

STATE OF NEW MEXICO
BEFORE THE WATER QUALITY CONTROL COMMISSION

COPY



In the Matter of:

PROPOSED AMENDMENTS TO
THE UTILITY OPERATORS
CERTIFICATION RULE,
20.7.4 NMAC

No.: WQCC 09-12(R)

**NEW MEXICO ENVIRONMENT DEPARTMENT'S PETITION
FOR HEARING TO CONSIDER PROPOSED REGULATORY CHANGE**

Pursuant to Section 301 of the *Guidelines For Water Quality Control Commission Regulation Hearings*, the New Mexico Environment Department ("NMED") hereby petitions the Water Quality Control Commission ("WQCC") to schedule a hearing for the purpose of considering proposed amendments to the Utility Operator Certification Regulations, 20.7.4 NMAC.

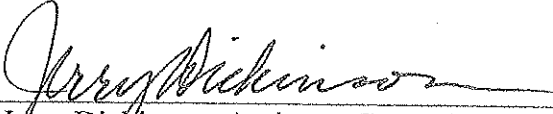
The proposed amendments will revise section 20.7.4.13 C NMAC and section 20.7.4.14 NMAC and will affect the certification requirements for the wastewater laboratory certification. A draft of the proposed amendments is attached as Exhibit 1. This draft of the proposed amendments will be considered by the Utility Operators Certification Advisory Board at its meeting on November 20, 2009. A final version of the proposed amendments will be available following the Board's meeting. It is presently the intent of NMED to offer the proposed regulatory amendments to the WQCC on behalf of the Utility Operators Certification Advisory Board.

NMED requests that the WQCC schedule a rulemaking hearing to consider these proposed amendments and that the WQCC appoint a hearing officer to conduct this rulemaking hearing, as the WQCC deems appropriate. NMED requests that the rulemaking hearing be scheduled for the WQCC's March 9, 2010 meeting, or as soon thereafter as possible. This proposed hearing date is intended allow the WQCC to conduct the rulemaking hearing in conjunction with the WQCC's March 2010 meeting.

While it is difficult to anticipate the precise amount of time that will be required for the requested rulemaking hearing, in no event is the hearing on the proposed changes anticipated to last more than four (4) hours, and it is more likely that the hearing will take less than 2 hours.

Respectfully submitted,

NEW MEXICO ENVIRONMENT DEPARTMENT
OFFICE OF GENERAL COUNSEL

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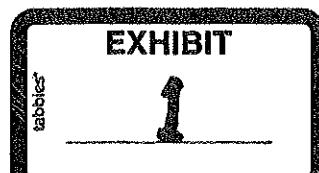
THIS IS A DRAFT FROM 09/11/2009

PLEASE MAKE COMMENTS AND RETURN TO YOUR PERSPECTIVE REPRESENTATIVE.

C. In order to perform wastewater analysis for regulatory compliance at the various sizes of public wastewater facilities after January 1, 2008, 2011, the indicated level of certification shall be required

Population Served	25 to 500	501 to 5,000	5,001 to 10,000	10,001 to 20,000	20,000+
Level of Certification	WWLT1	WWLT2	WWLT2	WWLT3	WWLT3

Level of Certification Needed	Type of methodology performed
WWLT1	Analyses involving, colorimetry and commercially prepared reagents, including but not limited to , DO and pH by probe, and commercially available test kits
WWLT2	WWLT1 plus analyses involving other specific ion electrodes, titration, gravimetry, microbiology, media and standards preparation, including but not limited to, BOD, fecal coliform, E.coli, residuals (TSS, TVS, VSS, etc.), TRC by titration, and Dissolved Oxygen by Winkler
WWLT3 The WWLT3 certification is not subject to section 20.7.4.14 (Restricted)	WWLT1 and WWLT2 plus analyses involving digestion, distillation, spectrophotometry, chromatography, reagents and standards preparation, live organisms, including but not limited to, nitrogen (NO ₃ ⁻ , NH ₄ , TKN), trace metals, anions, and whole effluent toxicity
SWW, SWWA, WW1, WW2, WW3, WW4, WWLT1, WWLT2 or WWLT3	TRC by DPD, pH, Temperature and DO by probe



20.7.4.14 LESSER INCLUDED CERTIFICATIONS:

A. An operator holding a SWA certification is certified to perform any activity or function or make any process control or system integrity decision which requires a SW certification.

B. An operator holding a SWWA certification is certified to perform any activity or function or make any process control or system integrity decision which requires a SWW certification.

C. An operator holding a WS1 certification is certified to perform any activity or function or make any process control or system integrity decision which requires a SW, WST1 and DS1 certification.

D. An operator holding a WS2 certification is certified to perform any activity or function or make any process control or system integrity decision which requires a SW, WS1, WST1, WST2, DS1 and DS2 certification.

E. An operator holding a WS3 certification is certified to perform any activity or function or make any process control or system integrity decision which requires a SW, SWA, WS1, WS2, WST1, WST2, DS1, DS2 and DS3 certification.

F. An operator holding a WS4 certification is certified to perform any activity or function or make any process control or system integrity decision which requires a SW, SWA, WS1, WS2, WS3, WST1, WST2, DS1, DS2 and DS3 certification.

G. An operator holding a WW1 certification is certified to perform any activity or function or make any process control or system integrity decision which requires a SWW and CS1 certification.

H. An operator holding a WW2 certification is certified to perform any activity or function or make any process control or system integrity decision which requires a SWW, WW1, WWLT1, CS1 and CS2 certification.

I. An operator holding a WW3 certification is certified to perform any activity or function or make any process control or system integrity decision which requires a SWW, SWWA, WW1, WW2, WWLT2, CS1 and CS2 certification.

J. An operator holding a WW4 certification is certified to perform any activity or function or make any process control or system integrity decision which requires a SWW, SWWA, WW1, WW2, WW3, WWLT2 CS1 and CS2 certification.