least~~
163 ~~70%; and~~

164

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

167

168 ~~(D) 35 hours of pertinent continuing education.~~

169

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

172

173 ~~(ii) Level 1 Water Distribution~~

174

175 ~~(A) A high school diploma or equivalent; and~~

176

177 ~~(B) Passed a Level 1 Water Distribution exam with a score of at least~~
178 ~~70%; and~~

179

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

182

183 ~~(D) 35 hours of pertinent continuing education.~~

184

- 185 ~~(iii) Level 1 Wastewater Treatment~~
186
187 ~~(A) A high school diploma or equivalent; and~~
188
189 ~~(B) Passed a Level 1 Wastewater Treatment exam with a score of at~~
190 ~~least 70%; and~~
191
192 ~~(C) A minimum of 6 months of work experience at or above a Level 1~~
193 ~~Wastewater Treatment system or pertinent experience; and~~
194
195 ~~(D) 35 hours of pertinent continuing education.~~
196
197 ~~(E) Level 1 Wastewater Treatment operators may also operate Level~~
198 ~~1 Wastewater Collection facilities.~~
199
200 ~~(iv) Level 1 Wastewater Collection~~
201
202 ~~(A) A high school diploma or equivalent; and~~
203
204 ~~(B) Passed a Level 1 Wastewater Treatment Collection exam with a~~
205 ~~score of at least 70%; and~~
206
207 ~~(C) A minimum of 6 months work experience at or above a Level 1~~
208 ~~Wastewater Collection or Level 1 Wastewater Treatment system or pertinent~~
209 ~~experience; and~~
210
211 ~~(D) 35 hours of pertinent continuing education.~~
212
213 ~~(v) Level 2 Water Treatment~~
214
215 ~~(A) A high school diploma or equivalent; and~~
216
217 ~~(B) Passed a Level 2 Water Treatment exam with a score of at least~~
218 ~~70%; and~~
219
220 ~~(C) A minimum of 12 months work experience at or above a Level 1~~
221 ~~Water Treatment system or pertinent experience; and~~
222
223 ~~(D) 70 hours of pertinent continuing education.~~
224
225 ~~(vi) Level 2 Water Distribution~~
226
227 ~~(A) A high school diploma or equivalent; and~~
228
229 ~~(B) Passed a Level 2 Water Distribution exam with a score of at least~~
230 ~~70%; and~~

- 231
232 ~~(C) — A minimum of 12 months work experience at or above a Level 1~~
233 ~~Water Distribution or Level 1 Water Treatment system or pertinent experience; and~~
234
235 ~~(D) — 70 hours of pertinent continuing education.~~
236
237 ~~(vii) — Level 2 Wastewater Treatment~~
238
239 ~~(A) — A high school diploma or equivalent; and~~
240
241 ~~(B) — Passed a Level 2 Wastewater Treatment exam with a score of at~~
242 ~~least 70%; and~~
243
244 ~~(C) — A minimum of 12 months work experience at or above a Level 1~~
245 ~~Wastewater Treatment system or pertinent experience; and~~
246
247 ~~(D) — 70 hours of pertinent continuing education.~~
248
249 ~~(viii) — Level 2 Wastewater Collection~~
250
251 ~~(A) — A high school diploma or equivalent; and~~
252
253 ~~(B) — Passed a Level 2 Wastewater Collection exam with a score of at~~
254 ~~least 70%; and~~
255
256 ~~(C) — A minimum of 12 months work experience at or above a Level 1~~
257 ~~Wastewater Collection system or pertinent experience; and~~
258
259 ~~(D) — 70 hours of pertinent continuing education.~~
260
261 ~~(ix) — Level 3 Water Treatment~~
262
263 ~~(A) — A high school diploma or equivalent; and~~
264
265 ~~(B) — Passed a Level 3 Water Treatment exam with a score of at least~~
266 ~~70%; and~~
267
268 ~~(C) — A minimum of 24 months experience, 12 of which shall be at or~~
269 ~~above a Level 2 Water Treatment system; and~~
270
271 ~~(D) — 300 hours of pertinent continuing education.~~
272
273 ~~(x) — Level 3 Wastewater Treatment~~
274
275 ~~(A) — A high school diploma or equivalent; and~~
276

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

279
280 ~~(C) — A minimum of 24 months experience, 12 of which shall be at or~~
281 ~~above a Level 2 Wastewater Treatment system; and~~

282
283 ~~(D) — 300 hours of pertinent continuing education.~~

284
285 ~~(xi) — Level 4 Water Treatment~~

286
287 ~~(A) — A high school diploma or equivalent; and~~

288
289 ~~(B) — Passed a Level 4 Water Treatment exam with a score of at least~~
290 ~~70%; and~~

291
292 ~~(C) — A minimum of 36 months experience, 24 of which shall be at or~~
293 ~~above a Level 3 Water Treatment system; and~~

294
295 ~~(D) — 400 hours of pertinent continuing education.~~

296
297 ~~(xii) — Level 4 Wastewater Treatment~~

298
299 ~~(A) — A high school diploma or equivalent; and~~

300
301 ~~(B) — Passed a Level 4 Wastewater Treatment exam with a score of at~~
302 ~~least 70%; and~~

303
304 ~~(C) — A minimum of 36 months experience, 24 of which shall be at or~~
305 ~~above a Level 3 Wastewater Treatment system; and~~

306
307 ~~(D) — 400 hours of pertinent continuing education.~~

308
309 (b) Operators shall demonstrate that they have achieved a high-school diploma or
310 equivalent prior to requesting certification.

311
312 (c) Operators shall demonstrate compliance with Section 7(c) of this chapter for the
313 desired certification level and all preceding levels listed in Section 5(f) of this chapter.

314
315 (d) The applicant must reside in or be employed as an operator in the State of
316 Wyoming.

317
318 ~~Formerly Section 15(e) (e)~~ Any system may be operated by an operator with a higher
319 level of certification than the level of the facility.

320
321 (f) Operators shall meet the following requirements for each level of certification
322 prior to requesting a certificate:

- 323
324 (i) All Level 1 certifications, including Well System and Lagoon System,
325 require:
326
327 (A) At least six (6) months of operational experience at a facility in
328 the area of the certification. Other pertinent experience may be used to substitute for operational
329 experience.
330
331 (B) Demonstration that the operator has completed at least thirty-five
332 (35) hours of pertinent continuing education.
333
334 (C) Level 1 Water Treatment operators may also operate Level 1
335 Water Distribution facilities and Well Systems.
336
337 (D) Level 1 Wastewater Treatment operators may also operate Level 1
338 Wastewater Collection facilities and Lagoon Systems.
339
340 (ii) All level 2 certifications require:
341
342 (A) At least twelve (12) months of operational experience at a facility
343 at or above a Level 1 in the area of the certification. Other pertinent experience may be used to
344 substitute for operational experience.
345
346 (B) Demonstration that the operator has completed at least seventy
347 (70) hours of pertinent continuing education.
348
349 (iii) All Level 3 certifications require:
350
351 (A) At least twenty-four (24) months of operational experience at a
352 facility at or above a Level 1 in the area of the certification. Other pertinent experience may be
353 used to substitute for no more than twelve (12) months of operational experience.
354
355 (B) At least twelve (12) months of plant operational experience must
356 be obtained at a Level 2 or higher facility in the area of the certification. Other pertinent
357 experience may not be used to substitute for plant operational experience.
358
359 (C) Demonstration that the operator has completed 300 hours of
360 pertinent continuing education.
361
362 (iv) All Level 4 certifications require:
363
364 (A) At least thirty-six (36) months of operational experience at a
365 facility at or above a Level 1 in the area of the certification. Other pertinent experience may be
366 used to substitute for no more than twelve (12) months of operational experience.
367

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

371
372 (C) Demonstrate operator has completed 400 hours of pertinent
373 continuing education.

374 **Section 7. Examinations.**

375
376 (a) The Administrator, the Administrator's designee, or an appropriate proctoring
377 agency selected by the Administrator, will proctor exams.

378
379 (b) Exams will be obtained from a nationally recognized standardized exam
380 development program that uses validated questions.

381
382 (i) ~~Information about exams can be found on~~ Exam information is available
383 at the DEQ/WQD Operator Certification website.

384
385 (c) A passing exam score is seventy percent (70%) or other score as determined by
386 the exam development program.

387
388 ~~(e)~~ (d) Applicants who take and pass exams without meeting the experience or education
389 requirement will have two (2) years from the exam date to complete the requirements for
390 certification.

391
392 ~~(d)~~ (e) Special accommodations for testing will be considered for individuals who
393 submit a written request to the Administrator.

394
395 (f) Exams will consist of two separate sections.

396
397 (i) The first section will contain standardized exam questions for each area
398 and level of examination.

399
400 (ii) The second section will contain questions covering state and federal rules
401 that pertain to the area of the exam.

402
403 (iii) Applicants must obtain a passing score on both exam sections in order to
404 pass the exam.

405 **Section 8. Certificates.**

406
407 (a) Upon completion of the requirements of this rule, the Administrator will provide
408 a certificate indicating the level and category for which the operator has qualified and the
409 expiration date of the certification.

410

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

414
415 (c) Thereafter, each certificate shall be valid for three (3) calendar years and shall
416 expire on December 31.

417
418 (d) The certificate will be provided through an ~~internet portal~~ online account
419 provided by the Administrator.

420 **Section 9. Operator Responsibilities.**

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

424
425
426 (b) ~~Certified operators~~ Operators shall be available to any system for which they are
427 designated.

428
429 (i) Operators shall be capable of being on-site within eight (8) hours and shall
430 initiate the appropriate operational and technical actions within one (1) hour of being notified
431 that there is a problem at the facility.

432
433 (ii) If the operator is not available, they shall notify the owner and the
434 substitute responsible charge operator.

435
436 (c) Operators shall ensure that their employment history is accurate and current.

437
438 ~~(formerly 15(d))~~(d) A substitute responsible charge operator shall ~~fill in and~~ perform
439 the duties and make the decisions of the ~~primary~~ responsible charge operator when the
440 ~~designated~~ responsible charge operator is not available.

441 **Section 10. Contract Operators.**

442
443 (a) Contract operators shall keep records of the amount of time spent and duties
444 performed at each contracted facility.

445
446 (i) These records shall be accessible for review upon request by the
447 Administrator or the owner.

448
449 (ii) Contract operators shall keep their records for no less than five (5) years
450 from the date of each record.

451
452 (b) Contract operators shall make a physical inspection of each contracted facility at
453 least once per week.

454

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

- 457 (A) Location; or
458 (B) Automation; or
459 (C) Complexity of the facility; or
460 (D) Special conditions including extraordinary environmental or
461 public health factors.
462
463

464 (ii) No exception shall jeopardize public health.
465

466 (c) DEQ may periodically audit the records kept by contract operators.
467

468 (d) Contract operators shall be certified at a level equal to or greater than the
469 classification level of a facility before they enter into a contract with that facility.
470

471 **Section 11. Renewal of Certificates.**

472 (a) Certified operators are required to obtain twenty-four (24) hours of pertinent
473 continuing education within the three year time period for which the certificate is valid in order
474 to renew their certification.
475

476 (b) Failure to obtain twenty-four (24) hours of pertinent continuing education within
477 the time period for which the certificate is valid shall result in expiration of the certificate.
478

479 (c) If a certified operator is unable to renew their certification because of extenuating
480 circumstances or undue hardship, the Administrator may grant an extension to renewal not to
481 exceed two (2) years. The expiration date of the certification for which the operator is asking an
482 extension shall not be extended.
483

484 ~~(d) — Certified operators that will need to obtain a higher certification as a result of this
485 rule will have one year from the adoption of this rule to obtain that certification.~~
486

487 ~~(e) — The requirement for 24 hours of pertinent continuing education for certificate
488 renewal will begin on January 1 after the adoption of this rule.~~
489

490 **Section 12. Continuing Education.**

491 (a) A minimum of eight (8) hours of pertinent continuing education, for the purpose
492 of renewing a certification, shall come from ~~courses listed on the DEQ/WQD Operator
493 Certification Program website~~ core topic areas.
494

495 (b) A list of core topic areas shall be maintained on the DEQ/WQD Operator
496 Certification Program website.
497

500
501 ~~(b)~~(c) Operators shall enter their pertinent continuing education information into an
502 online account provided by the Administrator.

503
504 (i) ~~The exception to operator entered pertinent continuing education~~
505 ~~information shall be that any training~~ Training obtained through a DEQ-recognized training
506 provider shall be entered by the training provider into the operator's online account.

507
508 (ii) Training information entered by DEQ-recognized training providers may
509 not be modified by ~~any~~ the operator.

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

512
513
514 ~~(d) If a certified operator fails to complete (b) and (e) of this section prior to the~~
515 ~~expiration date of their certification(s), the certification(s) shall not be renewed.~~

516
517 ~~(e)~~(d) A single training unit may be applied to no more than one certificate.

518 **Section 13. Audits**

519
520 (a) Certified operator continuing education records may be audited by the operator
521 certification program.

522
523 (b) An audit ~~may~~ shall include a review of documents, signed by the proctor or
524 instructor, attesting to completion of the pertinent continuing education for which a certified
525 operator is claiming hours.

526
527 **Section 14. Reciprocity.** An operator who is certified as a water or wastewater
528 operator in another state may obtain a reciprocal certification in Wyoming ~~if the following~~
529 ~~criteria are met.~~

530 (a) Criteria

531
532
533 ~~(a)~~(i) The Administrator has received a letter of good standing or similar
534 verification from the regulatory agency that issued the current certification stating the name of
535 the applicant, status of their certification, date originally issued, expiration date, level and area of
536 the certification, and any disciplinary action imposed against the applicant; if any.

537
538 (ii) The applicant must meet Wyoming certification requirements in Section 6
539 of this chapter.

540
541 ~~(b) The applicant's education and experience meets Wyoming's minimum~~
542 ~~requirements, and;~~

543
544 ~~(c) The applicant has passed an exam that meets Wyoming's minimum~~
545 ~~requirements.~~

546
547 ~~(d)~~ (b) ~~If all the above requirements are met, the~~ The expiration date of the Wyoming
548 certification will be December 31 of the expiration year of the certification being reciprocated,
549 not to exceed three years. Thereafter, the certification shall be subject to the requirements of this
550 rule.

551 **Section 15. Facility Owner Responsibility.**

552
553 (a) Owners of facilities in Wyoming subject to this rule shall designate a ~~certified~~
554 responsible charge operator and a substitute responsible charge operator who ~~is~~ are responsible
555 for the operation and/or direct supervision of that facility.

556
557 (i) For facilities with multiple operating shifts, an operator certified to the
558 level of the facility shall be available for each shift.

559
560 (ii) Owners shall ensure that either the responsible charge operator or the
561 substitute responsible charge operator is capable of being on-site within eight (8) hours and shall
562 initiate the appropriate operational and technical actions within one (1) hour of being notified
563 that there is a problem at the facility.

564
565 (b) The facility owner shall immediately replace the responsible charge operator with
566 an adequately certified operator or adequately certified contract operator ~~within forty five (45)~~
567 ~~days~~ in the event of termination of services of the responsible charge operator.

568
569 (c) The owner shall ensure that the responsible charge operator and any substitute
570 responsible charge operator ~~shall be~~ are certified at a level equal to or greater than the facility for
571 which they are responsible.

572
573 ~~(d) — A substitute responsible charge operator shall fill in and perform the duties and~~
574 ~~make the decisions of the primary responsible charge operator when the designated responsible~~
575 ~~charge operator is not available.~~

576
577 ~~(e)~~(d) Any changes made to ~~operating the responsible charge operator, the substitute~~
578 responsible charge operator or other personnel for positions that require certification shall be
579 reported to the Administrator no later than ten (10) days after the change has been made.

580
581 ~~(f) — Any system may be operated by an operator with a higher level of certification~~
582 ~~than the level of the facility.~~

583
584 ~~(g)~~(e) The facility owner shall make accessible to the responsible charge operator a
585 comprehensive operation and maintenance manual for the facility. Specific guidance for contents
586 of such manuals can be found in Wyoming Water Quality Rules and Regulations Chapter 11 and
587 Chapter 12 under “Operation and Maintenance Manuals”.

588
589 ~~(h)~~(f) In the case of a contract operator, the facility owner shall outline in writing the
590 services expected of the contract operator. A description of services expected shall be made
591 accessible to DEQ upon request.

592
593 ~~(f)~~(g) The facility owner shall ensure compliance with the requirements of this rule.

594
595 (h) The facility owner shall not allow inadequately certified or non-certified
596 individuals to operate or maintain any facility.

597 **Section 16. Revocation or Suspension of Operator Certification.**

598
599 (a) In addition to any other penalties or enforcement actions ~~The the~~ Administrator
600 ~~shall may~~ suspend or revoke an operator's ~~certification certificate~~ for ~~a minimum of one year for~~
601 ~~any one of the following violations including, but not limited to:~~

602
603 (i) Obtaining certification by knowingly making false statements, submitting
604 false information, refusing to provide complete information including continuing education
605 documents, ~~or~~;

606
607 (ii) Falsification of operating records, ~~or~~;

608
609 (iii) Falsification of operating records by a contract operator, ~~or~~;

610
611 (iv) Cheating on an exam, ~~or~~;

612
613 (v) Fraud;

614
615 ~~(b) The Administrator shall permanently revoke an operator's certification for~~
616 ~~the following:~~

617
618 ~~(i)~~(vi) Willful negligence in operation, ~~or~~;

619
620 ~~(ii)~~(vii) Falsification of sample results, or;

621
622 ~~(iii)~~(viii) While acting in the official capacity as a certified operator, being
623 convicted of any act that endangers public health or the environment.

624
625 ~~(e)(b) Appeal of the Administrator's decision suspending or revoking certification may~~
626 ~~be made in accordance with the Wyoming Administrative Procedure Act, specifically 16-3-113~~
627 ~~and the DEQ rules of practice and procedure. The Administrator shall suspend or revoke an~~
628 ~~operator's certification by providing notice and an opportunity for a hearing to the operator.~~

629
630 (i) The notice to the operator shall include a statement of the basis for
631 suspension or revocation and shall state the date on which the revocation or suspension is
632 effective.

633
634 (ii) The suspension or revocation shall become final thirty (30) days from the
635 date of such notice unless within that time the operator requests a contested case hearing in
636 accordance with the Department of Environmental Quality Rules of Practice and Procedure,
637 Chapter 2, Contested Case Hearings and W.S. 16-3-113.

638 **Section 17. Reinstatement after Suspension of Certification**

639

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

642

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

646 **Section 18. Recertification after Losing Certification for Lack of Continuing**
647 **Education**

648

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

655

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

659

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

662

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

667

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

671

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

674 ~~**Section 19—Conversion of Level 1 Water Systems and Level 1 Wastewater**~~
675 ~~**Systems Certificates.**~~

676

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

682
683 ~~(b) — Level 1 Wastewater Systems certificates will be converted to Level 1~~
684 ~~Wastewater Treatment certificates upon the first renewal cycle after final adoption of this rule. If~~
685 ~~the operator prefers to be certified as a Level 1 Wastewater Collection or as both Level 1~~
686 ~~Wastewater Treatment and Level 1 Wastewater Collection, the operator shall request the~~
687 ~~alternate certification prior to the first renewal after final adoption of this rule.~~