

PROGRAM REPORT 2018

To the Water and Wastewater Facility
Operators Certification Board



COLORADO
Water Quality Control Division
Department of Public Health & Environment

*Report to board
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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 (board) with a comprehensive overview of program activities. It covers calendar year 2018 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's contractor, and records maintained by the board's contractor and the Colorado Department of Public Health and Environment, Water Quality Control Division (division).

BOARD INFORMATION

The board is a ten 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.

During this reporting period, the facility operators certification program consisted of three distinct groups: the board, including the board administrator; the division; and the board's contractor. 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 the liaison between the division and the board, board contractor, certified operators, and facility owners. In that role the division provides compliance assistance, regulation implementation, outreach and education.

In 2018, the board contracted 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. CECTI subcontracted daily operations to Total

Events and Management Services, Inc. (TEAMS). TEAMS managed the Operator Certification Program Office (OCPO), which oversaw the daily operation of operator certification.

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

	Board	Division	Contractors
Application review			X
Application appeal	X		X
Training unit approval			X
Examinations			X
Compliance & enforcement		X	
Facility penalty appeal	X	X	
Outreach & education		X	
Facility classification		X	
Classification appeals	X	X	
Disciplinary actions	X	X	
Regulation & policy revisions	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 with the certified operator in responsible charge (ORC) requirement is determined by the following:

- 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 these questions is no, the facility owner is out of compliance with Regulation 100.

Public water systems

During 2018, 65 drinking water facilities were issued compliance advisories for violation of the ORC requirements. Five formal enforcement orders were issued against systems that did not return to compliance in a timely manner. By December 31, 2018 all but one facility had returned to compliance.

Some public water systems are distribution system only and others are wholesale treatment facilities without distribution systems. The division reports the combined number of treatment plants and distribution systems. Table 2 lists the number of public water system facilities and their compliance rate by type of system.

Table 2 -Public water system facilities and compliance status.

Reporting year	Treatment and distribution systems	Compliance rate (%)
Community		
2014	1599	95%
2015	1601	97%
2016	1597	98%
2017	1619	99%
2018	1575	98%
Non-transient Non-community		
2014	252	94%
2015	257	96%
2016	273	98%
2017	274	98%
2018	281	98%
Transient Non-community		
2014	1455	88%
2015	1425	94%
2016	1438	95%
2017	1475	96%
2018	1506	98%

Accurate and timely compliance determination is a division priority. In 2018, the division determined the compliance status for all drinking water systems required to comply with Regulation 100 on a monthly basis.

Wastewater facilities

The division historically tracked the ORC data and the wastewater 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 Integrated Compliance Information System (ICIS), the data system of record. The integration of ORC data into ICIS began in October 2013.

During calendar year 2018, the division continued work to integrate facility classifications and ORC information.

Table 3 - Wastewater facilities required to have an ORC.

Reporting year	Permitted facilities	Compliance rate
Permitted Domestic Wastewater Facilities		
2014	393	91%
2015 Individual	246	99%
2015 General	262	98%
2016 Individual	250	99%
2016 General	169	89%
2017 Individual	245	97%
2017 General	295	99%
2018 Individual	248	100%
2018 General	260	100%
Permitted Industrial Wastewater Facilities		
2014	191	53%
2015 Individual	115	97%
2015 General	59	66%
2016 Individual	124	91%
2016 General	87	74%
2017 Individual	137	88%
2017 General	75	71%
2018 Individual	119	100%
2018 General	240	100%

Table 3 shows the compliance for both industrial and domestic wastewater treatment facilities. Beginning in 2015, facilities were further broken down into individual permits and general permits. This provides a better depiction of compliance rates across the wastewater portion of the program.

In 2018, the division issued 137 compliance advisories to wastewater facilities for failure to have a designated ORC, but no formal notices of violation (NOVs) were issued.

The improvement in compliance rates since 2014 is attributed to the division's outreach and informal enforcement efforts.

PERMITTED INDUSTRIAL FACILITIES

In 2017, the board removed the designation of industrial class 2 facilities and the requirement for an adjudicatory hearing to address an industrial wastewater treatment facility request for exemption to operate under the supervision of an ORC. There are now automatic exempted facilities and discretionary exempted facilities.

Automatic exempted facilities include facilities which discharge pursuant to a Colorado Discharge Permit System general 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.

Three discretionary exemptions were also granted in 2018.

FACILITY ENFORCEMENT

Notices of Violation (NOV) are formal enforcement actions taken against the owner of water and wastewater facilities who fail to comply with the ORC requirement. 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	Total DW and WW NOVs issued	Returned to compliance
2013	1	3	4	3
2014	2	3	5	5
2015	1	1	2	1
2016	0	0	0	0
2017	4	0	4	1
2018	5	0	5	4

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.

Tables 5, 6 and 7 compare the exam pass rates by delivery method, by category and by level.

Table 5 - Examination pass rates, all levels, by delivery method.

Reporting year	Exams taken	Number pass	Number fail	Pass rate
<i>Written exams</i>				
2014	1,451	772	679	53%
2015	1,350	706	644	52%
2016	1,211	500	711	41%
2017	1,418	523	895	37%
2018	1,449	570	879	39%
<i>Electronic exams</i>				
2014	1,393	906	487	65%
2015	1,696	1,062	634	63%
2016	1,864	1,136	728	61%
2017	1,830	1,161	669	63%
2018	2,341	891	1,450	38%
<i>TOTAL- written and electronic</i>				
2014	2,844	1,678	1,166	59%
2015	3,046	1,768	1,278	58%
2016	3,075	1,636	1,439	53%
2017	3,248	1,684	1,564	52%
2018	3,790	1,461	3,329	39%

It is not clear why 2018 electronic and total pass rates dropped from previous years. This drop may make it difficult to assess the impact of converting to the 2017 edition of the ABC exams in 2019.

Table 6 – 2018 Examination pass rates, all levels, by category and delivery method.

Category	Pass rate written	Pass rate electronic
Water	36%	39%
Wastewater	36%	38%
Industrial	52%	45%
Distribution	36%	36%
Collection	47%	47%

Table 7 – 2018 Examination pass rates, all categories, by level and delivery method.

Level	Pass rate written	Pass rate electronic
Treatment exams		
A	29%	32%
B	22%	34%
C	34%	49%
D	44%	44%
S and T	36%	31%
Collection and Distribution		
4	44%	41%
3	41%	39%
2	27%	36%
1	23%	40%

Table 8 below shows the shift in the exam delivery method over the past five years. Written exams have dropped and electronic exams have expanded.

Table 8 – Examination delivery rates, all levels.

Reporting year	Total exams	Written exams taken	% Written	Electronic exams taken	% Electronic
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%
2017	3,248	1,418	44%	1,830	56%
2018	3,790	1,449	38%	2,341	62%

To better understand how the shift in exam delivery method has impacted the exam pass rates, it is important to collect significantly more demographic information about each examinee and the exam

delivery method selected than is currently being collected, such as, age, primary language, gender, and level of education.

Renewals

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

Table 9 - Approved training opportunities for professional development.

Reporting year	2014	2015	2016	2017	2018
Total approved courses	550	500	578	500	710

Table 10 - Total certificates issued by category per year.

Certification category	2014	2015	2016	2017	2018
Water treatment	873	208	1,069	857	964
Water distribution	1,110	206	1,131	1,125	1,225
Class S water	207	*	189	191	59
Class T water	23	*	10	16	2
Wastewater treatment	708	137	806	695	721
Industrial treatment	205	33	224	186	197
Wastewater collection	845	181	852	842	919
Class S wastewater	61	*	81	59	15
Total	4,029	765	4,362	3,971	4,102

* Counts not reported by OCPO

Active certificates and operators

In calendar year 2018, Colorado had 5,743 active water and wastewater certified water professionals holding 11,685 certificates. The break down across categories and levels for the last five years are shown in the below table.

Table 11 - Active certificates by category and level.

Water treatment						
	W-A	W-B	W-C	W-D	W-S	W-T
2014	792	343	633	929	580	69
2015	845	418	729	1,091	653	76
2016	828	373	615	953	578	48
2017	454	280	453	799	519	39
2018	600	372	545	914	533	35

Wastewater treatment								
	WW-A	WW-B	WW-C	WW-D	WW-S			
2014	608	183	481	785	189			
2015	655	228	535	933	221			
2016	633	215	482	808	202			
2017	304	162	334	663	186			
2018	438	204	438	743	200			
Industrial wastewater treatment								
	I-A	I-B	I-C	I-D				
2014	125	60	173	209				
2015	134	71	190	260				
2016	136	68	154	239				
2017	80	52	108	227				
2018	93	62	121	241				
Water distribution				Wastewater collection				
	D-1	D-2	D-3	D-4	C-1	C-2	C-3	C-4
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
2017	1,241	621	275	665	939	483	232	546
2018	1,462	826	368	856	1,077	591	307	659

Table 12 - Active operators, all levels.

Year	Active Operators	Active Certificates
2014	5,422	11,423
2015	5,906	13,057
2016	5,661	12,170
2017	5,102	10,376
2018	5,743	11,685

There were 641 more active operators in 2018 than in 2017.

Restricted certificates

Regulation 100, Section 18, provides the criteria by which operators who were distribution and collection system ORCs on January 30, 2001, are allowed 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, providing the facility's classification has not changed. Operators with restricted certificates must continue to meet all requirements as stipulated in section 100.18.

There were 105 restricted certificates still active in 2018: 68 distribution and 37 collection.

Table 13 - Restricted certificates by category and level.

Restricted Certificates	
Collection	
Level 1	8
Level 2	7
Level 3	0
Level 4	22
Distribution	
Level 1	11
Level 2	9
Level 3	0
Level 4	48

Highest level operators

There were 2,135 certified operators holding 3,154 of the highest level certificates in one or more certification categories.

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 five years.

Table 14 - Late fees collected.

Late fees collected	
2014	\$28,350
2015	\$26,350
2016	\$32,600

2017	\$26,600
2018	\$30,900
TOTAL	144,800

The late fees represent 2,896 certificates that were either renewed late or new certificates that were applied for more than 60 days after eligibility within the last five years. For 2018 there were 618 or fifteen percent of all certificates renewed or applied for that were submitted late.

Revisions to Regulation 100 adopted by the board in September 2018 provided that all administrative fees for new and reciprocity certificates will be collected at the time application is made. Therefore, there will no longer be a late fee for those categories of certificates. In addition, the new CCWP Portal will send operators multiple reminders to renew prior to the expiration of their certificates. It is expected that this new process will greatly reduce the number of late submittals.

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 in writing by email or mail and can be submitted 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 15 - Disciplinary action investigations conducted (with disposition).

Type of action	2014	2015	2016	2017	2018
Letter of reprimand			1		
Consent agreement		1			
Suspension or revocation			1		
Conference		1		2	
Warning letter			1		4
Closed - lack of evidence			1	1	1
Total investigations	0	2	3	3	5

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.

In 2017, the division began an extensive stakeholder effort to review and draft proposed changes to the water and wastewater classification matrices in Regulation 100. Over 450 stakeholders continued to work with the division on this project in 2018. In November 2018, the board conducted a rulemaking hearing and updated the criteria for facility classification. The division also solicited stakeholder feedback on several topics addressed in a rulemaking hearing in September 2018.

Examples of stakeholders:

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

In addition to regulatory revisions, a number of division staff participates in a variety of activities with stakeholders.

Specific staff participation:

- Rocky Mountain Section American Water Works Association and Rocky Mountain Water Environment Association Joint Small Systems Committee.
- Colorado Water and Wastewater Utility Councils.
- Water Quality Management Program advisory boards at both Red Rocks Community College and Emily Griffith Technical College.

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

REGULATION REVISIONS

Table 16 identifies revisions to Regulation 100, 5 CCR 1003-2, adopted by the board in the past 5 years, along with the associated effective dates. For a detailed description of changes, refer to the corresponding statements of basis and purpose comprising sections 100.50-100.57 of Regulation 100.

Table 16 – Regulation 100, 5 CCR 1003-2 revisions.

Reporting year	Regulation 100 revisions	Statement of basis and purpose
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
2017	Amended 06/20/17, effective 08/31/17	Section 100.54
2018	Amended 09/25/18, effective 03/01/19	Section 100.55
2018	Amended 11/27/18, effective 03/01/19	Sections 100.56 and 100. 57

DIVISION OUTREACH AND EDUCATION EFFORTS

The division's liaison to the board presented at multiple conferences, seminars and trainings throughout 2018. These specifically targeted presentations provide additional opportunities for contact with the program's stakeholders.

Table 17 - Facility operator certification staff outreach and education.

	2014	2015	2016	2017	2018
Number of events	15	12	21	12	13

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 were paid directly to CECTI. The program collected \$663,125 in fees in 2018.

The costs associated with the routine tasks assigned to over 76 division staff members are not paid from operator certification program fees.

Administrative services

Table 18 represents the costs for the administrative services subcontractor who is paid using program fees collected. In addition, it includes an estimate of the value of volunteer hours for CECTI members. Volunteers serve as members of the calendar, exam application, exam review, proctor, reciprocity, renewal and training unit approval committees. These volunteers donated 3,337 hours in support of the certification program in 2018. 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 18 – Contractor program expenses.

	Estimated volunteer contribution	Administrative Services
	CECTI	Great Events/TEAMS ²
2014	\$387,092	\$188,192
2015	\$391,100	\$238,590
2016	\$386,040	\$342,275
2017	\$412,625	\$350,931
2018	\$440,310 ¹	\$362,160

¹ From contractor's annual report to the board based on \$130 per hour, the median cost of a consultant in 2018.

² From contractor's annual reports to the board.

Division program expenses.

The division liaison to the board position is the only staff person wholly dedicated to the facility operator certification program. Many duties assigned to the division through facility operator certification statute and regulation are performed as part of routine duties of approximately 76 division staff including compliance, enforcement, sanitary survey and inspection, design review and approval, facility classification, administrative support and management oversight.

Division management recognizes a correlation between compliance with Regulation 100 and overall compliance with permits or drinking water regulations. To facilitate an efficient and effective approach to interactions between division staff and the regulated community and to efficiently use limited resources, 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 the permit and with Regulation 100 for wastewater facilities.

Table 19 shows the salary expenses for the board administrator, the division liaison and, for the first 7 months of 2018, the program assistant assigned to the board administrator. The costs associated with the routine tasks assigned to over 76 division staff members are not included in Table 19. The salaries of the liaison to the board, the board administrator and the board program assistant, were paid through state general funds, federal grants, drinking water and permitted facility fees.

Table 19 – Board administrator and division salary expenses.

Salary expenses for board administrator and division program staff ¹		Full time equivalent (FTE)
2014	\$134,046	1.2 FTE 0.1 Management, 0.1 PAII, 1.0-EPS III ¹
2015	\$137,607	1.2 FTE 0.1 Management, 0.1 PAII, 1.0-EPS III ¹
2016	\$138,912	1.2 FTE 0.1 Management, 0.1 PAII, 1.0-EPS III ¹
2017	\$144,367	1.2 FTE 0.1 Management, 0.1 PAII, 1.0-EPS III ¹
2018	\$121,983	1.2 FTE 0.1 Management, 0.1 PAII (for 7 months), 1.0-EPS III ¹

¹ Directly assigned to the operator certification program (does not include 76+ staff who have some responsibility for operator certification program implementation)

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 began an external program review in 2017. The review was divided into three parts:

1. Customer satisfaction survey.
2. Administrative services review.
3. Regulatory peer review.

The customer satisfaction survey and administrative services review were completed in 2017. The regulatory peer reviews with the states of Utah and Wyoming are ongoing.

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 focused on ensuring that skilled, certified water professionals throughout Colorado were 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 providing training and assistance to help operators succeed and to increasing compliance by facility owners without compromise.