

Wyoming Department of Environmental Quality

Water Quality Rules and Regulations

Chapter 5

Certification of Operators of

Public Water and Distribution Systems

And

Publically Owned Wastewater Treatment And Collection Systems

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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 publically 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.

(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.

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

(e) **“Certified 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 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) **“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.

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

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

(j) **“Facility”** means the components of any public water supply, publically owned sewerage, or publically owned wastewater treatment works, including all infrastructure associated with the water/wastewater system.

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

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

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

(n) **“Operator Certification Program”** means the Wyoming Department of Environmental Quality, Water Quality Division, Operator Certification Program.

(o) **“Owner”** means the entity who owns the real estate, easement, or facility.

(p) **“Pertinent continuing education”** means training which pertains to, or is consistent with, what an operator needs to understand in order to successfully perform a water or wastewater job.

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

(r) **“Publicly Owned Wastewater Treatment or Collection System”** means any federal, state, or local government system collecting or treating greater than 2,000 gallons a day average flow of wastewaters containing human waste. This definition includes improvement and service districts and homeowner associations. Underground Injection Control (UIC) facilities permitted in accordance with DEQ WQD Chapter 16 rules and utilizing septic tanks as primary treatment are excluded.

(s) **“Public Water Supply”** means as defined in W.S. 35-11-103(c)(viii).

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

(u) **“Treatment Works”** means as defined in W.S. 35-11-103(c)(iv).

(v) **“Wastewater treatment”** means treatment works as defined by W.S. 35-11-103(c)(iv).

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

(x) “**WQD**” means the Water Quality Division of the Wyoming Department of Environmental Quality.

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

Section 5 – Facility Classification.

(a) All facilities subject to this rule shall be classified by the Administrator using a nationally recognized rating system.

(i) The specific rating system will be identified by DEQ policy and posted to the DEQ/WQD Operator Certification website.

(ii) The Administrator may modify the rating system to better accommodate Wyoming systems.

(b) The Administrator may, upon receiving written request from the facility owner, alter the classification of an individual plant or system because of special conditions including ease or difficulty of operation or extraordinary environmental or public health factors.

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

(d) Upon completion of a classification or classification review, the Administrator shall notify the facility owner of the classification level.

(e) Classification levels shall be:

(i) Level 1 through 4 for Water Treatment

(ii) Level 1 or 2 for Water Distribution

(iii) Level 1 through 4 for Wastewater Treatment

(iv) Level 1 or 2 for Wastewater Collection

Section 6 – Operator Certification Levels.

(a) Requirements for the different levels of certification are to have:

(i) Level 1 Water Treatment

(A) A high school diploma or equivalent; and

- (B) Passed a Level 1 Water Treatment exam with a score of at least 70%; and
- (C) A minimum of 6 months work experience at or above a Level 1 Water Treatment system or pertinent experience; and
- (D) 35 hours of pertinent continuing education.
- (E) Level 1 Water Treatment operators may also operate Level 1 Water Distribution facilities.

(ii) Level 1 Water Distribution

- (A) A high school diploma or equivalent; and
- (B) Passed a Level 1 Water Distribution exam with a score of at least 70%; and
- (C) A minimum of 6 months work experience at or above a Level 1 Water Distribution system or pertinent experience; and
- (D) 35 hours of pertinent continuing education.

(iii) Level 1 Wastewater Treatment

- (A) A high school diploma or equivalent; and
 - (B) Passed a Level 1 Wastewater Treatment exam with a score of at least 70%;
- and
- (C) A minimum of 6 months of work experience at or above a Level 1 Wastewater Treatment system or pertinent experience; and
 - (D) 35 hours of pertinent continuing education.
 - (E) Level 1 Wastewater Treatment operators may also operate Level 1 Wastewater Collection facilities.

(iv) Level 1 Wastewater Collection

- (A) A high school diploma or equivalent; and
- (B) Passed a Level 1 Wastewater Treatment Collection exam with a score of at least 70%; and
- (C) A minimum of 6 months work experience at or above a Level 1 Wastewater Collection or Level 1 Wastewater Treatment system or pertinent experience; and

(D) 35 hours of pertinent continuing education.

(v) Level 2 Water Treatment

(A) A high school diploma or equivalent; and

(B) Passed a Level 2 Water Treatment exam with a score of at least 70%; and

(C) A minimum of 12 months work experience at or above a Level 1 Water Treatment system or pertinent experience; and

(D) 70 hours of pertinent continuing education.

(vi) Level 2 Water Distribution

(A) A high school diploma or equivalent; and

(B) Passed a Level 2 Water Distribution exam with a score of at least 70%; and

(C) A minimum of 12 months work experience at or above a Level 1 Water Distribution or Level 1 Water Treatment system or pertinent experience; and

(D) 70 hours of pertinent continuing education.

(vii) Level 2 Wastewater Treatment

(A) A high school diploma or equivalent; and

(B) Passed a Level 2 Wastewater Treatment exam with a score of at least 70%;
and

(C) A minimum of 12 months work experience at or above a Level 1 Wastewater Treatment system or pertinent experience; and

(D) 70 hours of pertinent continuing education.

(viii) Level 2 Wastewater Collection

(A) A high school diploma or equivalent; and

(B) Passed a Level 2 Wastewater Collection exam with a score of at least 70%;
and

(C) A minimum of 12 months work experience at or above a Level 1 Wastewater Collection system or pertinent experience; and

(D) 70 hours of pertinent continuing education.

(ix) Level 3 Water Treatment

(A) A high school diploma or equivalent; and

(B) Passed a Level 3 Water Treatment exam with a score of at least 70%; and

(C) A minimum of 24 months experience, 12 of which shall be at or above a Level 2 Water Treatment system; and

(D) 300 hours of pertinent continuing education.

(x) Level 3 Wastewater Treatment

(A) A high school diploma or equivalent; and

(B) Passed a Level 3 Wastewater Treatment exam with a score of at least 70%;

and

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

(D) 300 hours of pertinent continuing education.

(xi) Level 4 Water Treatment

(A) A high school diploma or equivalent; and

(B) Passed a Level 4 Water Treatment exam with a score of at least 70%; and

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

(D) 400 hours of pertinent continuing education.

(xii) Level 4 Wastewater Treatment

(A) A high school diploma or equivalent; and

(B) Passed a Level 4 Wastewater Treatment exam with a score of at least 70%;

and

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

(D) 400 hours of pertinent continuing education.

Section 7 – Examinations.

- (a) The Administrator, the Administrator's designee, or an appropriate proctoring agency selected by the Administrator, will proctor exams.
- (b) Exams will be obtained from a nationally recognized standardized exam development program that uses validated questions.
 - (i) Information about exams can be found on the DEQ/WQD Operator Certification website.
- (c) Applicants who take and pass exams without meeting the experience or education requirement will have two (2) years from the exam date to complete the requirements for certification
- (d) Special accommodations for testing will be considered for individuals who submit a written request to the Administrator.

Section 8 – Certificates.

- (a) Upon completion of the requirements of this rule, the Administrator will provide a certificate indicating the level and category for which the operator has qualified and the expiration date of the certification.
- (b) The first certificate from any level and category issued to an operator shall be valid for the remainder of the issuing year plus two (2) years and shall expire on December 31.
- (c) Thereafter, each certificate shall be valid for three (3) years and shall expire on December 31.
- (d) The certificate will be provided through an Internet portal provided by the Administrator.

Section 9 – Operator Responsibilities.

- (a) Operators shall maintain accurate pertinent continuing education records including original, signed documents attesting to the completion of the coursework for the current three year certification period for each certification.
- (b) Certified operators shall be available to any system for which they are designated.

Section 10 - Contract Operators.

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

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

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

(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 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 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.

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

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

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 courses listed on the DEQ/WQD Operator Certification Program website.
- (b) Operators shall enter their pertinent continuing education information into an Internet portal provided by the Administrator.
 - (i) The exception to operator-entered pertinent continuing education information shall be that any training obtained through a DEQ-recognized training provider shall be entered by the training provider.
 - (ii) Training information entered by DEQ-recognized training providers may not be modified by any operator.
- (c) Operators shall verify the accuracy of their pertinent continuing education information.
- (d) If a certified operator fails to complete (b) and (c) of this section prior to the expiration date of their certification(s), the certification(s) shall not be renewed.
- (e) A single training unit may be applied to no more than one certificate.

Section 13 – Audits

- (a) Certified operator continuing education records may be audited by the operator certification program.
- (b) An audit may include a review of documents, signed by the proctor or instructor, attesting to completion of the pertinent continuing education for which a certified operator is claiming hours.

Section 14 – Reciprocity. An operator who is certified as a water or wastewater operator in another state may obtain a reciprocal certification in Wyoming if the following criteria are met:

- (a) The Administrator has received a letter of good standing or similar verification from the regulatory agency from which the certification was issued stating the name of the applicant, status of their certification, date originally issued, expiration date, level and area of the certification, and any disciplinary action imposed against the applicant; and
- (b) The applicant's education and experience meets Wyoming's minimum requirements, and;
- (c) The applicant has passed an exam that meets Wyoming's minimum requirements.

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

Section 15 – Facility Owner Responsibility.

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

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

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

(c) The responsible charge operator and any substitute responsible charge operator shall be certified at a level equal to or greater than the facility for which they are responsible.

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

(e) Any changes made to operating personnel for positions which require certification shall be reported to the Administrator no later than ten (10) days after the change has been made.

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

(g) 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”.

(h) 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.

(i) The facility owner shall ensure compliance with the requirements of this rule.

Section 16 –Revocation or Suspension of Operator Certification.

(a) The Administrator shall suspend an operator’s certification for a minimum of one year for any one of the following:

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

(ii) Falsification of operating records, or;

(iii) Falsification of records by a contract operator, or;

(iv) Cheating on an exam, or;

(v) Fraud.

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

(i) Willful negligence in operation, or;

(ii) Falsification of sample results, or;

(iii) While acting in the official capacity as a certified operator, being convicted of any act that endangers public health.

(c) Appeal of the Administrator's decision suspending or revoking certification may be made in accordance with the Wyoming Administrative Procedure Act, specifically 16-3-113 and the DEQ rules of practice and procedure.

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 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 as appropriate for the certificate being renewed.

(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 as 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 24 hours; and

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

Section 19 - Conversion of Level 1 Water Systems and Level 1 Wastewater Systems Certificates.

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

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