

## CHAPTER 87

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**HEALTH AND ENVIRONMENT**


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**HOUSE BILL 04-1211**

BY REPRESENTATIVE(S) Hoppe, Brophy, Harvey, Hodge, Johnson R., Madden, McCluskey, Miller, Rippy, Rose, Salazar, Tochtrop, Wiens, and Weddig;  
also SENATOR(S) Chlouber, Isgar, and Taylor.

**AN ACT**

**CONCERNING THE REGULATION OF OPERATORS OF WATER FACILITIES, AND, IN CONNECTION THEREWITH, CONTINUING THE WATER AND WASTEWATER FACILITY OPERATORS CERTIFICATION BOARD AND AMENDING THE SIZE, COMPOSITION, AND DUTIES OF THE BOARD.**

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

**SECTION 1. Repeal.** 24-34-104 (34) (f), Colorado Revised Statutes, is repealed as follows:

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

(f) ~~The water and wastewater facility operators certification board created by section 25-9-103, C.R.S.;~~

**SECTION 2.** 24-34-104 (44), Colorado Revised Statutes, is 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.** (44) The following agencies, functions, or both, shall terminate on July 1, 2013:

(g) THE WATER AND WASTEWATER FACILITY OPERATORS CERTIFICATION BOARD CREATED BY SECTION 25-9-103, C.R.S.

**SECTION 3.** 25-9-103, Colorado Revised Statutes, is amended to read:

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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.*

**25-9-103. Water and wastewater facility operators certification board - composition - repeal of article.** (1) There is hereby created the water and wastewater facility operators certification board, which shall constitute a section of the division of administration of the department and shall consist of ~~thirteen~~ THE FOLLOWING TEN members: ~~eleven of whom shall be as follows:~~

~~(a) A certified water treatment facility operator with a minimum of four years' experience and demonstrated knowledge of and experience with all aspects of water treatment, including chemical, physical, and biological control analyses, maintenance and operational procedures, and corrosion and cross-connection control;~~

~~(b)~~ (a) A certified WATER TREATMENT OR domestic wastewater treatment facility operator with a minimum of four years' experience and demonstrated knowledge of and experience with all aspects of wastewater treatment, including chemical, physical, and biological control analyses, maintenance and operation procedures, and corrosion and cross-connection control THE HIGHEST LEVEL OF CERTIFICATION AVAILABLE IN COLORADO;

~~(b.5)~~ (b) A certified industrial wastewater treatment facility operator OR OTHER REPRESENTATIVE OF A PRIVATE ENTITY THAT OPERATES AN INDUSTRIAL WASTEWATER TREATMENT FACILITY;

~~(b.7)~~ A small systems operator who is certified as a water or wastewater facility operator;

~~(c) A representative from the Colorado municipal league~~ A CITY MANAGER, MANAGER OF A SPECIAL DISTRICT, OR UTILITY MANAGER IN A CITY, COUNTY, OR CITY AND COUNTY THAT OPERATES A DOMESTIC WATER OR WASTEWATER TREATMENT FACILITY;

(d) A representative of the department of public health and environment, WHO SHALL BE AN EX OFFICIO, NONVOTING MEMBER;

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

~~(f)~~ (e) A certified water distribution OR WASTEWATER COLLECTION system operator WITH THE HIGHEST LEVEL OF CERTIFICATION AVAILABLE IN COLORADO;

~~(g) A certified wastewater collection system operator;~~

~~(h)~~ (f) A representative from the Colorado rural water association; and

~~(i)~~ (g) A city manager, manager of a special district, or utility manager in a city, county, or city and county FOUR MEMBERS APPOINTED TO ACHIEVE GEOGRAPHICAL REPRESENTATION AND TO REFLECT THE VARIOUS INTERESTS IN THE WATER AND WASTEWATER FACILITY CERTIFICATION PROGRAM. AT LEAST ONE OF SUCH MEMBERS SHALL RESIDE WEST OF THE CONTINENTAL DIVIDE, AND AT LEAST ONE SHALL RESIDE IN THE RURAL PORTION OF THE EASTERN PLAINS OF COLORADO.

(2) All members of the board shall be appointed by the governor. At least ~~three~~ FOUR of the VOTING members of the board shall ~~represent private industry~~ BE

CERTIFIED WATER OR WASTEWATER FACILITY OPERATORS, INCLUDING REPRESENTATIVES OF BOTH THE WATER AND WASTEWATER INDUSTRIES.

(3) (a) ~~(Deleted by amendment, L. 96, p. 357, § 2, effective July 1, 1996.)~~ EXCEPT AS OTHERWISE PROVIDED IN PARAGRAPH (b) OF THIS SUBSECTION (3), APPOINTMENTS SHALL BE FOR TERMS OF FOUR YEARS, AND A MEMBER OF THE BOARD SHALL SERVE NO MORE THAN TWO CONSECUTIVE FOUR-YEAR TERMS.

(b) THE BOARD SHALL BE RECONSTITUTED AS OF JULY 1, 2004. MEMBERS WHO WERE SERVING AS OF JUNE 30, 2004, AND WHO ARE QUALIFIED FOR MEMBERSHIP UNDER SUBSECTIONS (1) AND (2) OF THIS SECTION, AS AMENDED, MAY BE REAPPOINTED BY THE GOVERNOR AND, IF A MEMBER IS SO REAPPOINTED, HIS OR HER SERVICE SHALL BE DEEMED TO HAVE BEEN CONTINUOUS. THE GOVERNOR SHALL MAKE INITIAL APPOINTMENTS OR REAPPOINTMENTS TO THE RECONSTITUTED BOARD SO THAT TWO VOTING MEMBERS' TERMS EXPIRE IN 2005, TWO VOTING MEMBERS' TERMS EXPIRE IN 2006, TWO VOTING MEMBERS' TERMS EXPIRE IN 2007, AND THREE VOTING MEMBERS' TERMS EXPIRE IN 2008. NOTWITHSTANDING PARAGRAPH (a) OF THIS SUBSECTION (3), MEMBERS WHO WERE SERVING AS OF JUNE 30, 2004, AND WHO ARE REAPPOINTED SHALL NOT BE ELIGIBLE FOR MORE THAN A TOTAL OF TEN YEARS' CONTINUOUS SERVICE.

(4) This article is repealed, effective July 1, ~~2004~~ 2013. Prior to such repeal, the water and wastewater facility operators certification board shall be reviewed as provided for in section 24-34-104, C.R.S.

**SECTION 4.** 25-9-104 (1) (a), Colorado Revised Statutes, is amended to read:

**25-9-104. Duties of the board.** (1) (a) The board shall elect a chair and secretary each year AND SHALL establish rules in accordance with article 4 of title 24, C.R.S., setting forth the requirements governing certification for water and wastewater facility operators, including application for certification; admission to the examinations; SETTING AND COORDINATION OF EXAMINATION SCHEDULES; recording and issuing of certificates for the class of operator for which the applicant is found to be qualified; renewal of certificates; issuance of certificates based on reciprocity; minimum standards of operator performance; and standards for the accreditation of training programs. The board may select and appoint one or more independent nonprofit corporations to carry out the administration of the program and examinations, including, but not limited to, maintaining records of certified operators; notifying operators of expiration of certification; providing information on accredited training requirements; preparing and furnishing the examination material; collecting fees as set forth in section 25-9-108; setting the times, dates, and places for holding examinations, one of which shall be given at least annually, IN ACCORDANCE WITH RULES OF THE BOARD; grading examination papers; evaluating work experience of applicants; evaluating continuing training achievements for renewal of certification; and evaluating requests for reciprocity. The board shall ensure that an office is maintained for contact with operators and employers. The board shall also ensure, through the use of subject matter experts, that all certification examinations test for information that is relevant to the knowledge that is necessary to operate the level of facility for which certification is sought. The board may adopt such rules in accordance with article 4 of title 24, C.R.S., as are necessary to ensure the proper administration of the program and shall enter into contracts with any nonprofit

corporation selected or appointed by the board to ensure that each nonprofit corporation receives applications and fees, conducts such examinations as may be directed by the board, records the results thereof, notifies applicants of results, recommends issuance of certificates, ~~conducts failed exam reviews~~ PROVIDES FEEDBACK TO EXAMINEES UPON REQUEST FOLLOWING EACH EXAMINATION, and prepares and distributes an annual report. With the permission of the board, a nonprofit corporation contracted with by the board may enter into subsidiary agreements with other nonprofit corporations, educational institutions, and for-profit corporations to carry out the duties assigned by the board; EXCEPT THAT ANY SUCH SUBSIDIARY AGREEMENTS SHALL BE SUBJECT TO PRIOR APPROVAL BY THE BOARD. The board shall be responsible for and shall retain the final authority for all actions and decisions carried out on behalf of the board by any such nonprofit corporation, educational institution, or for-profit corporation. Such authority shall include, but shall not be limited to, the authority to modify, suspend, or reverse any action or decision of any nonprofit corporation, educational institution, or for-profit corporation.

**SECTION 5. Effective date.** This act shall take effect July 1, 2004.

**SECTION 6. 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 6, 2004