

PROGRAM REPORT 2016

To the Water and Wastewater Facility
Operators Certification Board



COLORADO
Water Quality Control Division
Department of Public Health & Environment

*Report to board
June 20, 2017*

CONTACT



COLORADO

Water Quality Control Division

Department of Public Health & Environment

Jackie Whelan, board liaison
4300 Cherry Creek Drive South
Denver, CO 80246-1530
303-692-3617 | jackie.whelan@state.co.us
www.colorado.gov/cdphe/wq-facility-operator-certification

TABLE OF CONTENTS

Contact	2
Introduction	2
Purpose of this report	2
Board information	2
Facility compliance	3
Public water systems	4
Wastewater facilities	5
Permitted industrial Class 2 facilities	6
Facility enforcement.....	6
Certificates	7
Exams.....	7
Renewals.....	8
Certificates Issued—new, renewed and by reciprocity	9
Active operator count	9
Active certificates by category and level	9
Restricted certificates.....	11
Highest level operators.....	11
Late Fees.....	11
Disciplinary action investigations.....	12
Stakeholder groups and participation	13
Examples of stakeholders:	13
Specific staff participation:	13
Regulation revisions.....	13
Division outreach and education efforts	14
Program cost information.....	14
Fees.....	14
Program cost	14
Reviews.....	16
Internal and external reviews.....	16
Sunset review	17
Summary	17

INTRODUCTION

Operator certification is important for protecting public health and the environment by promoting compliance with the Safe Drinking Water Act, the Clean Water Act, and federal and state implementing regulations.

The goal of the operator certification program is to ensure that skilled professionals are overseeing the treatment and distribution of safe drinking water as well as the collection and treatment of wastewater prior to discharge. The State of Colorado's Operator Certification Program was approved by the U.S. Environmental Protection Agency consistent with the requirements of the Final Guidelines for the Certification and Recertification of the Operators of Community and Non-Transient, Non-Community Public Water Systems, 64 FR 5916 on June 22, 2001.

PURPOSE OF THIS REPORT

This report provides the Water and Wastewater Facility Operators Certification Board with a comprehensive overview of program activities. The report covers calendar year 2016 and includes data for the previous four years, when available, for comparison and trend purposes. The sources of data used to compile this report are official annual reports to the EPA, annual reports from the board contractors, and records maintained by board contractors and the Colorado Department of Public Health and Environment, Water Quality Control Division.

BOARD INFORMATION

The board is a nine member, governor-appointed board representing a variety of water and wastewater professionals. The board is established by Article 9 of Title 25, C.R.S. The board published Regulation 100 Water and Wastewater Facility Operators Certification Requirements in accordance with sections 25-9-101 - 110 C.R.S.

The facility operators certification program is made of four distinct groups: the board, the board administrator, the division and the board contractors. They have interrelated responsibilities for activities within the program.

The division is responsible for compliance and enforcement to ensure every water and wastewater facility is under the supervision of a certified operator holding a certificate equal to or greater than the classification of the facility. The division is also responsible for the classification of all water and wastewater facilities in accordance with Regulation 100, Sections 100.4 to 100.8, and for the investigation of complaints of misconduct by certified operators in the performance of their duties. The division serves as staff to the board and as liaison between the division and the board, board contractor, certified operators, and facility owners providing compliance assistance, regulation implementation, outreach and education.

The board contracts the operator certification and examination aspects of the program to the Colorado Environmental Certification and Training, Inc. (CECTI), a non-profit organization comprised of subject matter experts who volunteer their time and expertise in support of the program. The members of CECTI also review and approve training courses to meet the professional development requirements for certification renewal. The contractor subcontracts daily operations to Total Events and Management

Services, Inc. (TEAMS). TEAMS manages the Operator Certification Program Office (OCPO), which oversees the daily operation of operator certification.

Table 1 - Responsibilities of the board, administrator, division, and contractors.

	Board	Administrator	Division	Contractors
Application review				X
Application appeal	X	X		X
Training unit approval				X
Examinations				X
Compliance & enforcement			X	
Facility penalty appeal	X	X	X	
Outreach & education			X	
Facility classification			X	
Classification appeals	X	X	X	
Disciplinary actions	X	X	X	
Regulation & policy revisions	X	X	X	

FACILITY COMPLIANCE

Article 9 of Title 25, C.R.S., Water and Wastewater Treatment Facility Operators, requires “every water treatment facility, domestic or industrial wastewater treatment facility, wastewater collection system and water distribution system be under the supervision of a certified operator, holding a certificate in a class equal to or higher than the class of the facility or system.”

Compliance is determined by the answers to the following three questions for each regulated facility with respect to each certified operator in responsible charge (ORC) the facility is required to have:

- Has the facility owner reported the ORC’s name and operator identification number to the division?
- Does the ORC have a valid certificate?
- Is the reported ORC’s certificate at or above the level of classification of the facility they are operating?

If a response to any of the above questions is no, the facility owner is out of compliance with Regulation 100.

Public water systems

For 2016, overall compliance with the ORC requirements for public water systems was 97 percent.

Table 2 shows a decrease in the number of regulated community water systems from 2013 and 2014. In late 2012 and early 2013, the division systematically reviewed how the Colorado Primary Drinking Water Regulations applicability criteria were being applied to consecutive systems. As a result approximately 50 community water systems, from a high of 933 in 2011, were removed from the active community water system inventory.

Table 2 -Public water system facilities and compliance status.

Reporting year	Public water systems	In compliance	Non-compliant	Compliance rate (%)	Combined compliance rate (%)
Community water systems					
2012	871	848	23	97%	97%
2013	869	811	58	93%	93%
2014-T ¹	745	709	36	95%	95%
2014-DS ²	854	810	44	95%	
2015-T ¹	743	724	19	97%	97%
2015-DS ²	858	836	22	97%	
2016-T ¹	735	721	14	98%	98%
2016-DS ²	862	841	21	98%	
Non-transient, non-community water systems					
2012	176	171	5	97%	97%
2013	167	157	10	94%	94%
2014-T ¹	152	143	9	94%	94%
2014-DS ²	100	93	7	93%	
2015-T ¹	154	148	6	96%	96%
2015-DS ²	103	99	4	96%	
2016-T ¹	161	157	4	98%	97%
2016-DS ²	112	107	5	96%	
Transient, non-community water systems					
2012	968	859	109	89%	89%
2013	970	839	131	86%	86%
2014-T ¹	926	816	110	88%	87%
2014-DS ²	529	444	85	84%	
2015-T ¹	904	848	56	94%	94%
2015-DS ²	521	489	32	94%	
2016-T ¹	903	861	42	95%	95%
2016-DS ²	535	511	24	96%	

Accurate and timely compliance determination is a division priority. The division historically tracked the ORC data and the water system information in two separate data systems. In 2011 we determined the number of facilities being tracked for ORC compliance didn't match the actual number of facilities in the SDWIS, the data system of record. The integration of ORC data into SDWIS was complete in October 2013. The division began to determine the complete compliance status for all drinking water systems required to comply with Regulation 100 on a monthly basis. The result was an initial drop in compliance rate.

Our increased ability to maintain an accurate inventory, the improved ability to assess compliance and the timely addressing of non-compliance resulted in improved compliance rate since 2013.

Wastewater facilities

During calendar year 2016, we continued work to integrate facility classifications and ORC information. The division historically tracked classification and ORC information separate from the Integrated Compliance Information System (ICIS), the data system of record for all wastewater facilities subject to state oversight. Wastewater permits are specific to a physical location, but can be transferred to another entity, expire, or be reissued under a different permit number, making maintenance of an accurate inventory difficult. Since late 2014, the division has been implementing a new system for tracking wastewater ORC information, leading to an increase in data accuracy and compliance.

Table 3 - Wastewater facilities required to have an ORC.

Reporting year	Permitted facilities	With operator	No operator of record	Compliance rate
<i>Permitted domestic wastewater facilities</i>				
2012	854	743	111	87%
2013	911	893	18	98%
2014	393	358	35	91%
2015 Individual	246	245	1	99%
2015 General	262	257	5	98%
2016 Individual	250	248	2	99%
2016 General	169	150	19	89%
<i>Permitted industrial wastewater facilities¹</i>				
2012	131	82	49	63%
2013	167	117	50	70%
2014	191	102	89	53%
2015 Individual	115	103	3	97%
2015 General	59	39	20	66%
2016 Individual	124	113	11	91%
2016 General	87	64	23	74%

¹ Excludes industrial facilities exempt from the ORC requirements.

Table 3 shows the compliance for both industrial and domestic wastewater treatment facilities. In 2015 and 2016, facilities are further broken down into individual permits and general permits. This

provides a better description of compliance rates across the wastewater portion of the program.

In 2016, we issued 110 compliance advisories for failure to have a designated operator in responsible charge; 55 facilities returned to compliance before the end of the calendar year.

With the updated ORC information, the ORC data in ICIS, and the improved reporting capability, the division was able to complete the ORC compliance determination for calendar years 2014, 2015 and 2016 as reported in Table 3 above. The increase in compliance rates is attributed to the division's outreach and informal enforcement efforts.

PERMITTED INDUSTRIAL CLASS 2 FACILITIES

Industrial facilities permitted under the Colorado Discharge Permit System are classified as either Class 1 or Class 2 facilities. Industrial Class 2 facilities are exempt from complying with the ORC requirement. There were 5,787 Class 2 industrial facilities in 2016.

Class 2 facilities include facilities which discharge pursuant to a Colorado Discharge Permit System general industrial permit for:

- Industrial stormwater.
- Construction stormwater.
- Municipal stormwater.
- Water treatment plant wastewater discharge.
- Construction dewatering activities.
- Aquatic animal production.
- Sand and gravel mining and processing stormwater.
- Sand and gravel mining wastewater and stormwater combined.
- Minimal industrial discharge.
- Subterranean dewatering or well development.
- Hydrostatic testing of pipelines, tanks and similar vessels.
- Non-contact cooling water.
- Pesticides application.
- Commercial washing of outdoor structures.

There were no reclassifications from Class 1 to Class 2 industrial facilities in 2016. In November 2016 changes to Regulation 100 eliminated the secondary classification of industrial facilities as either Class 1 or Class 2. Sections 100.1.5 and 100.1.6 now refer to these facilities as exempt from the requirement to operate under the direct supervision of a certified operator in responsible charge.

FACILITY ENFORCEMENT

Notices of Violation (NOV) are formal enforcement actions taken against the owner of facilities who fail to comply with the requirement (to ensure their facility is under the supervision of a certified operator who holds a certificate in a class equal to or higher than the class of the facility or system). Prior to 2011, there were no formal enforcement actions for failure to comply with the Regulation 100 requirements.

Table 4 – Notices of violation with status.

Reporting year	Drinking water	Wastewater	NOVs issued	Returned to compliance
2012	11	4	15	15
2013	1	3 ¹	4	3
2014	2	3	5	5
2015	1	1	2	1
2016	0	0	0	0

CERTIFICATES

Exams

Building an educated, experienced and professional workforce is a primary focus in operator certification. To facilitate monitoring and evaluation of certification trends, data are maintained that includes the number of exams taken, certified operator counts and training opportunities.

Table 5 – Examination pass rates, all levels.

Reporting year	Exams taken	Number pass	Number fail	Pass rate
<i>Written exams</i>				
2012	1,562	856	706	55%
2013	1,548	827	721	53%
2014	1,451	772	679	53%
2015	1,350	706	644	52%
2016	1,211	500	711	41%
<i>Electronic exams</i>				
2012	649	429	220	66%
2013	1,039	688	351	66%
2014	1,393	906	487	65%
2015	1,696	1062	634	63%
2016	1,864	1136	728	61%
<i>TOTAL- written and electronic</i>				
2012	2,211	1251	960	57%
2013	2,587	1515	1081	59%
2014	2,844	1678	1166	59%
2015	3,046	1768	1278	58%
2016	3,075	1636	1439	53%

The table above indicates that the written exam pass rate for 2016 significantly dropped to 41 percent in 2016 (as compared to 54 percent in 2015). This represents an 11 percentage point drop from 2015 to 2016 and a 14 percentage point drop from 2012 to 2016. By comparison, the 2016 pass

rate for exams taken electronically was 61 percent, a full 20 percentage points higher than written exams. The overall pass rate for 2016 is 53 percent which represents a six percent drop from a high of 59 percent in both 2013 and 2014.

It is unlikely there is any one single factor to explain why the electronic exam pass rate is so much higher than written exams. It's likely a combination of factors. Possible factors include:

- The differences in demographics of examinees who prefer to take the exam electronically compared to those choosing to take the exam by paper and pencil.
- Electronic testing allows operators to make an appointment to take exams at their convenience.
- Electronically administered exams are administered in a room with a maximum of 24 people taking the exam.
- The atmosphere is quieter, more relaxed and questions are presented one at a time thereby eliminating the distractions inherent in the traditional paper and pencil exams.

The table below shows the shift in the exam delivery method over the past five years. Written exams have dropped from 72 percent of all exams taken to 39 percent. Electronic exams have expanded from 28 percent in 2012 to 61 percent of all exams taken in 2016.

Table 6 - Examination delivery rates, all levels.

Reporting year	Total exams	Written exams taken	% Written	Electronic exams taken	% Electronic
2012	2,211	1,562	71%	649	29%
2013	2,587	1,548	60%	1,039	40%
2014	2,844	1,451	51%	1,393	49%
2015	3,046	1,350	44%	1,696	56%
2016	3,075	1,211	39%	1,864	61%

To better understand if the shift in exam delivery method has an impact on exam pass rates, we would need to collect significantly more demographic information about each examinee and the exam delivery method selected than it currently done.

Renewals

A certified operator must renew each certificate every three years. There are a specific numbers of training units required to renew each level of certificate. The required training must be approved by the board contractor.

Table 7 - Approved training opportunities for professional development.

Reporting year	2012	2013	2014	2015	2016
Total approved courses	600	575	550	500	578

Certificates Issued—new, renewed and by reciprocity

Table 8 - Total certificates issued by category per year.

Certification category	2012	2013	2014	2015	2016
Water treatment	818	1,067	873	208	1,069
Water distribution	877	1,091	1,110	206	1,131
Class S water	196	196	207	*	189
Class T water	24	24	23	*	10
Wastewater treatment	629	762	708	137	806
Industrial treatment	*	213	205	33	224
Wastewater collection	650	753	845	181	852
Class S wastewater	71	68	61	*	81
Total	3,265	4,174	4,029	765	4,362

* Counts not reported by OCPO

Active operator count

There are 245 fewer active operators in 2016 in 2015.

Table 9 - Active operators, all levels.

Year	Active Operators	Active Certificates
2013	5,419	10,902
2014	5,422	11,423
2015	5,906	13,057
2016	5,661	12,170

Active certificates by category and level

In calendar year 2016, Colorado had 5,661 active water and wastewater certified water professionals holding 12,170 certificates. There has been a 12 percent increase in the number of active certificates in the four years from 2013 to 2016. The break down across categories and levels for the last five years are shown in the below table.

Table 10 - Active certificates by category and level.

Water treatment								
	W-A	W-B	W-C	W-D	W-S	W-T		
2012	795	303	637	856	584	76		
2013	778	336	623	906	582	77		
2014	792	343	633	929	580	69		
2015	845	418	729	1,091	653	76		
2016	828	373	615	953	578	48		
Wastewater treatment								
	WW-A	WW-B	WW-C	WW-D	WW-S			
2012	609	160	423	772	204			
2013	599	162	448	788	191			
2014	608	183	481	785	189			
2015	655	228	535	933	221			
2016	633	215	482	808	202			
Industrial wastewater treatment								
	Ind-A	Ind-B	Ind-C	Ind-D				
2012	117	32	176	166				
2013	119	47	172	184				
2014	125	60	173	209				
2015	134	71	190	260				
2016	136	68	154	239				
Water distribution					Wastewater collection			
	D-1	D-2	D-3	D-4	C-1	C-2	C-3	C-4
2012	1,117	631	179	879	765	390	160	684
2013	1,145	635	203	857	804	417	163	666
2014	1,272	696	246	845	887	465	189	661
2015	1,490	798	295	882	1,054	558	239	701
2016	1,411	739	320	856	1,035	553	257	667

Restricted certificates

Section 100.17, Regulation 100 provides the criteria for operators who were distribution and collection system operators in responsible charge on January 30, 2001, to continue functioning in that capacity. These operators are designated as having restricted certificates and can only work as certified operators at the facilities they worked at on January 30, 2001, the facility's classification has not changed and must continue to meet all requirements as stipulated in section 100.17, Regulation 100.

There are 111 restricted certificates still active. There were 71 distribution and 40 collection restricted certificates in 2016.

Table 11 - Restricted certificates by category and level.

Restricted Certificates	
Collection	
Level 1	8
Level 2	7
Level 3	0
Level 4	25
Distribution	
Level 1	13
Level 2	9
Level 3	0
Level 4	49

Highest level operators

There were 2,116 certified operators who held 3,120 of the highest level certificates in one or more certification categories.

Table 12 - Certified operators with one or more highest level certificates.

Top level categories	Certifications
One	1,420
Two	494
Three	121
Four	56
Five	25

Late Fees

In 2012, the board authorized a late fee of \$50 for submitting a renewal application after the certificate's expiration date and for submitting the administrative fee for new certificates more

than 60 days after the notice of eligibility. The table below shows late fees collected for the last four years.

Table 13 - Late fees collected.

Late fees collected	
2013	\$20,450
2014	\$28,350
2015	\$26,350
2016	\$32,600
TOTAL	\$107,750

The late fees represent 2,155 certificates that were either renewed late or new certificates that were applied for more than 60 days after eligibility for the last four years.

DISCIPLINARY ACTION INVESTIGATIONS

The board is authorized to take disciplinary action against a certified operator under sections 25-9-104(6) and -104(6.5) C.R.S. This authority provides the board with discretion to reprimand a certified operator or suspend or revoke an operator's certification. As delegated in statute, the division investigates allegations of operator misconduct and makes recommendations to the board for action.

Complaints are received by phone, email or mail. Complaints can be made anonymously. Complaints come from facility customers, co-workers, supervisors, subordinates, etc. and division staff from a variety of interactions including during on-site inspections and visits. Confidentiality is maintained throughout the complaint investigation and disposition.

Below is a summary of complaints received against a certified operator for misconduct in the exercise of their duties.

Table 14 - Disciplinary action investigations conducted (with disposition).

Type of action	2012	2013	2014	2015	2016
Formal board actions taken					
Letter of reprimand				1	
Consent agreement			1		
Suspension or revocation				1	
Informal division disposition of complaint					
Conference			1		
Warning letter				1	
Investigation - lack of evidence	6			1	
Total investigations	6	0	2	3	0

STAKEHOLDER GROUPS AND PARTICIPATION

The EPA identified stakeholder involvement as important to the public health objectives of the program. Stakeholders help ensure the relevancy and validity of the program and the confidence of all interested parties. States are required to include ongoing stakeholder involvement in the revision and operations of state operator certification programs. Stakeholder involvement goes beyond public comment on rule revisions and participation in board meetings.

Examples of stakeholders:

- Certified operators.
- Drinking water system owners.
- Domestic and industrial wastewater permittees.
- Environmental/public health groups.
- The general public.
- Consumer groups.
- Technical assistance providers.
- Utility managers.
- Trainers.
- Water and wastewater professional organizations.

Division facility operator certification staff participated in several activities related to this topic.

Specific staff participation:

- As a member of the USEPA operator certification re-energizing workgroup.
- Rocky Mountain Section American Water Works Association and Rocky Mountain Water Environment Association Joint Small Systems Committee.
- CDPHE 2015 Public Water System Training Strategy Administrative Framework Project Task Force .
- Water Quality Management Program advisory boards at both Red Rocks Community College and Emily Griffith Technical College.

The EPA recommended each state have a stakeholder advisory committee. We are is committed to expanding its participation in existing organizations and other outreach activities. We are also working toward the formation of a stakeholder advisory committee.

REGULATION REVISIONS

Table 10 briefly identifies revisions to Regulation 100, 5 CCR 1003-2 and the associated effective date. For a detailed description of changes, refer to the corresponding statements of basis and purpose comprising sections 100.49-100.53, Regulation 100.

Table 15 – Regulation 100, 5 CCR 1003-2 revisions.

Reporting year	Regulation 100 revisions	Statement of basis and purpose
2012	Amended 04/24/12, effective 06/30/12	Section 100.49
2013	No changes	
2014	Amended 08/26/14, effective 10/30/14	Section 100.50
2015	Amended 06/30/15, effective 08/30/15	Section 100.51
2015	Amended 12/09/15, effective 01/30/16	Section 100.52
2016	Amended 11/29/16, effective 01/30/17	Section 100.53

DIVISION OUTREACH AND EDUCATION EFFORTS

The division facility operator certification staff presented at conferences, seminars and trainings. These specifically targeted presentations provide additional opportunities for contact with the public, businesses owners and permittees, special district and town boards, trustees, city councils and other municipal officials as well as certified water professionals. Presentations have also been given to contract operators and regional certified water professional organizations.

Table 16 - Facility operator certification staff outreach and education.

	2012	2013	2014	2015	2016
Number of events	29	16	15	12	21

PROGRAM COST INFORMATION

Fees

Income comes from fees charged to applicants for individual operator certification and training unit approvals as authorized by statute and regulation. All fees are paid directly to the board contractors.

Program cost

Tables 16 and 17 provide program costs for board contractors, board administrator and division staff. These expenditures reflect only a portion of the actual program cost.

In addition to the members of the Water and Wastewater Facility Operators Certification Board and their subcontractor, there are many certified water professionals from across the state who volunteer their time and expertise serving on the CECTI board and participating as members of the calendar, exam application, exam review, proctor, reciprocity, renewal and training unit approval committees. These volunteers donated 3,217 hours in support of the certification program in 2016. In addition, many non- certified water professional volunteers have donated their time in support of the program in various capacities, such as exam proctors.

Table 17 – Contractor program expenses.

	Estimated volunteer contribution		Administrative Services
	CECTI ¹	Certification Council ¹	Great Events/TEAMS ³
2012	\$264,705	\$224,026	
2013 ²	\$350,362		
2014 ²	\$387,092		\$188,192
2015 ²	\$391,100		\$238,590
2016 ^{2,4}	\$386,040		\$342,275

¹ From contractor's annual reports to the board based on \$120 per hour, the median cost of a consultant.

² CECTI and the Certification Council merged in 2013 to become CECTI.

³ From contractor's annual reports to the board

⁴ From contractor's annual reports to the board based on \$120 per hour, the median cost of a consultant.

Board administrator and division program staff salary expenses are identified below in Table 18. Salary costs for division and the board administrator staff are paid through state general funds, federal grants, drinking water and permitted facility fees, not by facility operator certification program fees.

Table 18 – Board administration and division salary expenses.

Salary expenses for board administrator and division program staff ¹		Full time equivalent (FTE)
CY ⁵ 2012	\$249,994	3.425 FTE 0.05 ² Management, 0.1 PA ³ III, 1.0-EPS ⁴ III, 1.0-EPS II, 0.66-PA I, 0.66 GP ⁶ I
CY 2013	\$210,663	2.308 FTE 0.034 ⁷ Management, 0.05 ⁸ Management, 0.1 PAIII, 1.0-EPS III, 0.75-EPS II ⁹ , 0.375-PA I ⁹
CY 2014	\$134,046	1.2 FTE 0.1 Management, 0.1 PAIII, 1.0-EPS III
CY 2015	\$137,607	1.2 FTE 0.1 Management, 0.1 PAIII, 1.0-EPS III
CY 2016	\$138,912	1.2 FTE 0.1 Management, 0.1 PAIII, 1.0-EPS III

¹ Directly assigned to the operator certification program (does not include 65+ staff who have some responsibility for operator certification program implementation)

² Part time position 0.5 FTE January-August 2013 - estimated 10% dedicated to WWFOCB

³ PA – Program Assistant

⁴ EPS – Environmental Protection Specialist

⁵ CY—Calendar year; reporting moved to calendar year reporting effective January 1, 2012

⁶ GP – General Professional; Position was a term-limited position and expired in August 2012

⁷ Part time position 0.5 FTE January-August 2013 - estimated 10% dedicated to WWFOCB

⁸ Full time position, effective July 1, 2013 - estimated 10% dedicated to WWFOCB

⁹ Positions were moved to other programs within the division effective October 1, 2013

From July 2010 through December 2014, there were many changes in facility operator certification program staffing within the division. Some of these changes are reflected in Table 17. In addition, the board administrator retired in August 2013 and a new administrator was hired in July 2013.

Division management recognized a correlation between compliance with Regulation 100 and overall compliance with permits or drinking water regulations. For each regulated entity there were several different division staff members who were responsible for one or more pieces of a facility's compliance with all requirements. This frequently led to a duplication of efforts by staff. It was not unusual for a regulated entity to receive multiple letters from the division requiring them to communicate with several different staff members. This often led to confusion for both division staff and the regulated entity.

To facilitate a more efficient and effective approach to interactions between division staff and the regulated community and to efficiently use limited resources, division management made several significant changes within division programs in October 2013. Each water and wastewater facility is assigned to a single compliance specialist. The compliance specialist oversees the facilities compliance with all applicable regulations including Regulation 100. The drinking water specialist oversees compliance with the primary drinking water regulations and with Regulation 100 for drinking water facilities. The clean water specialist oversees compliance with clean water regulations, the permit and with Regulation 100 for wastewater facilities.

As part of this change, one and a half dedicated facility operator program staff positions were moved to other positions within the division. The division liaison to the board position remains dedicated to the facility operator certification program.

Many duties assigned to the division through facility operator certification statute and regulation are now performed as part of routine duties including compliance, enforcement, sanitary survey and inspection, design review and approval, facility classification, administrative support and management oversight. Because of the changes made in 2013, the division better fulfills the oversight obligations assigned by statute and regulation.

The costs associated with the routine tasks assigned to over 76 division staff members are not included in Table 17. Division staff are paid through state general funds, federal grants, drinking water and permitted facility fees.

The true cost of the operator certification program is difficult to assess because of the division of duties among staff and the countless hours donated by volunteers to the program. Together, the program fees charged to individuals and trainers remains as low as possible because of the countless volunteers participating in the program and the support of division staff through federal grants, the state general fund, drinking water and permit fees.

REVIEWS

Internal and external reviews

As part of the Final Guidelines for the Certification and Recertification of the Operators of Community and Nontransient Noncommunity Public Water Systems, February 5, 1999, the U.S. Environmental Protection Agency recommends that states perform periodic internal reviews and occasional external or peer reviews. Examples of items to review include: regulations, exam items for relevancy and validity, compliance, enforcement, budget and staffing, training relevancy, training needs through examination performance, and data management systems.

The program has not participated in an external program review. In 2016, the program began formulating a project plan to conduct an external program review in accordance with published

EPA guidance and direction. The division is working with adjoining state operator certification programs to assist each other with an external review using the Suggested Methods for Conducting Reviews of State Operator Certification Programs, Developed by U.S. EPA's Operator Certification Re-Energizing Workgroup, August 2015, as guidelines for evaluation of the agency portion of the program. The board chose to expand the external review to include a customer satisfaction survey and to design an administrative review of that portion of the program to include an evaluation of efficiencies and to provide recommendations for improvement. The program continues to work toward developing a standardized approach to conducting both internal and external reviews.

Sunset review

The sunset review is the analysis and evaluation of regulatory agencies to determine the least restrictive regulation consistent with the public interest. The purpose of the sunset review is to evaluate the need for the continued existence of existing regulatory bodies in accordance with the criteria established in statute.

Sunset reviews are valuable reviews and provide valuable information for the program, but in accordance with the Operator Certification Guidelines Implementation Guidance, January 2000, the U.S. Environmental Protection Agency determined a sunset review does not meet the periodic external or peer review requirement.

In accordance with Section 25-9-103(4), C.R.S., the next sunset review will take place prior to the 2020 legislative session.

SUMMARY

The staff and volunteers focus on ensuring that skilled, certified water professionals throughout Colorado are overseeing the treatment and distribution of safe drinking water as well as the collection and treatment of wastewater prior to discharge to waters of the state. The division remains committed to working to improve the exam pass rate and to increase compliance by facility owners without compromise.