

BEFORE THE
DEPARTMENT OF ENVIRONMENTAL QUALITY
ENVIRONMENTAL QUALITY BOARD
STATE OF WYOMING

FILED
FEB 01 2012

IN THE MATTER OF)
CHAPTER 5, STANDARDS FOR)
TECHNICAL COMPTENCY AND)
CERTIFICATION OF OPERATORS OF)
WATER AND WASTEWATER)
FACILITIES IN WYOMING)

Docket No. 11-310A

Jim Ruby, Executive Secretary
Environmental Quality Council

STATEMENT OF PRINCIPAL REASONS

The Department of Environmental Quality, Water Quality Division, pursuant to the authority vested in it by The Environmental Quality Act (the Act), specifically W. S. §35-11-302 (iv), proposes a significant Amendment to current Chapter 5, The principal reasons for these changes include:

Establish clearly defined operator certification levels:

Current Chapter 5, Section 10 – Eligibility to Take Examinations, obliquely refers to certification levels. Nowhere in the current Chapter does it outline the certification levels and the requirements for each. New Chapter 5 devotes entire Section 6 to operator certification levels and the requirements of each. This information will assist operators to more efficiently prepare for training that is required for compliance.

Establish clearly defined facilities owner responsibilities:

Current Chapter 5 has a very brief section regarding owner responsibility. Chapter 5, Section 5 of the current rule only requires owners to be in compliance with these regulations. When DEQ enforces the operator certification requirements it does so against facility owners. We feel those items that will be enforced and the ramifications of non-compliance should be better defined. New Chapter 5 devotes Section 16 to “Facility Owner Responsibility” and there can now be no misunderstanding of what is required of a facility owner.

Establish clearly defined operator revocation, suspension, and expiration of certificate guidance:

Current Chapter 5 has a simple Section 16 that allows for the revocation of an operator’s certificate for up to one year if the Administrator deems it necessary. New Chapter 5 devotes Section 17 to revocation and suspension of operator certification, Section 18 to reinstatement after suspension of certification, and Section 19 to recertification after losing certification for lack of continuing education. Each of these sections outlines the reasons for losing certification and the steps necessary for recertification.

Compliance with Federal Requirements:

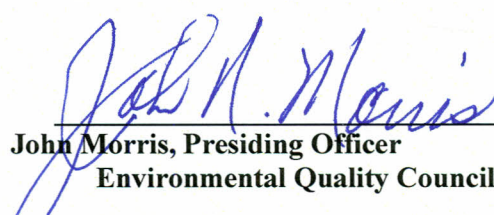
The proposed regulation (Chapter 5) has been drafted by the Department of Environmental Quality, Water Quality Division, per W.S. § 35-11-302(a)(iv) and incorporates most of the requirements contained within the US EPA guideline document entitled “Final Guidelines for the Certification of the Operators of Community and Nontransient Noncommunity Public Water Systems; Final Allocation Methodology for Funding to States for the Operator Certification Expense Reimbursement Grants Program” April 18, 2001.

Conclusion:

The proposed rule, which is attached, clarifies the requirements for both operators and owners of publically owned water and wastewater systems. In addition, the proposed rule ensures Wyoming’s compliance with federal requirements under the Safe Drinking Water Act.

EXECUTED THIS 15th DAY OF February, 2012

FOR THE ENVIRONMENTAL QUALITY COUNCIL



John Morris, Presiding Officer
Environmental Quality Council