

## CHAPTER 91

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**PROFESSIONS AND OCCUPATIONS**

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HOUSE BILL 96-1074

BY REPRESENTATIVES Salaz and Young;  
also SENATORS Mutzebaugh and Tebedo.**AN ACT**

CONCERNING THE CERTIFICATION OF PLANT OPERATORS BY THE PLANT OPERATORS CERTIFICATION BOARD, AND, IN CONNECTION THEREWITH, CONTINUING THE PLANT OPERATORS CERTIFICATION BOARD UNTIL THE YEAR 2004, MODIFYING THE MEMBERSHIP OF THE PLANT OPERATORS CERTIFICATION BOARD, PROVIDING FOR THE CERTIFICATION OF INDUSTRIAL AND DOMESTIC WASTEWATER TREATMENT PLANT OPERATORS, AND ELIMINATING CONTINUING EDUCATION REQUIREMENTS FOR PLANT OPERATORS.

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** 25-9-102 (5), Colorado Revised Statutes, 1989 Repl. Vol., is amended, and the said 25-9-102, as amended, is further amended BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS, to read:

**25-9-102. Definitions.** As used in this article, unless the context otherwise requires:

(4.5) "DOMESTIC WASTEWATER TREATMENT PLANT" MEANS ANY FACILITY OR GROUP OF UNITS USED FOR THE TREATMENT OF DOMESTIC WASTEWATER AND FOR THE REDUCTION AND HANDLING OF SOLIDS AND GASES REMOVED FROM SUCH WASTES, WHETHER OR NOT SUCH FACILITY OR GROUP OF UNITS IS DISCHARGING INTO STATE WATERS. "DOMESTIC WASTEWATER TREATMENT PLANT" SPECIFICALLY EXCLUDES INDIVIDUAL SEWAGE DISPOSAL SYSTEMS.

(4.7) "INDUSTRIAL WASTEWATER TREATMENT PLANT" MEANS ANY FACILITY OR GROUP OF UNITS USED FOR THE PRETREATMENT, TREATMENT, OR HANDLING OF INDUSTRIAL WATERS, WASTEWATER, REUSE WATER, AND WASTES THAT ARE DISCHARGED INTO STATE WATERS. "INDUSTRIAL WASTEWATER TREATMENT PLANT" INCLUDES FACILITIES THAT CLEAN UP CONTAMINATED GROUND WATER OR OTHER SIMILAR SPILLS; EXCEPT THAT SUCH TERM DOES NOT INCLUDE FACILITIES DESIGNED

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

TO OPERATE FOR LESS THAN ONE YEAR OR FACILITIES WITH IN-SITU DISCHARGE.

(5) "Wastewater treatment plant" means ~~the facility or group of units used for the treatment of industrial or domestic wastewater from sewer systems and for the reduction and handling of solids and gases removed from such wastes, whether or not such facility or group of units is discharging into state waters. "Wastewater treatment plant" specifically excludes any facility or group of units used for pretreatment, treatment, or handling of industrial water, wastewaters, reuse waters, and wastes which are not discharged into state waters~~ EITHER A DOMESTIC WASTEWATER TREATMENT PLANT OR AN INDUSTRIAL WASTEWATER TREATMENT PLANT.

**SECTION 2.** 25-9-103, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended to read:

**25-9-103. Plant operators certification board - composition - repeal of article.** (1) There is hereby created the plant operators certification board which shall constitute a section of the division of administration of the department and shall consist of nine members, ~~five~~ SEVEN of whom shall be as follows:

(a) A certified Class A water treatment plant operator;

(b) A certified Class A DOMESTIC wastewater treatment plant operator;

(b.5) A CERTIFIED CLASS A INDUSTRIAL WASTEWATER TREATMENT PLANT OPERATOR;

(b.7) A SMALL SYSTEMS OPERATOR WHO IS CERTIFIED AS A CLASS C OR CLASS D WATER TREATMENT OR WASTEWATER TREATMENT PLANT OPERATOR;

(c) A representative from the Colorado municipal league;

(d) A representative recommended by the ~~state board of health~~ DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT;

(e) A representative recommended by the state water quality control commission.

(2) All members of the board shall be appointed by the governor. AT LEAST THREE OF THE MEMBERS OF THE BOARD SHALL REPRESENT PRIVATE INDUSTRY.

(3) ~~Appointments to the initial board shall be as follows: Three of the members shall be appointed for a three-year term, three for a two-year term, and three for a one-year term. Thereafter all board members shall serve for a term of three years. No member shall serve continuously on the board for more than nine years.~~

(4) This article is repealed, effective ~~July 1, 1996~~ JULY 1, 2004. Prior to such repeal, the plant operators certification board shall be reviewed as provided for in section 24-34-104, C.R.S.

**SECTION 3.** 25-9-104 (3), (4), and (6), Colorado Revised Statutes, 1989 Repl. Vol., are amended to read:

**25-9-104. Duties of the board.** (3) The board shall establish not ~~less~~ MORE than four classes of certified water treatment plant operators, ~~and not less~~ MORE than four classes of DOMESTIC wastewater treatment plant operators, AND NOT MORE THAN THREE CLASSES OF INDUSTRIAL WASTEWATER TREATMENT PLANT OPERATORS, which classes shall differentiate the various levels of complexity to be encountered in water and wastewater treatment plant operation.

(4) The board shall ~~after due consideration, establish~~ MAINTAIN for each water and wastewater treatment plant a minimum class of certified operators required for its direct supervision. ~~Compliance for all such treatment plants shall be mandatory by January 1, 1976.~~

(6) The board shall exercise such other powers and duties as are deemed necessary within the scope of this article. THE BOARD, IN ACCORDANCE WITH THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24, C.R.S., SHALL ESTABLISH CRITERIA FOR THE DISCIPLINE OR REPRIMAND OF ANY WATER TREATMENT PLANT OPERATOR, WASTEWATER TREATMENT PLANT OPERATOR, OR INDUSTRIAL WASTEWATER TREATMENT PLANT OPERATOR AND FOR THE SUSPENSION OR REVOCATION OF THE CERTIFICATION OF ANY SUCH OPERATOR. SUCH CRITERIA ARE AS FOLLOWS:

(a) WILLFULLY OR NEGLIGENTLY VIOLATING, CAUSING, OR ALLOWING THE VIOLATION OF RULES PROMULGATED PURSUANT TO THIS ARTICLE OR FAILING TO COMPLY WITH THE PROVISIONS OF THIS ARTICLE;

(b) SUBMITTING FALSE OR MISLEADING INFORMATION ON ANY DOCUMENT PROVIDED TO THE DEPARTMENT OR THE BOARD;

(c) USING FRAUD OR DECEPTION IN THE COURSE OF EMPLOYMENT AS AN OPERATOR;

(d) FAILING TO CONFORM WITH MINIMUM STANDARDS IN THE PERFORMANCE OF AN OPERATOR'S DUTIES; AND

(e) ENGAGING IN DISHONEST CONDUCT DURING AN EXAMINATION.

**SECTION 4.** The introductory portion to 25-9-105 (1) and 25-9-105 (1) (d), Colorado Revised Statutes, 1989 Repl. Vol., are amended to read:

**25-9-105. Water treatment plant operator.** (1) Persons who by SPECIFICALLY RELEVANT examination and experience are found to be qualified for certification as water treatment plant operators shall be certified as having the minimum qualifications required for each of the respective classes, as follows:

(d) Class A. In addition to the knowledge required for a Class B applicant, the Class A applicant must indicate by written examination ~~his~~ THE APPLICANT'S knowledge of the interpretation of results of chemical, physical, and biological control analyses; maintenance and operational procedures; housekeeping; ~~customer relations~~; corrosion control; cross-connection control; and supervisory control techniques. The applicant must also have four years' experience working in a water treatment facility.

**SECTION 5.** The introductory portion to 25-9-106 (1) and 25-9-106 (1) (d),

Colorado Revised Statutes, 1989 Repl. Vol., are amended to read:

**25-9-106. Domestic wastewater treatment plant operator.** (1) Persons who by SPECIFICALLY RELEVANT examination and experience are found to be qualified for certification as DOMESTIC wastewater treatment plant operators shall be certified as having the minimum qualifications required for each of the respective classes, as follows:

(d) Class A. In addition to the knowledge required for a Class B applicant, the Class A applicant must indicate by written examination ~~his~~ THE APPLICANT'S knowledge in the interpretation of the results of chemical, physical, and biological control analyses; maintenance and operational procedures; and record-keeping, ~~customer relations~~; corrosion control, cross-connection control, and supervisory control techniques. The applicant must also have four years' experience working in a wastewater treatment facility.

**SECTION 6.** Article 9 of title 25, Colorado Revised Statutes, 1989 Repl. Vol., as amended, is amended BY THE ADDITION OF A NEW SECTION to read:

**25-9-106.2. Industrial wastewater treatment plant operator.** (1) PERSONS WHO BY SPECIFICALLY RELEVANT EXAMINATION AND EXPERIENCE ARE FOUND TO BE QUALIFIED FOR CERTIFICATION AS INDUSTRIAL WASTEWATER TREATMENT PLANT OPERATORS SHALL BE CERTIFIED AS HAVING THE MINIMUM QUALIFICATIONS REQUIRED FOR EACH OF THE RESPECTIVE CLASSES, AS FOLLOWS:

(a) CLASS C. THE CLASS C APPLICANT SHALL INDICATE BY WRITTEN EXAMINATION THE APPLICANT'S KNOWLEDGE OF WASTEWATER TREATMENT PRINCIPLES; SETTLING CHARACTERISTICS OF SOLIDS AND GRIT; SEPARATE SLUDGE DIGESTION; SAMPLING; BASIC CHEMICAL, PHYSICAL, AND BIOLOGICAL TESTS; AIR STRIPPING; STANDARD CLARIFICATION; NEUTRALIZATION; AND SLUDGE DEWATERING. THE APPLICANT SHALL ALSO HAVE TWO YEARS' EXPERIENCE WORKING IN A WASTEWATER TREATMENT FACILITY.

(b) CLASS B. IN ADDITION TO THE KNOWLEDGE REQUIRED FOR A CLASS C APPLICANT, THE CLASS B APPLICANT SHALL INDICATE BY WRITTEN EXAMINATION THE APPLICANT'S KNOWLEDGE OF CHEMICAL COAGULATION; ACTIVATED CARBON ABSORPTION; ULTRAFILTRATION; MICROFILTRATION; AND THE MAINTENANCE AND OPERATION OF BIOLOGICAL UNITS, SEDIMENTATION UNITS, AND AUXILIARY EQUIPMENT. THE APPLICANT SHALL ALSO HAVE THREE YEARS' EXPERIENCE WORKING IN A WASTEWATER TREATMENT FACILITY.

(c) CLASS A. IN ADDITION TO THE KNOWLEDGE REQUIRED FOR A CLASS B APPLICANT, THE CLASS A APPLICANT SHALL INDICATE BY WRITTEN EXAMINATION THE APPLICANT'S KNOWLEDGE IN THE INTERPRETATION OF THE RESULTS OF CHEMICAL, PHYSICAL, AND BIOLOGICAL CONTROL ANALYSES; CHEMICAL CONVERSION, ION EXCHANGE, ELECTROLYTIC CONVERSION, AND REVERSE OSMOSIS; MAINTENANCE AND OPERATIONAL PROCEDURES; AND RECORD-KEEPING AND SUPERVISORY CONTROL TECHNIQUES. THE APPLICANT SHALL ALSO HAVE FOUR YEARS' EXPERIENCE WORKING IN A WASTEWATER TREATMENT FACILITY.

**SECTION 7.** 25-9-106.5, Colorado Revised Statutes, 1989 Repl. Vol., is

amended to read:

**25-9-106.5. Education and experience - substitution allowed.** Education and cross-experience may be substituted for experience requirements for certification as a Class C, Class B, or Class A water treatment plant operator, ~~or~~ as a Class C, Class B, or Class A DOMESTIC wastewater treatment plant operator, OR AS A CLASS C, CLASS B, OR CLASS A INDUSTRIAL WASTEWATER TREATMENT PLANT OPERATOR; except that at least fifty percent of any experience requirement shall be met by actual on-site operating experience in a water treatment facility or a wastewater treatment facility, as the case may be. For purposes of this section "cross-experience" means that experience as a wastewater plant operator may be substituted for experience requirements for certification as water treatment plant operator and vice versa.

**SECTION 8.** 25-9-107 (4), (4.5), (6), (7), and (8), Colorado Revised Statutes, 1989 Repl. Vol., as amended, are amended to read:

**25-9-107. Certification procedure.** (4) (a) Certificates shall be renewed upon payment of the required renewal fee AND PASSAGE OF A SPECIFICALLY RELEVANT EXAMINATION by the applicant.

(b) IF ANY OPERATOR FAILS TO RENEW THE OPERATOR'S CERTIFICATION BEFORE THE EXPIRATION DATE OF SUCH CERTIFICATION, SUCH CERTIFICATION IS EXPIRED. IF A CERTIFICATION EXPIRES BECAUSE OF FAILURE TO RENEW BEFORE THE EXPIRATION DATE OF SUCH CERTIFICATION, THE OPERATOR MAY RENEW THE CERTIFICATION UP TO TWO YEARS AFTER THE EXPIRATION DATE UPON PAYING THE REQUIRED RENEWAL FEE AND PASSING THE REQUIRED EXAMINATION. IF AN OPERATOR DOES NOT RENEW A CERTIFICATION WITHIN TWO YEARS AFTER THE EXPIRATION DATE OF SUCH CERTIFICATION, THE BOARD SHALL REVOKE THE CERTIFICATION.

~~(4.5) (a) In addition to payment of the required renewal fee, an applicant for recertification shall submit proof of compliance with the following minimum continuing education requirements:~~

~~(I) Class A water and wastewater treatment plant operators, five continuing education units;~~

~~(II) Class B water and wastewater treatment plant operators, four continuing education units;~~

~~(III) Class C water and wastewater treatment plant operators, three continuing education units;~~

~~(IV) Class D water and wastewater treatment plant operators, two continuing education units.~~

(b) For purposes of this subsection (4.5), one continuing education unit is equal to ten hours of instruction.

~~(c) This subsection (4.5) is repealed, effective July 1, 1999.~~

(6) Certificates of proper classification shall be issued without examination, upon

~~appropriate application filed with the board on or before July 1, 1985, to applicants who have been the operators of any facilities covered under this article on or before July 1, 1973. A certificate so issued shall be valid only for that particular treatment plant or system and for the classification determined by the board on the basis of experience and education of the operator and shall remain in effect unless revoked by the board pursuant to the provisions of article 4 of title 24, C.R.S.~~

~~(7) Certification in an appropriate classification shall be issued to operators who on or before July 1, 1973, hold certificates of competency attained by examination under the voluntary certification program within the state of Colorado during the time immediately preceding July 1, 1973.~~

~~(8) Certificates of proper classification as industrial wastewater treatment plant operators in industrial wastewater treatment plant facilities using chemical or physical treatment methods may be issued to applicants who successfully complete the appropriate examination and who meet the requirements to be set by the board pursuant to rules and regulations. Until the board establishes rules and regulations under this subsection (8), any operator may be certified for a particular industrial treatment plant if he has a current Class A license.~~

**SECTION 9.** 25-9-109, Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

**25-9-109. Use of title.** Only a person who has been qualified by the board as a certified water treatment plant operator, ~~or~~ certified DOMESTIC wastewater treatment plant operator, OR CERTIFIED INDUSTRIAL WASTEWATER TREATMENT PLANT OPERATOR and who possesses a valid certificate attesting to this certification in this state shall have the right and privilege of using the title "certified water treatment plant operator, Class ....", ~~or~~ "certified DOMESTIC wastewater treatment plant operator, Class ....", OR "CERTIFIED INDUSTRIAL WASTEWATER TREATMENT PLANT OPERATOR, CLASS ....".

**SECTION 10.** 25-9-110 (1), Colorado Revised Statutes, 1989 Repl. Vol., is amended to read:

**25-9-110. Violations - penalty.** (1) It is unlawful for any person to represent himself OR HERSELF as a certified water treatment plant operator of any class, ~~or~~ a certified DOMESTIC wastewater treatment plant operator of any class, OR A CERTIFIED INDUSTRIAL WASTEWATER TREATMENT PLANT OPERATOR OF ANY CLASS without first being so certified by the board and without being the holder of a current valid certificate issued by the board. Any person violating the provisions of this subsection (1) is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than three hundred dollars.

**SECTION 11.** 24-34-104 (25.1) (c), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is repealed as follows:

**24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment.** (25.1) The following functions of the specified agencies shall terminate on July 1, 1996:

(c) ~~The plant operators certification board created in section 25-9-103, C.R.S.;~~

**SECTION 12.** The introductory portion to 24-34-104 (34), Colorado Revised Statutes, 1988 Repl. Vol., as amended, is amended, and the said 24-34-104 (34) is further amended, BY THE ADDITION OF A NEW PARAGRAPH, to read:

**24-34-104. General assembly review of regulatory agencies and functions for termination, continuation, or reestablishment.** (34) The following AGENCIES, functions, ~~of the specified agencies~~ OR BOTH, shall terminate on July 1, 2004:

(f) THE PLANT OPERATORS CERTIFICATION BOARD CREATED BY SECTION 25-9-103, C.R.S.

**SECTION 13. Effective date - applicability.** This act shall take effect July 1, 1996, and shall apply to acts occurring on or after said date.

**SECTION 14. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: April 17, 1996