

**Proposed Amendments
to the
California Code of Regulations
Title 23. Waters
Division 3. State Water Resources Control Board
and Regional Water Quality Control Boards
Chapter 26. Wastewater Treatment Plant
Classification,
Operator Certification, and Contract Operator
Registration**

**INITIAL
STATEMENT OF REASONS**

CHAPTER 26. WASTEWATER TREATMENT PLANT CLASSIFICATION, OPERATOR CERTIFICATION, AND CONTRACT OPERATOR REGISTRATION

The State Water Resources Control Board (State Water Board) proposes to amend chapter 26 of division 3 of title 23 of the California Code of Regulations (regulations) to update the regulations and make them consistent with current operational practices. In order to implement amendments to the Water Code enacted by chapter 422, statutes of 2002, the State Water Board proposes to amend the definition of a “wastewater treatment plant” (WWTP) to include privately owned WWTPs and add provisions regarding Class I WWTP exemptions to the regulations. Additionally, administrative civil liability provisions are added to the regulations to incorporate changes to the Water Code enacted by chapter 869, statutes of 2001 and chapter 664, statutes of 2002. The specific purpose and the basis for the State Water Board’s determination of the necessity of each amendment are explained herein.

The State Water Board did not estimate the benefits if the proposed regulation. The regulation will protect public health and the environment by providing for the effective operation of privately owned WWTPs. The regulation also provides additional revenue for operation of the Wastewater Treatment Plant Classification, Operator Certification, and Contract Operator Registration Program (Operator Certification Program).

The State Water Board relied on Economic Impact Assessment prepared pursuant to Government Code section 11346.3, subdivision (b) to amend these regulations. The State Water Board did not rely upon any other technical, theoretical, or empirical studies, reports, or documents to amend these regulations. The Operator Certification Advisory Committee (Advisory Committee) met on February 1, 2007, June 7, 2007, June 10, 2008, June 11, 2009, July 21, 2010, and November 2, 2010, to review and make recommendations on the proposed regulatory action. The State Water Board considered alternatives to the proposed regulatory action and determined that no alternatives would be more effective in carrying out the purpose for which the proposed regulations are intended or would be as effective or less burdensome. The proposed amendments do not mandate the use of specific technologies or equipment, nor do they duplicate or conflict with any federal law or federal regulation.

Beginning with the regulations currently contained in article 4 of chapter 26, the State Water Board proposes to rearrange the order in which topics are presented. Like subjects are grouped and placed together in separate articles. For this reason, existing articles 4 through 6 are repealed and replaced and existing articles 7 through 10 are renumbered. (See Appendix.)

The proposed amendments incorporate the change in the title of the person formerly referred to as the “Division Chief” of the Division of Financial Assistance (Division) to the “Deputy Director” of the Division. Many existing regulations require documents to be submitted to the Division and they require the Division to take certain actions in response to these regulations. Because the Office of Operator Certification (OOC) is the office within the Division responsible for administering the Operator Certification Program, these references to the Division are replaced with the OOC.

Existing regulations require certain documents to be sent to the State Water Board, the Division, or the Division Chief of the Division and postmarked by a certain date in order to be considered timely. The State Water Board proposes to amend all regulations so they specify a date by which the State Water Board, the Deputy Director of the Division, the Director of the Office of Enforcement (OE), or the OOC must receive a document in order for it to be considered timely. This change will make it easier to determine whether the applicable deadline has been met.

The State Water Board also proposes certain amendments to the regulations that do not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory

element of any California Code of Regulations provision (e.g., changes without regulatory effect). These amendments without regulatory effect include changes made for purposes of revising structure, syntax, cross-references, grammar, punctuation, capitalization, or renumbering or relocating regulatory provisions. Additionally, the titles of articles and sections are amended to reflect the relocation of regulatory provisions and for clarification purposes. To the extent that many of these amendments without regulatory effect are non-substantive and their purpose is self-evident or merely editorial, they are not discussed herein.

Article 1. General Provisions

SECTION 3670. PURPOSE.

Specific Purpose and Necessity of the Proposed Action

This section is amended to clarify that a water recycling treatment plant is a type of WWTP. Additionally, this section is amended to include the registration of contract operators as part of the primary purpose of the Operator Certification Program.

SECTION 3670.1. CERTIFICATION REQUIREMENTS FOR OPERATING WASTEWATER TREATMENT PLANTS.

Specific Purpose and Necessity of the Proposed Action

1. **Section 3670.1(a) and (b)** – Existing section 3670.2 regarding certification requirements for operators at water recycling treatment plants is deleted and its provisions are included in this section because water recycling treatment plants are included in the definition of WWTP. Additionally, existing section 3670.2 is unclear as to how to determine if a water treatment plant operator is certified at a grade level appropriate for the class of plant being operated. Therefore, a table is added to proposed section 3670.1(b)(1) to specify the certification requirements for operators of water recycling treatment plants.
2. **Section 3670.1(c)** – This new subdivision states the administrative civil liability and disciplinary action the State Water Board may impose against any person who operates a WWTP in violation of proposed subdivisions (a) and (b).
3. **Section 3670.1(d)** – This new subdivision states the administrative civil liability and disciplinary action the State Water Board may impose against any person who owns or operates a WWTP that employs, or allows the employment of, any person who operates a WWTP in violation of proposed subdivisions (a) and (b).

SECTION 3670.2. CERTIFICATION REQUIREMENTS FOR OPERATION OF WATER RECYCLING TREATMENT PLANTS.

Specific Purpose and Necessity of the Proposed Action

This section is deleted and its provisions are moved to proposed section 3670.1 because water recycling treatment plants are included in the definition of WWTP.

SECTION 3671. DEFINITIONS.

Specific Purpose and Necessity of the Proposed Action

1. **“Agency” or “municipality”** – (deleted) Throughout the regulations, the terms “agency” and “municipality” are replaced with the term “owner” to clarify that the State Water Board is referring to all WWTP owners whether the owner is a public agency, municipality, or private owner.

2. **“Appellant”** – (amended) As currently used in the regulations, this term includes:
 - 1) a person who is making an appeal to the Division Chief (now retitled the “Deputy Director”) of the Division regarding a decision made by the OOC or the OE; and
 - 2) a person who is petitioning the State Water Board for review of a Final Division Decision made by the Division Chief of the Division.

Under the proposed regulations, decisions made by the OE will no longer be appealed to the Deputy Director of the Division. Instead, a person against whom the OE is proposing a disciplinary action in a Proposed Disciplinary Action Letter may request reconsideration by the Director of the OE. The person may petition the State Water Board for review of the Director of the OE’s decision, which is referred to as a Final Office of Enforcement Decision.

Under the proposed regulations, the definition of “appellant” is limited to a person who is making an appeal to the Deputy Director of the Division regarding a decision made by the OOC. This limitation is made to clarify the difference between an appeal to the Deputy Director, a request for reconsideration by the Director of the OE, and a petition to the State Water Board.

Additionally, the existing definition of “appellant” states broadly that a person may appeal the denial of an application without specifying what type of applications may be appealed. To clarify the specific intent of the State Water Board, the amendment to the term “appellant” lists the type of applications that, if denied by the OOC, may result in an appeal. Further, in order to implement the provisional operator and lone operator provisions of the proposed regulations, the amended definition of “appellant” includes a person who is appealing a decision to deny a request for approval to use a lone operator or a provisional operator. Finally, in order to implement changes to the Water Code enacted by chapter 422, statutes of 2002, the amended definition of “appellant” includes a person who is appealing a decision to deny an application for an exemption or the renewal of an exemption.

3. **“Applicant”** – (amended) The existing definition of “applicant” does not include an applicant for a contract operator registration or the renewal of a contract operator registration. The definition is amended to correct this omission and to incorporate the change in the name of the “contract operator registration” that must be posted at a WWTP to a “contract operator credential.” Also, in order to implement the provisional operator and lone operator provisions of the proposed regulations, the amended definition of “appellant” includes denial of a request for approval to use a lone operator or a provisional operator. Finally, in order to implement changes to the Water Code enacted by chapter 422, statutes of 2002, the definition is amended to include an owner who files an application for an exemption or the renewal of an exemption.
4. **“Associate’s degree”** – (added) Although existing regulations use the term “associate’s degree” the term is not defined. This new definition clarifies that an associate’s degree is a two-year degree issued by a properly accredited school in the United States.
5. **“Bachelor’s degree”** – (added) Although existing regulations use the term “bachelor’s degree” the term is not defined. This new definition clarifies that a bachelor’s degree is a baccalaureate degree issued by a properly accredited school in the United States.
6. **“Basic science courses”** – (deleted) Under existing section 3683(c), operators who are using an associate’s or bachelor’s degree to meet the educational requirements for certification at the Grade III, IV, and V levels must have a minimum number of semester units of basic science courses. Throughout the regulations, the term “basic science courses” is replaced with the term “science course” because the State Water Board does not intend to limit credit for science courses to those considered basic or introductory.

A new provision in proposed section 3685(a) allows operators to earn educational points for completing science courses because the knowledge gained in these courses may be applied to the duties of an operator.

7. **“Board”** – (deleted) Throughout the regulations, this term is replaced with the term “State Water Board” to clarify the difference between the State Water Board and a Regional Water Quality Control Board (Regional Water Board).
8. **“Certifying body”** – (added) This term is added to the regulations to describe other states, territories or Indian tribes that administer programs that are comparable to the Operator Certification Program. This definition includes entities designated by an Indian tribe to administer the tribe’s program that is comparable to the Operator Certification Program.
9. **“Chief plant operator”** – (amended) This definition is amended to include the provisional operator who is solely responsible for the operation of a Class I wastewater treatment plant whose owner has received approval to use a provisional operator in accordance with proposed section 3680.2. Additionally, the definition is amended to emphasize that an operator who is the chief plant operator is responsible for compliance with applicable waste discharge requirements and ensuring that operators-in-training (OITs) are supervised directly as required by proposed section 3682.
10. **“Contract operator”** – (amended) This definition is amended for clarification purposes.
11. **“Conventional treatment pond”** – (added) Throughout the regulations, the term “pond treatment” is replaced with “conventional treatment pond” or “modified treatment pond” because there are significant differences between the two types of “pond treatment” and they require different WWTP classifications.
12. **“Design flow”** – (added) Existing section 3676(a) requires owners to provide the OOC with a description of the WWTP’s wastewater treatment processes and design flow for purposes of WWTP classification. With the proposed definition of “design flow,” WWTP owners will know what information to provide to the OOC to comply with the reporting requirements in proposed section 3676(b), (c), and (d). Additionally, owners of Class I WWTPs will know what information to submit on an application for exemption under proposed section 3677.1(a)(6).
13. **“Designated operator-in-charge”** – (added) Existing sections 3671(w) and (x) and 3680(b), define and discuss shift supervisors and supervisors. These regulations hinder the ability of WWTPs to meet the staffing needs of a modern WWTP. Additionally, existing regulations do not specify who is in charge when the chief plant operator is unavailable and, therefore, do not ensure that a certified operator of the appropriate grade is responsible for the overall operation of the WWTP at all times. For these reasons, the term “designated operator-in-charge” replaces the terms “shift supervisor” and “supervisor” throughout the regulations.

Except as provided in proposed section 3680.2, proposed section 3680(b) requires a chief plant operator to appoint a designated operator-in-charge to be responsible for the operation of the WWTP whenever the chief plant operator is unable to carry out the responsibilities of the position of “chief plant operator” as defined in this section. Pursuant to proposed section 3680.2(c)(4), a provisional operator must have the ability to request assistance from an operator when the provisional operation is unable to carry out the responsibilities of the position of “chief plant operator” as defined in this section. These provisions ensure that a specific operator is responsible for the overall operation of the WWTP at all times.

14. **“Direct supervision”** – (amended) The definition of “direct supervision” in existing section 3671(j) is ambiguous and has led to confusion and misinterpretation within the industry. This amendment clarifies the definition and states the specific intent of the State Water Board. Additionally, to ensure that OITs are properly supervised at all times, the definition is amended to require that the supervising operator be present at the WWTP or otherwise available to consult with, and provide assistance to, the operator-in-training in order to ensure the safe and proper execution of the operator-in-training’s duties.
15. **“Disinfection”** – (added) Disinfection is a commonly used wastewater and water treatment process used by operators at all grade levels. For this reason, examinations at all grade levels contain questions regarding disinfection. Additionally, the use of disinfection is one of two possible differences between a modified treatment pond and a conventional treatment pond. Therefore, it is necessary to add this definition.
16. **“Full time”** – (added) Existing section 3683(c) uses the term “year of experience” to refer to the amount of experience operators or OITs must have to advance to a higher grade level. Because the term is not defined, there is confusion among the regulated community as to the specific amount of experience needed to qualify for certification. The existing term “year of experience” is replaced with the term “full-time qualifying experience” and the definitions of “full time” and “qualifying experience” are added to the regulations. Proposed section 3687(d)(3) provides that an operator will acquire qualifying experience on a prorated basis if the operator spends less than full time performing job duties that meet the definition of “qualifying experience.”

Evaluating experience is one of the components used in determining whether an operator is qualified for certification at the desired grade level. In any given year, if an operator or OIT works part time or takes a large amount of leave time, the operator or OIT is acquiring less experience than others who are working full time and taking no more than the typical amount of leave time.

An operator or OIT who works an average of 40 hours per week for a year, will work 2,080 hours minus paid and unpaid leave. After factoring in the typical amount of paid vacation, sick leave, and holidays taken by a full-time worker, an operator or OIT must spend a minimum of 1,800 hours per year performing duties that meet the definition of “qualifying experience” in order to obtain “full-time qualifying experience.” This definition provides a quantitative standard by which an operator or OIT may determine if he or she is working “full time.”

The State Water Board acknowledges that there are some WWTPs that are both operated in less than 40 hours per week and may be operated efficiently, safely, and without violating waste discharge requirements. These WWTPs are typically small, Class I WWTPs in rural communities where a single operator, with or without the assistance of an OIT, or a provisional operator has sole responsibility for the operation of the WWTP and where the operator is expected to be on call at all times. Therefore, an operator or provisional operator who is solely responsible for the operation of a WWTP, even if the work is performed in less than an average of 40 hours per week, is considered to be working full time. Additionally, if the operator is supervising the OIT directly and the OIT is the only OIT under the operator’s direct supervision, the work performed by the OIT is considered full time even if it is performed in less than an average of 40 hours per week.

17. **“Indian tribe”** – (added) This term is added because it is used in many sections of the regulations.

18. **“Lone operator”** – (added) This term is added to the regulations to describe a certified operator approved by the OOC to work alone at a WWTP pursuant to proposed section 3681. After consulting with the Advisory Committee, the State Water Board determined that an OIT usually does not have the level of competence necessary to perform the duties of a lone operator. Additionally, a lone operator position does not provide the training opportunities necessary for an OIT to learn the skills that an operator must possess.
19. **“Maintenance”** – (deleted) Under existing section 3671(p), “maintenance” is used in the definition of “operates.” The proposed definition of “operates” does not use the term “maintenance.” In the proposed definition of “qualifying experience,” the term “minor maintenance” is explicitly limited to maintenance related to the servicing, adjustment, or regulation of equipment necessary to maintain reliable operation of treatment processes. As used in proposed section 3684(a)(2)(A), “maintenance” is intended to have its generally accepted meaning. Therefore, a definition is no longer necessary.
20. **“Management course”** – (added) Under existing section 3685, operators at Grades III, IV, and V may earn educational points for taking courses that are “indirectly related to wastewater treatment.” However, the term “indirectly related to wastewater treatment” is not defined and, as a result, some applicants do not know how to determine if they have met the educational requirements for certification. To eliminate this confusion, the regulations are amended to replace the term “indirectly related to wastewater treatment” with the term “management course.”
21. **“Modified treatment pond”** – (added) Throughout the regulations, the term “pond treatment” is replaced with either “conventional treatment pond” or “modified treatment pond” because the two types of “pond treatment” are significantly different and require different WWTP classifications.
22. **“Operates”** – (amended) The definition of “operates” is amended because, over time, its meaning has been narrowly interpreted to include only those physical activities performed in the operation of a WWTP. This limited interpretation excludes some of the activities that require the expertise of a certified operator and for which qualifying experience should be given.

Certain people who work at WWTPs, such as process control engineers and lab technicians, are not currently required to hold operator certificates; however, some of the decisions they make and the actions they take as part of their responsibilities can affect the outcome of a WWTP’s wastewater treatment process. The definition of “operates” is expanded to require a person to hold an operator certificate in order to take actions or make decisions that control the performance or outcome of one or more wastewater treatment processes, regardless of the person’s job title. The definition of “operates” is also expanded to include the supervision of other operators whose actions or decisions control the performance or outcome of one or more wastewater treatment processes. These people, who share in the responsibility of operating a WWTP, must demonstrate their competency by being certified as operators because of the affect that their activities or decisions can have on WWTP operations and compliance with the WWTP’s waste discharge requirements.

23. **“Operator”** – (amended) This definition is amended for consistency with section 13625 of the Water Code and for clarification purposes.
24. **“Operator-in-training”** – (amended) Existing OIT regulations in article 6 do not specifically state that an OIT must be in possession of an OIT certificate before operating a WWTP.

The proposed amendment to the definition of “OIT” clarifies that a person must obtain an OIT certificate before starting work as an OIT. The amendment also includes the requirement that the OIT work under the direct supervision of an operator at a grade level that is the same as or higher than the OIT’s grade level.

25. **“Owner”** – (added) Existing regulations refer to all owners of WWTPs as either “agencies” or “municipalities,” not taking into consideration that the owners of privately owned facilities do not fall into these categories. Therefore, in conjunction with the amendment of the definition of WWTP to include private WWTPs, the terms “agency” and “municipality” are replaced with the term “owner” throughout the regulations.
26. **“Person”** – (added) The definition of this word is added because, although it is used throughout the regulations, it is not defined in either the existing regulations or chapter 9 of division 3 of the Water Code. This definition is consistent with the definitions of “person” in Water Code sections 19 and 13050.
27. **“Petitioner”** – (added) As currently used in the regulations, the term “appellant” includes both a person who is appealing to the Division Chief (now retitled “Deputy Director”) of the Division requesting review of a decision made by the OOC or OE and a person who is petitioning the State Water Board for review of a Final Division Decision made by the Division Chief.

Under the proposed regulations, the Director of the OE will issue a Final Office of Enforcement Decision when a person requests reconsideration by the Director of the OE of a Proposed Disciplinary Action Letter. The person to whom the Final Office of Enforcement Decision was issued may petition the State Water Board for review of the Final Office of Enforcement Decision.

A person petitioning the State Water Board for review of a decision is deleted from the definition of “appellant” and the terms “petitioner” and “requestor” are added to clarify the difference between an appeal to the Deputy Director, a request for reconsideration by the Director of the OE, and a petition to the State Water Board.

The proposed definition of “petitioner” specifies that a person may petition the State Water Board for review of a Final Division Decision issued by the Deputy Director of the Division or a Final Office of Enforcement Decision issued by the Director of the OE.

28. **“Pond treatment”** – (deleted) Throughout the regulations, the term “pond treatment” is replaced with either “conventional treatment pond” or “modified treatment pond” because the two types of “pond treatment” are significantly different and require different WWTP classifications.
29. **“Provisional operator”** – (added) This term is added to the regulations to describe a person who is certified as a provisional operator in accordance with proposed article 5. A provisional operator is solely responsible for the operation of a Class I WWTP that has received written approval from the OOC to use a provisional operator in accordance with proposed section 3680.2. After consulting with the Advisory Committee, the State Water Board determined a provisional operator has the level of competence necessary to be solely responsible for the operation of a Class I WWTP that meets the requirements to use a provisional operator as set forth in proposed section 3680.2.
30. **“Qualifying experience”** – (added) Under existing section 3683, an applicant must meet an experience requirement to be certified at the requested grade level. For example, an applicant must have one year of experience performing the functions of a WWTP operator

to receive a Grade I certificate. The current regulations do not state what constitutes “experience.” Proposed section 3687 requires operators to have a certain amount of “qualifying experience” to be certified at the requested grade level.

With the exception of some minor maintenance, the proposed definition of “qualifying experience” is limited to experience acquired by an operator, provisional operator, or OIT while operating a WWTP as defined in proposed section 3671, because a person cannot perform these actions without an operator, provisional operator, or OIT certificate.

Because the State Water Board recognizes that a person may have other experiences that add to the knowledge and skills necessary to operate a WWTP, proposed section 3687(d)(3) authorizes the OOC to give “qualifying experience credit” for specified activities in accordance with proposed section 3684.

31. **“Qualifying experience credit”** – (added) Existing section 3684 allows the OOC to give experience credits in lieu of actual experience. Once the OOC awards qualifying experience credit, it is treated the same as qualifying experience acquired while operating a WWTP.
32. **“Regional Water Board”** – (added) This term is added because it is used throughout the regulations.
33. **“Requestor”** – (added) A decision issued by the OE proposing a disciplinary action against an operator, provisional operator, OIT, or contract operator is called a Proposed Disciplinary Action Letter. Under the proposed regulations, a person who receives a Proposed Disciplinary Action Letter from the OE may not appeal the decision to the Deputy Director of the Division. Instead, the person may request reconsideration by the Director of the OE. The person who requests reconsideration by the Director of the OE of a Proposed Disciplinary Action Letter is called a “requestor.”
34. **“Satellite plant”** – (added) This term is added to the regulations to describe a WWTP that is so closely related to the main WWTP that both the “satellite plant” and the main WWTP should be classified as a single WWTP under proposed section 3675(c). Both the main and satellite plants are classified as a single WWTP when they are owned by the same person and the satellite plant has the potential to affect the operation of, or effluent quality from, the main WWTP. Also, since the main WWTP and the satellite plant are classified as a single WWTP, the owner’s employee organization chart, job descriptions, and duty rosters for plant personnel must include a chief plant operator who is responsible for the overall operation of both the main WWTP and the satellite plant.
35. **“Science course”** – (added) Under existing section 3683(c), operators who are using an associate’s or bachelor’s degree to meet the educational requirements for certification must have a minimum number of semester units of basic science courses. Proposed section 3685(a) allows operators to earn educational points for completing science courses because the knowledge gained in these courses may be applied to the duties of an operator.

Throughout the regulations, the term “basic science courses” is replaced with the term “science course” because the State Water Board does not intend to limit credit for science courses to those considered basic or introductory. Additionally, the definition is expanded to include courses in engineering that teach students how to apply scientific knowledge for practical uses.

36. **“Sequencing batch reactor”** – (added) A sequencing batch reactor is a relatively new and widely used WWTP technology with highly complex operational requirements. The term is added to the “Wastewater Treatment Plant Classification Table” in proposed section 3675(a) because the use of sequencing batch reactors is one criterion the OOC uses to classify WWTPs.
37. **“Shift Supervisor” and “Supervisor”** – (deleted) Existing sections 3671(w) and (x) and 3680(b), define and discuss shift supervisors and supervisors. These regulations hinder the ability of WWTPs to meet the staffing needs of a modern WWTP. Additionally, existing regulations do not specify who is in charge when the chief plant operator is unavailable and, therefore, do not ensure that a certified operator is responsible for the overall operation of the WWTP at all times. For these reasons, the term “designated operator-in-charge” replaces the terms “shift supervisor” and “supervisor” throughout the regulations.
- Proposed section 3680(b) requires an operator who is a chief plant operator to appoint a designated operator-in-charge to be responsible for the operation of the WWTP whenever the chief plant operator is unable to carry out the responsibilities of the position of “chief plant operator” as defined in this section. Pursuant to proposed section 3680.2(c)(4), a provisional operator must have the ability to request assistance from an operator when the provisional operator is unable to carry out the responsibilities of the position of “chief plant operator” as defined in this section. These provisions ensure that a specific operator is responsible for the overall operation of the WWTP at all times.
38. **“Solids treatment”** – (added) This definition is added because the term is used in the new definition of “wastewater treatment process.”
39. **“Tertiary treatment”** – (amended) Existing section 3671(y) defines “tertiary treatment” as a wastewater treatment process that goes beyond secondary treatment, but expressly excludes disinfection. The exclusion is no longer necessary because the proposed definition of “disinfection” states that disinfection is a distinct wastewater treatment process that occurs after primary, secondary, or tertiary treatment.
40. **“Waste discharge requirements”** – (added) This definition is added because although the term is used in existing regulations, it is not defined.
41. **“Water quality objectives”** – (added) This definition is added because if a WWTP could not, due to operator error, violate water quality objectives it may be exempted from the regulations and Water Code, division 7, chapter 9. This definition is consistent with the definition of “water quality objectives” in Water Code section 13050(h).
42. **“Wastewater treatment course”** – (added) Under existing section 3685(a), operators may earn educational points for taking courses that are “directly related to wastewater treatment.” The lack of a definition for the term has resulted in confusion in the regulated community. The result is that applicants are unsure as to whether they have met the educational requirements for certification until their applications are accepted or rejected by OOC. Therefore, the regulations are amended to replace the reference to courses “directly related to wastewater treatment” with the term “wastewater treatment course.” The new definition states specifically what types of courses are included in the meaning of the term.
43. **“Wastewater treatment plant”** – (amended) The existing definition is amended to be consistent with changes to the Water Code enacted by chapter 422, statutes of 2002, which amended the definition of WWTP in Water Code section 13625.

The proposed definition states clearly that a water recycling plant is a type of WWTP. It also states that an onsite sewage treatment system is not a WWTP because there are separate regulatory standards for onsite sewage treatment systems. Additionally, the responsibilities involved in installing and maintaining these systems are unrelated to the day-to-day activities of an operator at a WWTP. For these reasons, it is not necessary to regulate people installing and maintaining onsite sewage treatment systems under these regulations.

44. **“Wastewater treatment process”** – (added) This new definition clarifies the term “operates,” which is defined in terms of controlling one or more wastewater treatment processes. Also, the definition clarifies those activities for which an operator may receive qualifying experience credit pursuant to proposed section 3684. Additionally, the definition specifies what information an owner must submit to comply with the reporting requirements in proposed section 3677(b), (c), and (d). This definition also clarifies what information an owner of a Class I WWTP must submit to apply for an exemption.
45. **“Water recycling treatment plant”** – (amended) This definition is amended to state clearly that a water recycling treatment plant is a type of WWTP. To distinguish water recycling treatment plants from other WWTPs, this amended definition includes the reason a water recycling treatment plant receives and further treats effluent from a WWTP. It is important for this definition to be clear because a person certified by the California Department of Public Health as a water treatment plant operator may operate a water recycling treatment plant, but may not operate any other WWTPs.
46. **“Water treatment plant”** – (added) Under existing regulations, WWTP operators may acquire experience credit for working at water treatment plants. This definition is added for clarification purposes to help operators determine if they have met the requirements for qualifying experience credit pursuant to proposed section 3684(a)(1).

Article 2. Classification of Wastewater Treatment Plants, Owner Reporting Requirements, and Criteria for Exemption of a Class I Wastewater Treatment Plant

SECTION 3675. CLASSIFICATION OF WASTEWATER TREATMENT PLANTS.

Specific Purpose and Necessity of the Proposed Action

1. **Section 3675** – This section is amended to establish criteria the OOC must apply when reviewing information submitted by an owner pursuant to proposed section 3676(b), (c), or (d) and classifying a WWTP.
2. **Section 3675(a)** – In existing regulations, the term “pond treatment” means both “modified treatment pond” and “conventional treatment pond.” The two types of treatment ponds are significantly different and require different WWTP classifications. Therefore, this subdivision is amended to classify WWTPs using a “conventional treatment pond” as Class I WWTPs and those using the more complex “modified treatment pond” as Class II WWTPs.

Extended aeration is deleted as a criterion for classifying WWTPs. Extended aeration is one of many processes that can be used in activated sludge treatment. At the time the existing regulations went into effect, it was thought that extended aeration was a relatively simple process appropriate for use by Class II WWTPs. Therefore, extended aeration was used as a criterion for classifying Class II WWTPs as if it were a type of treatment separate from activated sludge treatment. Over time, it has become evident that using extended aeration is no less difficult than other activated sludge treatment processes. WWTPs using extended

aeration are using an activated sludge treatment process and should be classified accordingly.

Sequencing batch reactor technology is a relatively new, advanced technology that uses microprocessor controllers to automatically sequence treatment stages to meet targeted waste discharge requirements. WWTPs that use sequencing batch reactors to treat wastewater are classified as Class III, IV, or V WWTPs in the Wastewater Treatment Plant Classification Table in proposed section 3675(a).

3. **Section 3675(b)** – This subdivision is amended for clarification purposes.
4. **Section 3675(c)** – This new subdivision requires main and satellite plants to be classified as a single WWTP when they are owned and operated by the same person and the “satellite plant” has the potential to affect the operation of, or effluent quality from, the main WWTP.
5. **Section 3675(d)** – Proposed section 3675(b) requires WWTP owners to inform the OOC of changes made to a WWTP that may result in a change of classification. This new subdivision requires the OOC to, within 45 days of receiving the notice from the owner, either reclassify the WWTP based on the changes reported by the owner or make a determination that the changes do not result in a need for reclassification.

SECTION 3676. REPORTING REQUIREMENTS FOR OWNERS OF WASTEWATER TREATMENT PLANTS.

Specific Purpose and Necessity of the Proposed Action

1. **Section 3676(a)-(e)** – Existing section 3676(a) requires WWTP owners to submit organization charts to the OOC that include the identity of their chief plant operators. Additionally, existing section 3676(b) requires owners to notify the OOC of a change in the employment of the person designated as chief plant operator. State Water Board staff has experienced situations where the person shown as the chief plant operator on an organization chart was unaware of the designation. The result has been a lack of overall responsibility for the operation of some WWTPs by an operator at the appropriate grade level. To ensure that all chief plant operators named on organization charts are aware of their assignments and the associated responsibility, proposed subdivisions (a), (c), and (e) require owners to submit a statement signed by the person designated as the chief plant operator accepting the responsibility of a “chief plant operator” as defined in proposed section 3671.
2. **Section 3676(b)** – This new subdivision states the timeframe within which owners of existing privately owned WWTPs must provide the information each WWTP must submit to the OOC to classify the WWTP in accordance with proposed section 3675. This subdivision also requires the owner of any other WWTP using a sequencing batch reactor or extended aeration treatment for process control to submit the same information because proposed section 3675 amends the WWTP classification for WWTPs using a sequencing batch reactor or extended aeration treatment. Therefore, it is necessary for the OOC to reclassify WWTPs using a sequencing batch reactor or extended aeration treatment for process control.
3. **Section 3676(c)** – Proposed section 3676(a) requires owners of existing WWTPs to comply with the new requirement to submit a statement signed by the person designated as the chief plant operator accepting the responsibility of a “chief plant operator” as defined in proposed section 3671. Additionally, proposed subdivision (b) requires owners of existing

privately owned WWTPs and any other WWTP using a sequencing batch reactor for process control to provide the information each WWTP must submit to the OOC to classify the WWTP in accordance with proposed section 3675. Proposed section 3676(c) requires owners of new WWTPs to meet both of these reporting requirements.

4. **Section 3676(d)** – Existing section 3676(b) requiring WWTP owners to inform the OOC of changes made to a WWTP that may result in a change of classification is moved to proposed section 3676(d). This subdivision requires owners to notify the OOC of changes in reportable items in proposed subdivisions (b) or (c) to allow the OOC to determine whether these changes result in the need to change the WWTP’s classification in accordance with section 3675. This subdivision also requires owners to notify the OOC within 30 days of the closure of a WWTP.
5. **Section 3676(f)** – Under existing regulations, owners are not required to inform the OOC when they hire a contract operator. However, contract operators are required to list each WWTP under contract when applying for a contract operator registration and they are required to update this list each year when they renew their contract operator registrations. An annual update does not provide timely information needed by the OOC to properly regulate contract operators. Therefore, this new subdivision requires owners to notify the OOC whenever they hire or dismiss a contract operator, thereby ensuring proper oversight by the State Water Board and placing the reporting responsibility on the owner instead of the contract operator.
6. **Section 3676(g)** – Existing section 3676(c) requires owners to inform the OOC of any final disciplinary action against an operator or OIT. This provision is moved to proposed section 3676(g) and is amended to include provisional operators. This provision is also amended to define the disciplinary actions owners must report to the OOC. As amended, owners now are required to inform the OOC of any final disciplinary action against a contract operator and owners must include the operator’s certificate number or the registered contract operator’s registration number on the notice to the OOC.

Additionally, existing section 3676(d), regarding the length of time a disciplinary action notice received from an owner will remain in State Water Board files, is moved to this new subdivision and amended to incorporate the administrative civil liability provisions that have been added to the regulations.

SECTION 3677. EXEMPTION FOR A CLASS I WASTEWATER TREATMENT PLANT.

Specific Purpose and Necessity of the Proposed Action

This new section implements and makes specific Water Code Section 13625.1 authorizing the State Water Board to exempt from the requirements of the regulations and Water Code, division 7, chapter 9 any Class I WWTP that could not, due to operator error, violate water quality objectives.

SECTION 3677.1. APPLICATION FOR EXEMPTION FOR A CLASS I WASTEWATER TREATMENT PLANT.

Specific Purpose and Necessity of the Proposed Action

This new section specifies what information is required on an application for exemption from Operator Certification requirements. The State Water Board will not require applicants to use a

specific application form; however, for the convenience of the applicant, the State Water Board will supply an optional form in an organized, consistent format.

Water Code section 13625.1 states that the State Water Board may charge a reasonable administrative fee for processing an application for exemption. The State Water Board estimates that it will take approximately four hours for a Water Resources Control Engineer to review an application for exemption, confer with the applicant and the Regional Water Board, report his or her findings if an inspection is conducted, and consult with OOC administrative staff. At the current salary for a Water Resources Control Engineer, it will cost the State Water Board approximately \$500 for an engineer to review one application for exemption, excluding the cost of conducting any inspection.

In addition to the engineering review, it will take an Office Technician, a Staff Services Analyst, and the OOC Administrator approximately five hours total to process, analyze, and respond to an application for exemption. At the current salary for each of these positions, the administrative processing of the application for exemption will cost the State Water Board approximately \$300. Therefore, to cover the costs for the engineering review and processing the application, the State Water Board is setting the fee for an application for exemption at \$800.

SECTION 3677.2. ISSUANCE OF A NOTICE OF EXEMPTION FOR A CLASS I WASTEWATER TREATMENT PLANT.

Specific Purpose and Necessity of the Proposed Action

1. **Section 3677.2(a)-(c)** – These new subdivisions state the procedures and timeframes to be followed by the OOC when processing an application for an exemption. By specifying a timeframe within which the OOC must act on an application, applicants are able to anticipate the OOC's response date. To determine if the criteria for exemption have been met, the OOC is required to consult with the Regional Water Board and may inspect the WWTP before acting on an application.
2. **Section 3677.2(d)** – This new subdivision identifies what information the OOC must include on a notice of exemption.
3. **Section 3677.2(e)** – This new subdivision implements Water Code section 13625.1(b), which provides that an exemption is valid for four years.
4. **Section 3677.2(f)** – This new subdivision implements Water Code section 13625.1(c), which provides that the State Water Board may revoke or place conditions on an exemption at any time.
5. **Section 3677.2(g)** – This new subdivision allows an owner 365 days from the date of denial of the application for an exemption or 365 days from the date of revocation of the WWTP's exemption to staff the WWTP with certified operators at the appropriate grade level as specified in proposed sections 3680 and 3680.1.

SECTION 3677.3. CHANGES TO THE OPERATION OF AN EXEMPT WASTEWATER TREATMENT PLANT.

Specific Purpose and Necessity of the Proposed Action

This new section establishes the procedures and timeframes that must be followed when an owner wants to make a change to the operation of an exempt WWTP. These procedures and timeframes ensure that the owner of an exempt WWTP can make an informed decision about whether to implement the change following timely notification by the OOC that the proposed change will result in the OOC revoking the WWTP's exemption. As in proposed section 3677.2(g), if a WWTP's exemption is revoked because of implemented changes, the owner is given 365 days from the date of the revocation to staff the WWTP with certified operators at the appropriate grade level as set forth in proposed sections 3680 and 3680.1.

SECTION 3677.4. NOTICE OF EXPIRATION OF AN EXEMPTION FOR A CLASS I WASTEWATER TREATMENT PLANT.

Specific Purpose and Necessity of the Proposed Action

This new section requires the OOC to notify owners 60 days before the expiration of their notices of exemption. It is the owner's responsibility to ensure that the WWTP complies with all applicable statutes and regulations. Therefore, failure to receive the notice of expiration does not relieve the owner of the responsibility to renew the notice of exemption on or before the expiration date.

SECTION 3677.5. APPLICATION FOR EXEMPTION RENEWAL FOR A CLASS I WASTEWATER TREATMENT PLANT.

Specific Purpose and Necessity of the Proposed Action

This new section establishes the procedures, timeframes, and renewal fee for exemption renewal. It also states that an application for exemption renewal must be received by the OOC at least 30 days before the expiration of the exemption to give the OOC adequate time to review the application and issue an exemption renewal before the exemption expires. If an application is late, the owner of the WWTP must pay a late fee of \$100 in addition to the renewal fee.

The section also establishes the procedures and timeframes the OOC must follow when processing an application for an exemption renewal. If the OOC denies a request for an exemption renewal, the owner has 365 days from the date of the denial to staff the WWTP with certified operators at the appropriate grade level as stated in proposed sections 3680 and 3680.1.

Water Code section 13625.1 states that the State Water Board may charge a reasonable administrative fee for processing an application for exemption renewal. The State Water Board estimates that it will take approximately five hours total for an Office Technician, a Staff Services Analyst, and the OOC Administrator to process, analyze, and respond to an application for exemption renewal. At the current salary for each of these positions, the administrative processing of the application for exemption renewal will cost the State Water Board approximately \$300. Therefore, the State Water Board is setting the fee for an application for exemption renewal at \$300.

SECTION 3677.6. POSTING NOTICES OF EXEMPTION FOR A CLASS I WASTEWATER TREATMENT PLANT.

Specific Purpose and Necessity of the Proposed Action

This new section requires owners to post their notices of exemption in an area accessible to the public. If the WWTP does not have an area accessible to the public, the notice of exemption must be posted at the owner's headquarters. Public posting of the notice of exemption allows the public and regulatory agencies to determine whether a WWTP is exempt from the requirement to use certified operators.

Article 3. Grade Levels of Operator Certification

SECTION 3680. GRADE LEVELS OF OPERATOR CERTIFICATION.

Specific Purpose and Necessity of the Proposed Action

1. **Section 3680(a)-(c)** – The minimum grade level of operator certification that a chief plant operator or designated operator-in-charge must possess to work at each class of WWTP is placed in an easy-to-read chart. This section also is amended to implement the replacement of the terms “shift supervisor” and “supervisor” with “designated operator-in-charge.” A chief plant operator must assign a designated operator-in-charge for any period of time during which the chief plant operator is unable to carry out the responsibilities of the “chief plant operator.” As amended, the requirements in this section ensure that an operator of the appropriate grade level is responsible for the operation of the WWTP at all times.
2. **Section 3680(d)** – Proposed section 3675 amends the WWTP classification for WWTPs using a sequencing batch reactor or extended aeration treatment for process control. Pursuant to proposed sections 3676(b) and 3675(d) the OOC must either review the classification of any WWTP using a sequencing batch reactor or extended aeration treatment for process control. This new subdivision provides that if the OOC gives a WWTP a higher classification than the WWTP's previous classification, the owner is given 365 days from the date of the revocation to staff the WWTP with certified operators at the appropriate grade level as set forth in this section.

SECTION 3680.1. GRADE LEVELS OF OPERATORS AT PRIVATELY OWNED WASTEWATER TREATMENT PLANTS.

Specific Purpose and Necessity of the Proposed Action

Changes to Water Code section 13625 enacted by chapter 422, statutes of 2002 amended the definition of WWTP to include privately owned facilities used in the treatment or reclamation of sewage, and for which the State Water Board or a Regional Water Board has issued waste discharge requirements. This new section implements the statutory amendment by establishing the process whereby privately owned WWTPs will merge into the Operator Certification Program. This new section also sets the deadline for operators at privately owned WWTPs to become certified at the Grade I level or higher and to meet the requirements for all operators set forth in section 3680 or use a provisional operator in accordance with section 3680.2.

SECTION 3680.2. PROVISIONAL OPERATOR.

Specific Purpose and Necessity of the Proposed Action

Pursuant to existing regulations, OITs must be directly supervised by a certified operator. Therefore, a WWTP that wishes to train an OIT must employ both the OIT and a certified operator. For Class I WWTPs, some of which require only a part-time operator, it may be prohibitively expensive to employ both an OIT and an operator, while the OIT gains the experience necessary to become a certified operator. Further, some small communities, particularly communities that are also rural and/or disadvantaged, have difficulty finding a certified operator to train the OIT.

The State Water Board is establishing a provisional operator certificate to help Class I WWTPs train and retain qualified operators when the owner has had difficulty, despite due diligence, hiring a certified operator to operate the WWTP. The State Water Board has further determined that any provisional operator is competent to operate the Class I WWTP if the owner of the WWTP and the provisional operator comply with a written plan that meets specific requirements. The provisional operator must submit a copy of the WWTP's monitoring reports to the OOC and cannot supervise operators, other provisional operators, or OITs or appoint a designated operator-in-charge. In addition, the provisional operator must receive training acceptable to the OOC on proper sampling procedures, the WWTP's standard operating procedures, and the WWTP's waste discharge requirements and the WWTP must have procedures for testing the provisional operator's proficiency on each of these subjects. The WWTP must have a written agreement with a certified operator, a registered contract operator, or another WWTP, ensuring that a certified operator will be available to assist the provisional operator when the provisional operator needs direction or if the provisional operator is unable to carry out the responsibilities of the position of "chief plant operator" as defined in proposed section 3671. Proposed section 3680.2 establishes these requirements and the procedures for obtaining approval to use a provisional operator.

Water Code section 13628 states that the State Water Board shall establish a fee schedule to provide revenues to cover the cost of the Operator Certification Program. The State Water Board estimates that it will take approximately 5 hours for a Water Resources Control Engineer to review a request for approval to use a provisional operator. The State Water Board estimates that it will take approximately 10 hours to review the WWTP's monitoring reports that the provisional operator must submit to the OOC. At the current salary for a Water Resources Control Engineer, it will cost the State Water Board approximately \$600 for an engineer to review a request for approval to use a provisional operator and an additional \$1,200 for an engineer to review the WWTP's monitoring reports.

In addition to the engineering review, it will take an Office Technician, a Staff Services Analyst, and the OOC Administrator approximately 5 hours total to process, analyze, and respond to a request for approval to use a provisional operator. At the current salary for each of these positions, the administrative processing of the request for approval to use a provisional operator will cost the State Water Board \$300.

The Operator Certification Program is primarily supported by fees from operators and OITs. Provisional operators will pay the same examination and certification fees as operators and OITs. The WWTPs that request approval to use a provisional operator will typically be located in small rural and/or disadvantaged communities. Therefore, after considering the cost of the reviewing and processing a request for approval to use a provisional operator and the cost of reviewing the provisional operator's monitoring reports, the State Water Board is setting the fee for a request for approval to use a provisional operator at \$1,000.

SECTION 3681. LONE OPERATOR.

Specific Purpose and Necessity of the Proposed Action

On a swing, graveyard, or weekend shift, small and medium-sized WWTPs may find it beneficial to have a lone operator on site to perform basic duties that require minimal judgment. This new section establishes the requirements for approval of a lone operator.

In accordance with a recommendation by the Advisory Committee, the OOC currently allows WWTPs to be operated by a lone operator certified at no more than one grade level lower than that required for a shift supervisor. After further consultation with the Advisory Committee and the regulated community, the State Water Board has determined that any certified operator is competent to operate the WWTP alone so long as the lone operator is permitted to perform only basic duties that require minimal judgment. An OIT may not be assigned as a lone operator.

To obtain approval to use a lone operator, the chief plant operator must submit a written plan showing that the lone operator will be able to communicate with the chief plant operator, the designated operator-in-charge, or an operator at the same or higher grade as the designated operator-in-charge at all times in case a problem arises. This section establishes these requirements and the procedures for obtaining approval for assigning lone operator shifts.

Article 4. Operators-in-Training

Specific Purpose and Necessity of the Proposed Action

Existing article 6 is amended and moved to proposed article 4. The sections in article 4 are renumbered and for clarification purposes, the topics in existing section 3709, "Issuance, Renewal and Replacement of Operator-in-Training Certificates," are now separated into multiple, individual sections focusing on a single topic.

Existing article 6 incorporates by reference many provisions regarding the procedures in existing article 5 for applying for and issuing operator certificates and renewal operator certificates. The sections in existing article 5 concerning operator certification are moved to article 7 for organizational purposes and several of these provisions have been amended for the reasons stated in the discussion of article 7 herein. The provisions, as amended in article 7, have been made specific to OITs in article 4. To the extent that the provisions regarding the procedures and timeframes for applying for and issuing OIT certificates and renewal OIT certificates are the same as those in proposed article 7, they are not discussed herein.

SECTION 3682. EMPLOYMENT OR TRAINING OF AN OPERATOR-IN-TRAINING.

Specific Purpose and Necessity of the Proposed Action

An OIT is learning the duties of an operator while working under the direct supervision of an operator at the same or higher grade level. It is inappropriate for an OIT to be functioning as a chief plant operator, designated operator-in-charge, or lone operator because of the level of knowledge, experience, and responsibility required in those positions.

Existing regulations do not state clearly that an OIT may not be appointed as a chief plant operator and may not be assigned to supervisory duties. The proposed amendment to this section ensures that chief plant operators, designated operators-in-charge, and lone operators

are not OITs, but are operators who have met all education, experience, and examination requirements for their specific grade levels.

SECTION 3682.1. APPLICATION FOR OPERATOR-IN-TRAINING CERTIFICATION.

Specific Purpose and Necessity of the Proposed Action

1. **Section 3682.1(a)** – This subdivision states what information is required on an application for an OIT certificate. The State Water Board does not require applicants to use a specific application form; however, for the convenience of the applicant, the State Water Board supplies an optional form in an organized, consistent format.

Existing section 3708 requires an applicant for an OIT certificate to comply with existing section 3702, which states what information is required on an application for an operator certificate. Existing section 3708 also lists additional information that an OIT must provide on an application for an OIT certificate, including the name and telephone number of the applicant's supervising operator. This information is no longer required. Instead, the OIT must provide the chief plant operator's contact information, because the OIT certificate is issued to the chief plant operator and the chief plant operator is responsible for ensuring that the OIT is under the direct supervision of an operator at the same or higher grade level at all times.

2. **Section 3682.1(b)** – Under existing section 3708(c)(1), the OOC may not issue a Grade II through Grade V OIT certificate if the applicant has not met the education requirements for an operator certificate at that grade level. This new subdivision expands this requirement to also apply to applicants for a Grade I OIT certificate.
3. **Section 3682.1(c)** – Existing section 3708(b) is moved to this new subdivision and amended to incorporate new section 3682.5(b) relating to issuing a new Grade I OIT certificate.
4. **Section 3682.1(d)** – Under existing section 3708(c)(1), the OOC may not issue a Grade II through Grade V OIT certificate if the applicant's examination results will expire before the applicant can acquire the experience necessary for certification.

The proposed amendment deletes the requirement that the applicant must be able to acquire the experience necessary for certification before the applicant's examination results will expire. It is the applicant's responsibility to meet the experience requirements within the allotted time. If the applicant does not meet the experience requirements within the allotted time period, the applicant must take and pass a new examination.

5. **Section 3682.1(e)** – Under existing regulations, the OOC is not required to notify the applicant if the application is complete or deficient. The OOC's existing practice is to notify applicants only if their application is deficient. This new subdivision requires the OOC to notify the applicant in writing whether the application is complete or deficient within 30 days of receipt of the application.

Existing regulations do not specify the date by which the applicant must correct the deficiency. Proposed section 3682.1(e) provides that if the deficiency is not corrected within 60 days from the date of the notification, the application shall be denied.

SECTION 3682.2. ISSUANCE OF AN OPERATOR-IN-TRAINING CERTIFICATE.

Specific Purpose and Necessity of the Proposed Action

1. **Section 3682.2** – Existing section 3709(e) requires an OIT at any grade level to complete the education and experience requirements and obtain an operator certificate at that grade level or higher before being eligible to apply for an OIT certificate at a higher grade level. This requirement is deleted, allowing the OIT to decide whether to obtain an operator certificate or an OIT certificate at a higher grade level.
2. **Section 3682.2(b)** – Currently, the OOC must include the information in existing sections 3702.1(a) and 3709(b) on an OIT certificate. These requirements are combined in this new subdivision and amended to require the OOC to include the expiration date on an OIT certificate in accordance with existing OOC practice. Requiring the expiration date to be on the certificate ensures that the OIT, the public, and the regulatory agency may determine whether the certificate is valid.
3. **Section 3682.2(c)** – Under existing sections 3702.1(d) and 3709(c), the OOC may refuse to issue an OIT certificate if it has determined that the applicant has committed any act that is grounds for disciplinary action as specified in section 3710. This provision is moved to this new subdivision and amended to include all grounds for a disciplinary action or administrative civil liability under the proposed regulations.
4. **Section 3682.2(d)** – Under existing sections 3702.2(a) and 3709(d), OIT certificates expire on December 31 or June 30, depending on the postmark on the application for certification. Under the proposed regulations, the expiration dates are 24 months from the date of issuance, giving the OIT a full two years before expiration.

SECTION 3682.3. RENEWAL OF AN OPERATOR-IN-TRAINING CERTIFICATE.

Specific Purpose and Necessity of the Proposed Action

1. **Section 3682.3** – Some individuals in the regulated community have been unclear as to how long OIT certificates are valid and the process by which the certificates may be renewed. In some instances, OITs have accepted jobs only to learn that their certificates cannot be renewed. This new section specifies the length of time OIT certificates and renewal certificates are valid.
2. **Section 3682.3(a)** – All applicants for an OIT certificate must meet the education requirements for certification at that grade level. Because proposed section 3686 amends the current education requirements for certification, some people who currently hold OIT certificates do not have the education required to be certified at that grade level under the proposed regulations. Therefore, it is necessary to specify that an applicant for renewal of an OIT certificate must meet the education requirements for certification at that grade level.
3. **Section 3682.3(b)** – The provision in existing section 3709(d) stating that the OOC may not renew a Grade I OIT certificate unless the OIT has passed the Grade I examination is moved to this new subdivision and amended for clarification purposes.
4. **Section 3682.3(c)** – Under existing section 3709(a) relating to the renewal of an OIT certificate, the expiration date of an OIT certificate cannot exceed the expiration date of the applicant's examination results. Additionally, under existing section 3709(d), Grade II

through Grade V OIT certificates can be renewed once for two years. These two provisions are moved to this new subdivision and amended for clarification purposes.

5. **Section 3682.3(d)** – Existing regulations allow an OIT to renew an OIT certificate only one time, giving the OIT a maximum of four years in which to obtain the necessary experience for certification at that grade level. Some OITs, however, are unable to meet the experience requirements for operator certification before their renewed OIT certificate expires. This new subdivision allows an OIT at any grade level to renew a certificate repeatedly for additional two-year periods if the OIT has passed an examination at that grade level or higher and the examination results have not expired, and the chief plant operator submits a plan to the OOC for the OIT to acquire the qualifying experience necessary to become certified at that grade level. This subdivision gives OITs the flexibility to acquire the necessary qualifying experience on their own schedule. At the same time, it requires the chief plant operator and the OIT to have a plan for acquiring the necessary qualifying experience to ensure that the OIT is making progress towards becoming certified as an operator.
6. **Section 3682.3(f)** – Provisions in existing sections 3702.2(c) and 3709(c) stating what information is required on an application for a renewed OIT certificate are moved to this new subdivision and amended to include all of the information that is required on an application for a new OIT certificate pursuant to proposed section 3682.1(a). The State Water Board does not require applicants to use a specific application form; however, for the convenience of the applicant, the State Water Board supplies an optional form in an organized, consistent format.
7. **Section 3682.3(g)** – Under existing regulations, the OOC is not required to notify the applicant if the application is complete or deficient. The OOC's existing practice is to notify applicants only if their application is deficient. This new subdivision requires the OOC to notify the applicant in writing whether the application is complete or deficient within 30 days of receipt of the application.

Existing regulations do not specify the date by which the applicant must correct the deficiency. Proposed section 3682.1(e) provides that if the deficiency is not corrected within 60 days from the date of the notification, the application shall be denied.

SECTION 3682.4. ISSUANCE OF A RENEWED OPERATOR-IN-TRAINING CERTIFICATE.

Specific Purpose and Necessity of the Proposed Action

Provisions in existing sections 3702.3 and 3709(a), (b), and (c) are moved to this new section. In addition to the current requirements, proposed subdivision (c) requires the OOC to include the expiration date on a renewed OIT certificate in accordance with existing OOC practice. Requiring the expiration date to be on the certificate ensures that the OIT, the public, and the regulatory agency may determine whether the certificate is valid.

SECTION 3682.5. INVALIDATION AND ISSUANCE OF A NEW OPERATOR-IN-TRAINING CERTIFICATE.

Specific Purpose and Necessity of the Proposed Action

1. **Section 3682.5(a)** – The provision in existing section 3709(a) stating that OIT certificates are valid only while the OIT is in training at the WWTP for which the certificate was issued, is moved to this new subdivision. A new provision is added that requires the chief plant

operator to return an invalidated certificate within 30 days of the cessation of an OIT's training with a statement as to the amount of qualifying experience the OIT acquired before leaving the WWTP. This requirement allows the OOC to track all active OITs and provides a record of the time and experience acquired by each OIT, which can then be used if the OIT applies for a new certificate at a later date.

2. **Section 3682.5(b) and (c)** – Pursuant to existing section 3708(b), applicants for Grade I OIT certificates may, but are not required to, pass the Grade I examination before being issued a Grade I OIT certificate. Proposed subdivisions (b) and (c) ensure that no person is certified as a Grade I OIT for longer than 24 months unless that person has passed an examination and that person's examination results have not expired. The purpose of allowing Grade I OITs to receive their certificates before taking the examination is to give them an opportunity to receive on-the-job training. It is expected that before the two-year OIT certificate expires, the applicant will be ready for the examination. Therefore, it is not appropriate for Grade I OITs to receive multiple OIT certificates without demonstrating that they have gained sufficient skills to pass the examination.

New subdivision (b)(2) also ensures that an applicant is not issued a new Grade I OIT certificate if the applicant has already met the qualifying experience requirements for a Grade I operator certificate in proposed section 3687(c). An OIT certificate is issued for the purpose of allowing applicants to acquire enough qualifying experience to meet the requirements for operator certification. It is not appropriate for an applicant to be issued a new Grade I OIT certificate if the applicant has met the qualifying experience requirements for a Grade I operator certificate and has not passed the examination.

3. **Section 3682.5(d)** – An applicant for a Grade II through Grade V OIT certificate must pass the required examination before being issued an OIT certificate. An OIT certificate will be renewed only if the OIT has passed an examination at that grade level or higher and the OIT's examination results have not expired. This new subdivision establishes the same requirement for an applicant for a new Grade II through Grade V OIT certificate.
4. **Section 3682.5(e)** – This new subdivision provides that all time and experience acquired under a previous OIT certificate will be applied to a new certificate. The provision ensures that the applicant is placed in the same position as if he or she had continued to work as an OIT.

SECTION 3682.6. REPORTING REQUIREMENTS FOR OPERATORS-IN-TRAINING.

Specific Purpose and Necessity of the Proposed Action

Proposed section 3710(a)(10) provides that an OIT may be disciplined for committing any act that is a reasonable ground for disciplinary action pursuant to these regulations if the act is associated with performing duties at a facility that treats wastewater in a state other than California, in a territory, or on land under the jurisdiction of an Indian tribe, provided the duties are comparable to the duties of an operator or contract operator at a WWTP and the act would be a reasonable ground for a disciplinary action pursuant to these regulations if associated with performing duties at a WWTP.

This new section implements section 3710(a)(10) by requiring an OIT to notify the OOC within 30 days of the date a certifying body or court, for any act associated with performing duties at a facility that treats wastewater in a state other than California, in a territory, or on land under the jurisdiction of an Indian tribe, provided the duties are comparable to the duties of an operator or

contract operator at a WWTP, takes final action: to discipline the OIT; to impose administrative civil liability; or to impose civil or criminal liability.

Article 5. Provisional Operators

Specific Purpose and Necessity of the Proposed Action

Proposed article 5 is added to establish the requirements, procedures, and timeframes for applying for and issuing provisional operator certificates. To the extent applicable, these provisions are consistent with the proposed regulations regarding operator certificate and OIT certificates.

SECTION 3683. EMPLOYMENT OF A PROVISIONAL OPERATOR.

Specific Purpose and Necessity of the Proposed Action

Existing section 3683 regarding experience and education requirements for certification is moved to proposed section 3687 and amended as discussed under proposed section 3687.

Proposed section 3683 allows an owner of a Class I WWTP to employ a provisional operator to be solely responsible for the operation of the WWTP, provided the owner has received written approval from the OOC to use a provisional operator in accordance with proposed section 3680.2. A provisional operator is learning the duties of an operator in accordance with an approved plan. It is inappropriate for a provisional operator to supervise operators, other provisional operators, or OITs or appoint a designated operator-in-charge because of the level of knowledge, experience, and responsibility required to fulfill these duties.

SECTION 3683.1. APPLICATION FOR PROVISIONAL OPERATOR CERTIFICATION.

Specific Purpose and Necessity of the Proposed Action

1. **Section 3683.1(a)** – This new subdivision states what information is required on an application for a provisional operator certificate. The State Water Board will not require applicants to use a specific application form; however, for the convenience of the applicant, the State Water Board will supply an optional form in an organized, consistent format.

The applicant must provide all of the information required on an application for an operator certificate. Additionally, the applicant must provide the name, contact information, and signature of the owner of the WWTP where the applicant will be employed, because the provisional operator certificate is issued to the owner and the provisional operator certificate is valid only while the provisional operator is employed at the WWTP.

2. **Section 3683.1(b) and (c)** – Proposed subdivision (b) provides that an applicant for a provisional operator must meet the same minimum education requirements as a Grade I operator. Additionally, pursuant to proposed subdivision (c), the applicant must pass an examination at the Grade I level or higher and the applicant's examination results must not have expired. After consulting with the Advisory Committee, the State Water Board determined that an applicant meeting these minimum requirements has the level of competence necessary to be solely responsible for the operation of a Class I WWTP that

meets the requirements to use a provisional operator as set forth in proposed section 3680.2.

3. **Section 3683.1(d)** – A provisional operator is only permitted to operate a Class I WWTP that has received written approval from the OOC to use a provisional operator in accordance with proposed section 3680.2. Further, a provisional operator certificate is valid only while the provisional operator is employed at the WWTP for which the certificate was issued. Therefore, this new subdivision provides that an applicant will not receive a provisional operator certificate unless the owner of the WWTP where the applicant will be employed has received written approval from the OOC to use a provisional operator in accordance with proposed section 3680.2.
4. **Section 3683.1(e)** – Consistent with other provisions in the proposed regulations regarding various applications submitted to the OOC, this new subdivision requires the OOC to notify the applicant in writing whether the application is complete or deficient within 30 days of receipt of the application. This subdivision further provides that if the deficiency is not corrected within 60 days from the date of the notification, the application shall be denied.

SECTION 3683.2. ISSUANCE OF A PROVISIONAL OPERATOR CERTIFICATE.

Specific Purpose and Necessity of the Proposed Action

1. **Section 3683.2(a)** – This new subdivision provides the timeframe within which the OOC must either issue a provisional operator certificate or inform the applicant of the reason the certificate will not be issued.

Similar to OIT certificates, a provisional operator certificate is valid only while the provisional operator is employed at the WWTP and the owner is responsible for returning the provisional operator certificate to the OOC at the end of the provisional operator's employment. Therefore, this subdivision provides that the provisional operator certificate will be issued in the name of the applicant and mailed to the owner of the WWTP where the applicant will be employed.

2. **Section 3683.2(b)** – This new subdivision states what information the OOC is required to include on a provisional operator certificate. The required information is consistent with the information required to be included on operator certificates and OIT certificates and ensures that the provisional operator, the public, and the regulatory agency may determine whether the certificate is valid.
3. **Section 3683.2(c)** – Consistent with proposed regulations regarding operator certificates and OIT certificates, this new subdivision provides that the OOC may refuse to issue a provisional operator certificate if it has determined that the applicant has committed any act that is grounds for a disciplinary action or administrative civil liability under the proposed regulations.
4. **Section 3683.2(d)** – This new subdivision provides that a provisional operator certificate will be issued for a maximum of 24 months, including the time the applicant held all previous provisional operator certificates. Additionally, this subdivision provides that a provisional operator certificate cannot be renewed. The proposed definition of "full time" ensures that a provisional operator will be able to gain the necessary experience to meet the experience requirement to become a Grade I operator before the two-year provisional operator certificate expires. To become a provisional operator, an applicant must already meet all other requirements to become a Grade I operator. It is expected that before the two-year

provisional operator certificate expires, the provisional operator will be eligible to be certified as a Grade I operator. Therefore, it is not appropriate to allow a provisional operator to hold a provisional operator certificate for more than 24 months.

5. **Section 3683.2(e)** – This new subdivision provides that the expiration date of the provisional operator certificate cannot exceed the expiration date of the applicant’s examination results. This provision, which is consistent with existing requirements for Grade II through V OIT certificates and the renewal of Grade I OIT certificates, helps to ensure that provisional operators retain the knowledge necessary to pass the Grade I examination.

SECTION 3683.3. INVALIDATION AND ISSUANCE OF A NEW PROVISIONAL OPERATOR CERTIFICATE.

Specific Purpose and Necessity of the Proposed Action

1. **Section 3683.3(a)** – A provisional operator certificate is issued to an owner of a Class I WWTP that has received written approval from the OOC to use a provisional operator in accordance with proposed section 3680.2. This new subdivision provides that a provisional operator certificate is valid only while the provisional operator is employed at the WWTP for which the certificate was issued. This subdivision also requires the owner to return an invalidated certificate within 30 days of the cessation of a provisional operator’s employment with a statement as to the amount of qualifying experience the provisional operator acquired before leaving the WWTP. This requirement allows the OOC to track all active provisional operators and provides a record of the time and experience acquired by each provisional operator, which can then be used if the provisional operator applies for a new certificate at a later date.
2. **Section 3683.3(b)** – Proposed subdivision (b) provides that a provisional operator whose certificate has been returned after the cessation of a provisional operator’s employment at the WWTP for which it was issued may apply for a new provisional operator certificate, provided that the provisional operator held all previous provisional operator certificates for a total of less than 24 months and does not have one year of full-time qualifying experience. The proposed definition of “full time” ensures that a provisional operator will be able to gain the necessary experience to meet the experience requirement to become a Grade I operator before the two-year provisional operator certificate expires. To become a provisional operator, an applicant must already meet all other requirements to become a Grade I operator. It is expected that before the two-year provisional operator certificate expires, the provisional operator will be eligible to be certified as a Grade I operator. Therefore, it is not appropriate for a person to receive a new provisional operator certificate unless the person has held all previous provisional operator certificates for a total of less than 24 months and does not have one year of full-time qualifying experience.

SECTION 3683.4. REPORTING REQUIREMENTS FOR PROVISIONAL OPERATORS.

Specific Purpose and Necessity of the Proposed Action

Proposed section 3710(a)(10) provides that a provisional operator may be disciplined for committing any act that is a reasonable ground for disciplinary action pursuant to these regulations if the act is associated with performing duties at a facility that treats wastewater in a state other than California, in a territory, or on land under the jurisdiction of an Indian tribe, provided the duties are comparable to the duties of an operator or contract operator at a WWTP

and the act would be a reasonable ground for a disciplinary action pursuant to these regulations if associated with performing duties at a WWTP.

This new section implements section 3710(a)(10) by requiring a provisional operator to notify the OOC within 30 days of the date a certifying body or court, for any act associated with performing duties at a facility that treats wastewater in a state other than California, in a territory, or on land under the jurisdiction of an Indian tribe, provided the duties are comparable to the duties of an operator or contract operator at a WWTP, takes final action: to discipline the provisional operator; to impose administrative civil liability; or to impose civil or criminal liability.

Article 6. Minimum Qualifications for Wastewater Treatment Plant Operator Certification

SECTION 3684. QUALIFYING EXPERIENCE CREDIT.

Specific Purpose and Necessity of the Proposed Action

1. **Section 3684(a)(1)** – Pursuant to existing section 3684(a), if an applicant has two or more years of experience at a water treatment plant regulated by the California Department of Health Services (renamed “California Department of Public Health”) or by a government agency in another state, the applicant may receive credit for one year of experience, provided certain conditions are met. This provision is moved to proposed subdivision (a)(1) and amended to allow applicants to gain qualifying experience credit for experience at water treatment plants regulated by a territory or an Indian tribe in addition to those regulated by the California Department of Public Health or another state because the work is comparable to the experience of working at a water treatment plant regulated by California or another state.

Existing regulations do not define the phrase “two or more years of experience.” A person who is considered a full-time worker typically works an average of 40 hours per week for a year or 2,080 hours per year minus paid and unpaid leave. After factoring in the typical amount of paid vacation, sick leave, and holidays taken by a full-time worker, a full-time worker spends approximately 1,800 hours per year performing job duties. Therefore, proposed subdivision (a)(1) replaces the requirement for “two or more years of experience” at a water treatment plant with “3,600 or more hours of experience.”

2. **Section 3684(a)(2)** – Currently, an operator or OIT acquires experience for performing duties that fall under the definition of “operates.” The proposed amendment allows applicants to receive qualifying experience credit for performing duties that are critical to the operation of a WWTP, but do not fall under the definition of “operates.” The activities are essential to a WWTP’s operation and require valuable knowledge and skills that are applicable to the duties of an operator. Additionally, proposed subdivision (a)(2)(D), allows applicants to receive qualifying experience credit for performing physical, chemical, and biological processes that may be unrelated to the operation of a WWTP, but require the same skills as those needed by an operator.

Similar to the provision in proposed subdivision (a)(1), this new subdivision provides for a one-time credit for one year of full-time qualifying experience if the applicant has 3,600 or more hours of experience in one or more of the specified categories. An applicant may receive this credit only one time because although these skills are valuable and will help the operator to have a better understanding of WWTPs and wastewater treatment processes, the activities are not part of the core duties of an operator.

3. **Section 3684(a)(3)** – Existing section 3684(b) allows applicants who already have at least one year of experience to substitute 16 educational points for another year of experience, but does not state clearly how many times an applicant may substitute educational points for experience credits. Existing section 3684(b) is moved to proposed subdivision (a)(3) and amended to make it clear that an applicant may make an irrevocable election to substitute 16 educational points for one year of full-time qualifying experience credit each time the operator applies for certification at a higher grade level in accordance with existing OOC practice. Whether an applicant is requesting to move up one grade level (e.g., from Grade I to Grade II) or multiple grade levels (e.g., from Grade I to Grade III), the applicant may only substitute 16 educational points for one year of full-time qualifying experience credit. The next time the applicant applies for certification at a higher grade level, the applicant may substitute an additional 16 educational points for another year of full-time qualifying credit. Therefore, over the course of a person’s career as a certified operator, the person can substitute up to a maximum of 64 educational points for four years of full-time qualifying experience credit if they moved up one grade level at a time.

The State Water Board also is amending this provision so that educational points substituted for qualifying experience may not be used to satisfy education requirements in the Operator Certification Requirements Table in section 3687 for certification or qualifying for an examination. This amendment ensures that operators meet the State Water Board’s minimum requirements for both education and experience in the Operator Certification Requirements Table in section 3687 and promotes education.

Existing section 3684(b) prohibits applicants from making the above substitution when they follow two specific paths to certification in existing section 3683(c). One of these paths corresponds to Path 1 for Grade 1 in proposed section 3687(c). The minimum experience required for this path is one year of full-time qualifying experience. It is not necessary to prohibit substitution of educational points for experience for this path because the applicant must already have at least one year of full-time qualifying experience before being allowed to substitute educational points for qualifying experience. The other excluded path corresponds to Path 3 for Grade IV in proposed section 3687(c). The current minimum amount of experience of two years is increased to three years. Therefore, it is no longer necessary to exclude applicants who are using this path from making the substitution.

4. **Section 3684(b)** – Under the reciprocity provision in existing section 3704, the OOC gives experience credit to a person who is performing work that is comparable to the duties of an operator at a facility that treats wastewater in another state. Existing section 3704 regarding reciprocity is replaced with a broader examination waiver provision in proposed section 3689.

This new subdivision allows the OOC to give qualifying experience credit for experience acquired at a facility that treats wastewater in a state other than California, in a territory, or on land within the jurisdiction of an Indian tribe, provided the duties are comparable to the duties of a WWTP operator. In order to be given qualifying experience credit, the applicant must have held a valid, unexpired certification of the appropriate grade level issued by a certifying body to perform duties comparable to the duties of an operator at a WWTP. The certifying body’s certification requirements also must be comparable to the State Water Board’s requirements. This requirement ensures that the experience obtained at a facility that treats wastewater but that is not a WWTP is comparable to the experience acquired by operators at WWTPs.

Similar to existing section 3704, this new subdivision provides that the OOC may refuse to grant an applicant qualifying experience credit if, for any act associated with performing duties at a facility that treats wastewater in a state other than California, in a territory, or on

land under the jurisdiction of an Indian tribe, provided the duties are comparable to the duties of an operator or contract operator at a WWTP, it determines that: the applicant's certification or registration has been revoked or suspended by a certifying body; discipline or administrative civil liability has been imposed against the applicant or the applicant is under investigation by a certifying body; or civil or criminal liability has been imposed upon the applicant.

5. **Section 3684(c)** – This new subdivision implements Water Code section 13627.5, which was added by chapter 422, statutes of 2002. The statute provides that any operator employed at a privately owned WWTP must be credited with one year of experience upon passing an examination. This subdivision also establishes the process whereby uncertified operators at privately owned WWTPs will be merged into the program, specifying the circumstances under which these operators may be awarded additional qualifying experience credit.

SECTION 3685. EDUCATIONAL POINTS.

Specific Purpose and Necessity of the Proposed Action

1. **Section 3685(a)** – Existing section 3685(a) regarding the educational point evaluation process is vague, leaving applicants confused when their examination and certification applications are denied. More specifically, existing section 3685(a) uses the term “directly related to wastewater treatment,” which is not defined and is interpreted differently throughout the regulated community. This provision is amended to replace the term “directly related to wastewater treatment” with “wastewater treatment course,” which is defined in proposed section 3671. These amendments enable applicants to better understand how they can earn educational points. Additionally, this subdivision is amended to allow operators to receive educational points for completion of science courses because the knowledge gained in these courses is beneficial to WWTP operation.
2. **Section 3685(b)** – Existing section 3685(a) regarding the educational point evaluation process is vague, and applicants are confused when their applications are denied. The term “indirectly related to wastewater treatment” is used, but not defined. This provision is amended to replace the term with “management course,” which is clearly defined in proposed section 3671. By making this amendment, applicants know under what circumstances they may earn educational points.
3. **Section 3685(c)** – The prohibition in existing section 3685(b) against substituting experience for educational points is moved to this new subdivision.

SECTION 3686. HIGH SCHOOL EQUIVALENCE.

Specific Purpose and Necessity of the Proposed Action

Existing section 3686 allowing applicants for operator certification to obtain high school equivalency by passing an approved General Education Development test, obtaining a Certificate of Proficiency issued by the Board of Education in accordance with section 48412 of the Education Code, or by substituting six educational points for each uncompleted year of high school. As amended, educational points cannot be substituted for uncompleted years of high school. By requiring all operators to have at least a high school diploma or equivalent, the State Water Board promotes education and ensures that operators have the basic skills developed during high school that factor into responsible operation.

SECTION 3687. EDUCATION AND EXPERIENCE REQUIREMENTS.

Specific Purpose and Necessity of the Proposed Action

1. **Section 3687** – The education and experience requirements for certification in existing Section 3683 are moved to this new section and amended as discussed below.
2. **Section 3687(a)** – This new subdivision makes it clear that operators who were issued operator certificates before the effective date of these regulations do not have to meet the new requirements in this section in order to renew their certificates. Additionally, operators holding expired certificates do not have to meet the new requirements in this section in order to reinstate their certificates. This section applies to people applying for a new operator or OIT certificate, a renewed OIT certificate, or an examination on or after the effective date of these regulations, including operators who request certification at a higher grade.
3. **Section 3687(b)** – Existing section 3683(a) regarding the requirements for operator certification is moved to proposed section 3687(b) and amended for clarification purposes. Additionally, this provision is amended to incorporate the examination waiver provisions.
4. **Section 3687(c)** – For clarification purposes, existing education and experience paths for all operator grade levels are displayed in the Operator Certification Requirements Table.

The Advisory Committee and the regulated community have recommended that the State Water Board emphasize the importance of education by revising the various paths to certification. The order of the paths for each grade level is amended so the amount of experience a person needs decreases as the amount of education increases. Additionally, Path 1 of Grade I requires applicants to have a high school diploma or equivalent, in addition to the six educational points currently required, because the State Water Board has determined that this is the minimum educational standard needed to be an operator. The State Water Board also is increasing the number of educational points needed for Paths 1 and 2 for Grade II and Paths 1 and 2 for Grade III in order to ensure that operators have the education necessary to operate a modern WWTP.

For Grade IV certification, the experience requirement for someone with at least a bachelor's degree is increased from two years to three years to be consistent with the other paths. The experience requirements for all other paths in the proposed subdivision are not amended.

Finally, Path 3 for Grade II, Path 4 for Grade III, and Path 4 for Grade IV are added to allow people with higher levels of education to become certified at one grade level lower than existing regulations allow. The experience requirements for these paths are consistent with the experience requirements for the other paths and ensure that all applicants have a minimum of one year of full-time qualifying experience before being certified.

5. **Section 3687(d)** – Proposed subdivision (d)(1) explains how operators may acquire educational points. The OOC's current practice of accepting comparable education obtained outside of the United States is established in proposed subdivision (d)(2). Proposed subdivision (d)(3) provides that a person may acquire qualifying experience on a prorated basis while working less than full time. Also, it provides that operators may receive qualifying experience credit in accordance with proposed section 3684 for certain activities that are not included in the definition of qualifying experience.

Article 7. Examination for Wastewater Treatment Plant Operators

SECTION 3689. EXAMINATION WAIVER.

Specific Purpose and Necessity of the Proposed Action

1. **Section 3689(a)** – Existing section 3704 permits the OOC to issue Grades I and II operator certificates by reciprocity to people who hold comparable certifications in other states. To be issued a certificate via reciprocity, the applicant must meet all of the State Water Board's experience and education requirements. The only requirement currently waived is the examination requirement. In order to clarify that no other requirement will be waived, the current reciprocity provision in existing section 3704, "Reciprocity with Other States," is moved to proposed section 3689, "Examination Waiver" and amended as discussed below.

After consulting with the Advisory Committee, members of the regulated community, and tribal representatives, the State Water Board determined that several existing limitations on the reciprocity provision are no longer necessary because the requirements of other certifying bodies have improved. Additionally, these limitations serve to restrict qualified people from being certified by the State Water Board. Therefore, the proposed examination waiver provision is significantly broader than the existing reciprocity provision. Pursuant to this new section, the OOC may issue an examination waiver to an applicant at any grade, provided the applicant holds a comparable certification issued by a certifying body. (See proposed section 3671, definition of "certifying body.")

Also deleted are the requirements that the applicant be certified by a state that offers reciprocal provisions to operators certified by the State Water Board and that the applicant has taken an examination in the last four years. To qualify for an examination waiver, the certifying body's experience, education, and examination requirements must be comparable to the State Water Board's requirements. Additionally, the applicant must meet the State Water Board's minimum education and qualifying experience requirements for the applicable grade. The State Water Board, the Advisory Committee, and stakeholders believe this safeguards the integrity of operator certification in California.

2. **Section 3689(b)** – Similar to the existing reciprocity provision, this new subdivision provides that the OOC may refuse to waive the examination requirement if, for any act associated with performing duties at a facility that treats wastewater in a state other than California, in a territory, or on land under the jurisdiction of an Indian tribe, provided the duties are comparable to the duties of an operator or contract operator at a WWTP, it determines that: the applicant's certification or registration has been revoked or suspended by a certifying body; discipline or administrative civil liability has been imposed against the applicant or the applicant is under investigation by a certifying body; or civil or criminal liability has been imposed upon the applicant.
3. **Section 3689(c)** – This new subdivision gives qualifying experience credit in accordance with proposed section 3684(b) to an applicant with an examination waiver. Applicants with waivers will receive credit for their experience at facilities that treat wastewater in a state other than California, in a territory, or on land under the jurisdiction of an Indian tribe.

SECTION 3700. APPLICATION FOR EXAMINATION.

Specific Purpose and Necessity of the Proposed Action

1. **Section 3700** – Information in existing section 3700(b) regarding examination dates and the final filing dates for examination applications is moved to proposed section 3701(a) for clarification purposes. Additionally, existing section 3700(f) is deleted because it implemented repealed Government Code sections 15374-15378.
2. **Section 3700(a)** – Existing section 3700(a) establishes what information must be provided on an application for examination. The State Water Board does not require applicants to use a specific application form; however, for the convenience of the applicant, the State Water Board supplies an optional form in an organized, consistent format.

Existing section 3700(a) requires applicants to include information regarding their experience on an application for an examination. If the applicant is employed at a WWTP, the applicant's chief plant operator must verify the applicant's experience. Although applicants for an examination must meet the educational requirements for certification, they do not need to have met the experience requirements in order to take the examination. Therefore, this requirement is deleted because it is not necessary to require applicants to provide information regarding their experience or to have an applicant's chief plant operator verify the applicant's experience.

3. **Section 3700(c) and (d)** – Provisions in existing subdivision (c) regarding the evaluation of experience by OOC are moved to article 6, "Minimum Qualifications for Wastewater Treatment Plant Operator Certification," for clarification purposes. The remaining provisions in existing subdivision (c) and provisions in existing subdivisions (d) and (e) are reorganized into proposed subdivisions (c) and (d) for clarification purposes.
4. **Section 3700(e)** – This subdivision establishes existing practice in regulation. The examination fee covers the cost of administering and grading the examination. If the applicant does not take the examination, the applicant may request a refund of the examination fee because the OOC has not incurred the cost of administering and grading the examination.

SECTION 3701. EXAMINATIONS.

Specific Purpose and Necessity of the Proposed Action

1. **Section 3701(a)** – Provisions in existing section 3700(b) regarding examination dates and the final filing dates for examination applications and existing section 3701(c) regarding the frequency of the examinations are moved to proposed section 3701(a) and combined for clarification purposes. Existing section 3700(b) prescribed specific dates for the twice-yearly examinations and the filing dates for those examinations. As amended, proposed section 3701(a) does not prescribe the specific dates for the examinations and the filing dates for those examinations. Instead, proposed section 3701(a) provides that a minimum of two examinations shall be given each year and that the filing date will be 60 days before the scheduled examination. This will allow the OOC more flexibility in scheduling the examinations.
2. **Section 3701(c)** – Existing section 3701(c) regarding the frequency of examinations is combined with existing section 3700(b) and moved to proposed section 3701(a).

Existing section 3701(b) regarding the content by grade of the examination for operator certification is moved to proposed subdivision (c) and amended to include questions testing the applicant's knowledge of waste discharge requirements. A WWTP is required to remove pollutants from wastewater and to ensure that the WWTP is in compliance with the provisions of its waste discharge requirements; therefore, it is important for operators at all grades to have knowledge of the WWTP's waste discharge requirements.

3. **Section 3701(d) and (e)** – The provisions of existing section 3701(d) and (e) regarding examination security are moved to proposed section 3701.1.
4. **Section 3701(f), (f)(1), and (g)** – Existing sections 3701(f), (f)(1), and (g) are moved to proposed section 3701.2.

SECTION 3701.1. EXAMINATION SECURITY.

Specific Purpose and Necessity of the Proposed Action

The provisions of existing section 3701(d) and (e) regarding examination security are moved to this new section and amended to incorporate the administrative civil liability provisions that have been added to the regulations. Additionally, this section is amended so that the existing practice of requiring all applicants to present photographic identification to gain admission to the examination is established in regulation.

SECTION 3701.2. EXAMINATION RESULTS.

Specific Purpose and Necessity of the Proposed Action

Existing sections 3701(f), (f)(1), and (g) are moved to this new section and amended for clarification purposes.

Article 8. Certification of Wastewater Treatment Plant Operators

SECTION 3702. APPLICATION FOR CERTIFICATION.

Specific Purpose and Necessity of the Proposed Action

1. **Section 3702(a)** – Existing section 3702(a) is deleted. To conform with existing OOC practice, all applicants for operator certification must submit an application for certification.

Existing section 3702(b) is moved to proposed section 3702(a) and amended for clarification purposes. Proposed section 3702(a) establishes what information must be provided on an application for an operator certificate. The State Water Board does not require applicants to use a specific application form; however, for the convenience of the applicant, the State Water Board supplies an optional form in an organized, consistent format. The required information regarding education and experience is amended to incorporate changes to these requirements that are in the proposed regulations.

2. **Section 3702(a)(3)** – Pursuant to proposed sections 3702.1(c) and 3710(a)(10) the State Water Board may refuse to issue a certificate if the applicant has committed any act that is a reasonable ground for disciplinary action pursuant to these regulations if the act is associated with performing duties at a facility that treats wastewater in a state other than

California, in a territory, or on land under the jurisdiction of an Indian tribe, provided the duties are comparable to the duties of an operator or contract operator at a WWTP and the act would be a reasonable ground for a disciplinary action pursuant to these regulations if associated with performing duties at a WWTP.

To determine if there is a reasonable ground for denying the requested certificate application, this new subdivision requires an applicant to inform the OOC whether a certifying body or court, for any act associated with performing duties at a facility that treats wastewater in a state other than California, in a territory, or on land under the jurisdiction of an Indian tribe, provided the duties are comparable to the duties of an operator or contract operator at a WWTP, has ever: taken final action to revoke or suspend the applicant's certification or registration; taken final action to discipline or impose administrative civil liability on the applicant; or imposed civil or criminal liability.

3. **Section 3702(b)** – Under existing regulations, the OOC is not required to notify the applicant if the application is complete or deficient. The OOC's existing practice is to notify applicants only if their application is deficient. This new subdivision requires the OOC to notify the applicant in writing whether the application is complete or deficient within 30 days of receipt of the application.

Existing regulations do not specify the date by which the applicant must correct the deficiency. Proposed section 3682.1(e) provides that if the deficiency is not corrected within 60 days from the date of the notification, the application shall be denied.

SECTION 3702.1. ISSUANCE OF CERTIFICATES.

Specific Purpose and Necessity of the Proposed Action

1. **Section 3702.1(a)** – Existing section 3702.1(a) is amended to require the OOC to include the expiration date on an operator certificate in accordance with existing OOC practice. This requirement ensures that the operator, the public, and the regulatory agency may determine whether the certificate is valid.
2. **Section 3702.1(b)** – Existing section 3702.1(b) is amended to require the OOC to issue duplicate operator certificates to operators who are employed at more than one WWTP. This enables the operator to comply with the requirement in section 3703 to post a certificate at each place of employment.
3. **Section 3702.1(c)** – Existing section 3702.1(c) stating that a certificate's issue date is the date the application was received is deleted. As amended, the issue date is intended to be consistent with the generally accepted meaning, which is the date the certificate is processed and printed. Existing section 3702.1(d) is moved to proposed section 3702.1(c) and amended to include all grounds for a disciplinary action or administrative civil liability under the proposed regulations.
4. **Section 3702.1(d)** – Pursuant to existing section 3702.2(a), all certificates are given an expiration date of either December 31 or June 30. As amended, the expiration date of a certificate is two years from the date of issuance, giving the operator a full two years before having to renew his or her certificate.

SECTION 3702.2. APPLICATION FOR CERTIFICATE RENEWAL.

Specific Purpose and Necessity of the Proposed Action

1. **Section 3702.2(a)** – Under existing section 3702.2(a), the expiration date of a renewed certificate is ambiguous. This subdivision is amended to clarify that the expiration date of a renewed certificate is two years from the current expiration date.
2. **Section 3702.2(c)** – Existing section 3702.2(c) states what information an applicant must provide on an application for the renewal of an operator certificate. The State Water Board does not require applicants to use a specific application form; however, for the convenience of the applicant, the State Water Board supplies an optional form in an organized, consistent format.

Existing section 3702.2(c) requires the applicant to provide the name of the applicant's supervisor if the operator is currently employed. This subdivision is amended to require the applicant to provide the name of the applicant's chief plant operator instead of the applicant's supervisor, because it is the chief plant operator, not the supervisor, who is responsible for the overall operation of the WWTP and the actions of the operators who work at the WWTP.

3. **Section 3702.2(d)** – Under existing section 3702.2(e), the OOC has 15 days from receipt of an application to notify an applicant whether an application for renewal is deficient. In order to meet this requirement, the OOC calls the applicant and then follows up with a written notification at a later time. This provision is moved to this new subdivision and amended to give the OOC 30 days to notify the applicant in writing of the deficiency because experience shows that 30 days is required

Additionally, under existing regulations, the OOC is not required to notify the applicant if the application is complete. This new subdivision requires the OOC to notify the applicant in writing whether the application is complete or deficient.

4. **Section 3702.2(e)** – Under existing section 3702.2(e), a renewal application must be postmarked no later than the expiration date on the certificate. Once the OOC receives a complete application, the OOC has 30 days to issue the renewed certificate. In many cases where an operator waits until the last minute to submit an application, the existing certificate expires and the operator works without a valid certificate or quits working until a renewal certificate is issued. Therefore, this new subdivision states that the State Water Board must receive the application at least 30 days before the expiration of the existing certificate. This requirement allows the OOC to process the renewal application before the certificate expires.

SECTION 3702.3. ISSUANCE OF RENEWAL CERTIFICATE.

Specific Purpose and Necessity of the Proposed Action

1. **Section 3702.3(b)** – Existing section 3702.3(b) is moved to proposed section 3702.7 for clarification purposes. Existing section 3702.3(c) is moved to proposed section 3702.3(b) and amended to include all grounds for a disciplinary action or administrative civil liability under the proposed regulations.
2. **Section 3702.3(c)** – Existing section 3702.3(d) is moved to proposed section 3702.3(c) and amended to require the initial date of issuance to be on a renewal certificate to conform with

existing OOC procedures. Displaying the issue date of the initial certificate on the renewal certificate allows the public and regulatory agencies to determine if the operator has current certification.

SECTION 3702.4. REINSTATEMENT.

Specific Purpose and Necessity of the Proposed Action

1. **Section 3702.4(a)** – Existing section 3702.4(a) is amended for clarification purposes.
2. **Section 3702.4(b)** – This new subdivision is added for clarification purposes.
3. **Section 3702.4(c)** – Existing section 3702.4(b) regarding an application for reinstatement is moved to proposed section 3702.4(c) and amended as discussed below.

Pursuant to proposed sections 3702.4(d) and 3710(a)(10) the State Water Board may refuse to reinstate a certificate if the applicant has committed any act that is a reasonable ground for disciplinary action pursuant to these regulations if the act is associated with performing duties at a facility that treats wastewater in a state other than California, in a territory, or on land under the jurisdiction of an Indian tribe, provided the duties are comparable to the duties of an operator or contract operator at a WWTP and the act would be a reasonable ground for a disciplinary action pursuant to these regulations if associated with performing duties at a WWTP.

To determine if there is a reasonable ground for refusing to reinstate a certificate, this new subdivision requires an applicant to inform the OOC whether a certifying body or court, for any act associated with performing duties at a facility that treats wastewater in a state other than California, in a territory, or on land under the jurisdiction of an Indian tribe, provided the duties are comparable to the duties of an operator or contract operator at a WWTP, has ever: taken final action to revoke or suspend the applicant's certification or registration; taken final action to discipline or impose administrative civil liability on the applicant; or imposed civil or criminal liability.

4. **Section 3702.4(d)** – Existing section 3702.4(c) is moved to section 3702.4(d) and amended for clarification purposes.
5. **Section 3702.4(e)** – Under existing section 3702.4(d), the expiration date of a reinstated certificate is the same as if the certificate had not expired. As a result, in addition to paying a reinstatement fee, operators who are reinstated must renew their certificates after less than two years. This provision is moved to proposed section 3702.4(e). Additionally, consistent with other amendments to the regulations to ensure that operators are certified for a full two years every time they apply for or renew a certificate, this provision is amended so that the expiration date of a reinstated certificate is two years from the date of reinstatement of the certificate.

SECTION 3702.5 REPORTING REQUIREMENTS FOR OPERATORS.

Existing section 3702.5 regarding replacing a certificate is moved to proposed section 3702.6.

Proposed section 3710(a)(10) provides that an operator may be disciplined for committing any act that is a reasonable ground for disciplinary action pursuant to these regulations if the act is associated with performing duties at a facility that treats wastewater in a state other than

California, in a territory, or on land under the jurisdiction of an Indian tribe, provided the duties are comparable to the duties of an operator or contract operator at a WWTP and the act would be a reasonable ground for a disciplinary action pursuant to these regulations if associated with performing duties at a WWTP.

Proposed section 3702.5 implements section 3710(a)(10) by requiring an operator to notify the OOC within 30 days of the date a certifying body or court, for any act associated with performing duties at a facility that treats wastewater in a state other than California, in a territory, or on land under the jurisdiction of an Indian tribe, provided the duties are comparable to the duties of an operator or contract operator at a WWTP, takes final action: to discipline the operator; to impose administrative civil liability; or to impose civil or criminal liability.

SECTION 3702.6. REPLACEMENT.

Specific Purpose and Necessity of the Proposed Action

Existing section 3702.5 is moved to this new section. The amendments to this provision are non-substantive and are not intended to have any regulatory effect.

SECTION 3702.7. UNPAID FEES AND ADMINISTRATIVE CIVIL LIABILITY.

Specific Purpose and Necessity of the Proposed Action

Existing section 3702.3(b) is moved to this new section for clarification purposes. This provision also is expanded to include fees for the issuance and reinstatement of a certificate and payment of administrative civil liability consistent with the provisions regarding administrative civil liability that are added to the regulations.

SECTION 3703. POSTING CERTIFICATES.

Specific Purpose and Necessity of the Proposed Action

Under existing section 3703, operator and OIT certificates must be posted at the WWTP where the individual is employed. This requirement helps to ensure that people who do not hold certificates are not performing the duties of an operator. Frequently, however, certificates are placed in areas inaccessible to the public. This section is amended to require posting of certificates in public areas to ensure that the certificates are posted in areas accessible for public inspection, so that the public and regulatory agencies may verify that the WWTP's operators and OITs are certified and that the WWTP has an adequate number of certified operators.

Article 9. Administrative Civil Liability, Disciplinary Action, Appeal, and Petition Process

Specific Purpose and Necessity of the Proposed Action

Under existing article 7, Proposed Disciplinary Action Letters issued by the Director of the OE may be appealed to the Division Chief (now retitled "Deputy Director") of the Division. The Division Chief may then uphold, overturn, or amend the proposed disciplinary action. Typically, appeals go up through the chain of command in an organization. In this case, however, the Director of the OE is independent of the Deputy Director of the Division and the Director of the

OE and the Deputy Director of the Division have comparable levels of authority within the State Water Board. Therefore, the State Water Board has determined that the Deputy Director of the Division should not review appeals of Proposed Disciplinary Action Letters issued by the Director of the OE. Instead, a person to whom a Proposed Disciplinary Action Letter has been issued may request reconsideration by the Director of the OE under proposed section 3712. Provisions in existing sections 3711-3715 are amended and additional sections are added to implement this change.

SECTION 3709. IMPOSITION OF ADMINISTRATIVE CIVIL LIABILITY.

Specific Purpose and Necessity of the Proposed Action

This new section implements sections 13627.1, 13627.2, and 13627.4 of the Water Code, which were added to the Water Code by chapter 422, statutes of 2002.

SECTION 3710. GROUNDS FOR DISCIPLINARY ACTION.

Specific Purpose and Necessity of the Proposed Action

1. **Section 3710(a)** – Existing section 3710(a) is amended to correct an apparent oversight in current regulations by providing that an operator or OIT may be disciplined “upon any reasonable ground,” consistent with Water Code section 13627(e). As amended, this subdivision authorizes the State Water Board to discipline operators, provisional operators, or OITs upon any reasonable ground, even if it is not specified in this section. Additional changes have been made for clarification purposes.
2. **Section 3710(a)(3)** – Existing section 3710(a)(3) allows the State Water Board to discipline an operator or OIT who provides false or misleading information on any document provided to the State Water Board. Existing section 3710, however, does not include a provision to discipline operators who orally provide false or misleading information to State Water Board staff. Staff has encountered situations where operators lied to investigators relative to situations involving fellow operators under investigation. Section 3710(a)(3) is amended to allow the State Water Board to discipline operators, provisional operators, or OITs who lie to State Water Board staff during an investigation of possible violations of the regulations.
3. **Section 3710(a)(7)** – Existing section 3710(a)(7) is amended for clarification purposes. The proposed definition of “waste discharge requirements” includes all waste discharge requirements issued pursuant to article 4 of chapter 4, division 7 of the Water Code and chapter 5.5 of division 7 of the Water Code. This definition includes provisions in a National Pollutant Discharge Elimination System permit.
4. **Section 3710(a)(8)** – This new subdivision provides that an operator, provisional operator, or OIT may be disciplined for failing to comply with the new reporting requirement in proposed section 3682.6, 3683.4, or 3702.5.
5. **Section 3710(a)(9)** – While existing section 3703 requires operators and OITs to post their certificates (this section is amended to include provisional operators in the proposed regulations), there is no provision in existing section 3710 for enforcing this requirement. Therefore, this new subdivision is added to include failing to post a certificate as a ground for disciplinary action under proposed section 3710.

6. **Section 3710(a)(10)** – A person who commits an act that is a reasonable ground for a disciplinary action pursuant to these regulations at any facility that treats wastewater, including facilities operated in another state, in a territory, or on land under the jurisdiction of an Indian tribe, may not possess the technical qualifications, integrity, and respect for the law necessary to operate a WWTP. Therefore, this new subdivision states that an operator, provisional operator, or OIT may be disciplined for committing any act that is a reasonable ground for disciplinary action pursuant to these regulations if the act is associated with performing duties at a facility that treats wastewater in a state other than California, in a territory, or on land under the jurisdiction of an Indian tribe, provided the duties are comparable to the duties of an operator or contract operator at a WWTP and the act would be a reasonable ground for a disciplinary action pursuant to these regulations if associated with performing duties at a WWTP.
7. **Section 3710(b)** –The amendments to existing section 3710(b) are non-substantive and are not intended to have any regulatory effect.

SECTION 3711. APPEALS OF DISCRETIONARY DECISIONS MADE BY THE OFFICE OF OPERATOR CERTIFICATION.

Specific Purpose and Necessity of the Proposed Action

Existing section 3711 states broadly that a person may appeal the denial of an application without specifying what type of applications may be appealed. To clarify the specific intent of the State Water Board, this section is amended to list the type of applications that, if denied by the OOC, may result in an appeal. Further, in order to implement the provisional operator and lone operator provisions of the proposed regulations, the discretionary decisions that may be appealed include a decision to deny a request for approval to use a lone operator or a provisional operator. Finally, this section is amended to implement changes to the Water Code enacted by chapter 422, statutes of 2002 allowing an owner to appeal a denial of an exemption made by the OOC. This section is also amended to provide an additional 15 days in which to appeal a decision by the OOC to the Deputy Director of the Division. This amendment ensures that appellants have the opportunity to review the decision, gather any material they wish to be considered by the Deputy Director, and to write a well-reasoned appeal.

In several previous requests for review by the Division Chief (now retitled “Deputy Director”) of the Division, it was unclear which decision was being appealed. Therefore, this amendment requires an appellant to include a copy of the decision being appealed.

SECTION 3711.1. ACTION BY THE DEPUTY DIRECTOR OF THE DIVISION.

Specific Purpose and Necessity of the Proposed Action

1. **Section 3711.1(a)** – Existing section 3712 requires the OOC to make a recommendation to the Division Chief (now retitled “Deputy Director”) of the Division on all appeals within 30 days of receipt of the appeals. Proposed section 3711.1(a) provides that the OOC may, but is not required to, provide a recommendation. This new subdivision also allows the Deputy Director to extend the time for filing the recommendation, allowing the OOC more time to consider and develop its response to appeals.
2. **Section 3711.1(b)** – Existing section 3712 requires the Division Chief (now retitled “Deputy Director”) of the Division to issue a Final Division Decision within 30 days of receiving a recommendation from the OOC. This means that the amount of time the Division Chief has

to review the appeal varies based on when the recommendation is received. Additionally, the amount of time provided by existing regulations is not sufficient to allow the Division Chief to give the matter full consideration. This new subdivision gives the Deputy Director 90 days from receipt of the appeal to review the appeal and issue a Final Division Decision. This change allows the Division to better allocate its resources by setting a fixed day, not tied to the recommendation, that the Final Division Decision is due and provides enough time for the Deputy Director to fully review the appeal.

3. **Section 3711.1(c)** – This new subdivision provides that the Deputy Director of the Division may at any time, on his or her own motion, issue a Final Division Decision. This subdivision gives the Deputy Director the authority to review decisions that have not been appealed in a timely manner.

SECTION 3711.2. PETITION FOR REVIEW OF A FINAL DIVISION DECISION BY THE STATE WATER BOARD.

Specific Purpose and Necessity of the Proposed Action

Existing section 3713 is moved to proposed section 3711.2 and amended to make the petition process consistent with other State Water Board programs. The amendments also will help the State Water Board conduct hearings in an efficient manner by ensuring that evidence is received prior to the hearing.

In several requests for petition review, it was unclear which Final Division Decision was being appealed. Therefore, this new section requires the petitioner to include the Final Division Decision in the petition.

SECTION 3712. REQUESTS FOR RECONSIDERATION OF PROPOSED DISCIPLINARY ACTION LETTERS.

Specific Purpose and Necessity of the Proposed Action

This new section implements the change in the appeal process for Proposed Disciplinary Action Letters issued by the OE as discussed in the introductory paragraph regarding article 9.

SECTION 3712.1. ACTION BY THE DIRECTOR OF THE OFFICE OF ENFORCEMENT.

Specific Purpose and Necessity of the Proposed Action

This new section implements the change in the appeal process for Proposed Disciplinary Action Letters issued by the OE as discussed in the introductory paragraph regarding article 9.

SECTION 3712.2. PETITION FOR REVIEW OF A FINAL OFFICE OF ENFORCEMENT DECISION BY THE STATE WATER BOARD.

Specific Purpose and Necessity of the Proposed Action

This new section implements the change in the appeal process for Proposed Disciplinary Action Letters issued by the OE as discussed in the introductory paragraph regarding article 9.

SECTION 3713. DEFECTIVE PETITIONS.

Specific Purpose and Necessity of the Proposed Action

Existing section 3714 is moved to proposed section 3713 and amended to give the State Water Board authority to provide more time to amend a defective petition. The amendments also make the petition process in the Operator Certification Program consistent with the process for other State Water Board programs.

SECTION 3714. ACTION BY THE STATE WATER BOARD ON A PETITION.

Specific Purpose and Necessity of the Proposed Action

Existing section 3715 is moved to proposed section 3714 and amended to implement the change in the appeal process for Proposed Disciplinary Action Letters issued by the OE as discussed in the introductory paragraph regarding article 9. As amended, this section also makes the petition process in the Operator Certification Program consistent with the process for other State Water Board programs. Additionally, this new section clarifies that the State Water Board has the discretion to hold a hearing only for the purpose of oral argument or receipt of additional evidence or both, if the State Water Board is not otherwise required by law to hold an evidentiary hearing.

Pursuant to an existing general delegation, the Executive Director may, on behalf of the State Water Board, refuse to review the Final Division Decision or Final Office of Enforcement Decision if the petition fails to raise substantial issues that are appropriate for review or deny the petition upon a finding that the Final Division Decision or Final Office of Enforcement Decision was appropriate and proper. This new section includes this authority to clarify the petition process.

SECTION 3715. WORKSHOP MEETING.

Specific Purpose and Necessity of the Proposed Action

This new section makes the petition process in the Operator Certification Program consistent with the process for other State Water Board programs.

SECTION 3716. FORMAL DISPOSITION.

Specific Purpose and Necessity of the Proposed Action

1. **Section 3716** – Existing section 3716 is deleted because it implemented repealed Government Code sections 15374-15378.
2. **Section 3716(a)** – Proposed section 3716(a) is added to make the petition process in the Operator Certification Program consistent with the process for other State Water Board programs.
3. **Section 3716(b)** – Pursuant to an existing general delegation, the Executive Director may issue an order by settlement on behalf of the State Water Board. This new subdivision clarifies that this new section does not limit the Executive Director's authority to issue an order by settlement.

Article 10. Fees

SECTION 3717. OPERATOR AND OPERATOR-IN-TRAINING FEES.

Specific Purpose and Necessity of the Proposed Action

1. **Section 3717** – The number of applications and associated costs for the Operator Certification Program have increased significantly since the last fee increase in 2003, although the level of effort to review applications remains steady. Pursuant to Water Code section 13627.5(b), the State Water Board may charge a reasonable fee for processing examination applications and administering examinations. Additionally, Water Code section 13628 requires the State Water Board to establish a fee schedule to provide revenues to cover the cost of the Operator Certification Program.

The Operator Certification Program classifies each WWTP and regulates approximately 6,000 certified operators and OITs. The Operator Certification Program's total annual expenditures are approximately \$1,508,070, not including the cost of processing and renewing contract operator registrations.

The following is a breakdown of expenditures:

OOO administrative responsibilities – 28 percent or \$422,259.60

The OOC administers the Operator Certification Program. The OOC issues new certificates to operators and OITs and renews their certificates every two years. The OOC processes over 1,300 applications for examinations. OOC work tasks include: classifying WWTPs; reviewing applications for examinations; preparing and administering the examinations; reviewing applications for operator and OIT certificates; printing and distributing certificates; communicating with applicants, certificate holders, WWTP owners, and chief plant operators; reviewing and preparing forms and correspondence; consulting with engineers and legal staff; and other support activities.

Engineering support – 32 percent or \$482,582.40

Engineering support includes: classifying WWTPs; updating, administering, and grading operator certification examinations; and assisting OOC staff to review applications for certification. Engineers in the Division also advise the Deputy Director of the Division, the Office of Chief Counsel, and the State Water Board regarding appeals, petitions, and proposed regulatory amendments.

Office of Chief Counsel support – 15 percent or \$226,210.50

The Office of Chief Counsel provides legal support for the OOC and advises the Division and the State Water Board regarding appeals, petitions, and proposed regulatory amendments.

OE support – 25 percent or \$377,017.50

The OE investigates and prosecutes any relevant alleged violations of the Water Code or the Operator Certification regulations. Additionally, the OE provides input on proposed regulatory amendments.

As stated above, the Operator Certification Program's total annual expenditures are approximately \$1,508,070, not including the cost of processing and renewing contract

operator registrations. Annual revenue from the fees to cover these costs is approximately \$722,000, resulting in a \$786,070 deficit. The State Water Board has determined that it is appropriate to keep the current fee structure in which operators and OITs at lower grade levels have lower fees than operators and OITs at higher grade levels. Additionally, the State Water Board has determined that it is appropriate for the provisional operator certification fee to be equivalent to the certification fee for Grade I OITs and Grade I operators. Given the uneven distribution of operators and OITs across the five grade levels and the desire to keep the current fee structure, the State Water Board has determined that fees must increase by 78 percent in order for the Operator Certification Program to meet its operating costs.

2. **Section 3717(a)** – Existing section 3717(a) is deleted and the provisions are combined with existing section 3717(d) in proposed section 3717(d) for clarification purposes. The lead-in to existing section 3717 is moved to proposed section 3717(a) and amended to be consistent with proposed section 3700(e).
3. **Section 3717(f)** – This subdivision is amended to increase the reinstatement fee from \$50 to \$100 to cover the cost of reinstating an operator certificate.
4. **Section 3717(g)** – This subdivision is amended to be consistent with proposed section 3702.6 regarding replacement of a lost, stolen, damaged, or destroyed certificate. The replacement fee is increased from \$20 to \$50 to cover the cost of replacing an operator or OIT certificate.
5. **Section 3717(h)** – This subdivision is amended to be consistent with the amendment to the regulations replacing reciprocal certification with an examination waiver. The fee for an examination waiver is set at \$100 to cover the cost of processing the application for an examination waiver.

Article 11. Advisory Committee

SECTION 3718. ADVISORY COMMITTEE MEMBERSHIP AND RESPONSIBILITIES.

Specific Purpose and Necessity of the Proposed Action

1. **Section 3718(a)** – The terms of those members of the Advisory Committee who were in office on January 1, 1992, have expired. Therefore, existing section 3718(a) is deleted and replaced with the requirements for Advisory Committee membership pursuant to Water Code section 13632.

Because all supervisors are operators, proposed subdivision (a)(1) uses the term “operators” instead of “operators and supervisors,” which is used in Water Code section 13632(a).

2. **Section 3718(c)** – Existing section 3718(c) is amended for consistency with Water Code section 13633 regarding the duties of the Advisory Committee.

Article 12. Wastewater Treatment Plant Contract Operators

SECTION 3719. CONTRACT OPERATOR REGISTRATION REQUIREMENT.

Specific Purpose and Necessity of the Proposed Action

Existing section 3719 states that no person or entity may enter into a contract to operate a WWTP unless that person is a registered contract operator. The State Water Board recognizes that it is unnecessarily burdensome for a person to register as a contract operator before attempting to obtain a contract and has an interest only in regulating those people who have obtained a contract to operate a WWTP. For these reasons, the OOC allows a contract operator to enter into a contract to operate a WWTP before registering as a contract operator. To establish existing practice in regulation, this section provides that within 30 days after entering into a contract to operate a WWTP, a contract operator must submit an application for contract operator registration with the OOC.

Additionally, this section is amended to implement the change in the name of the “contract operator registration” that must be posted at a WWTP to a “contract operator credential.”

SECTION 3719.1. TERM OF CONTRACT OPERATOR REGISTRATION.

Specific Purpose and Necessity of the Proposed Action

Existing section 3719.10 is moved to proposed section 3719.1. The amendments to this provision are non-substantive and are not intended to have any regulatory effect.

SECTION 3719.2. APPLICATION FOR CONTRACT OPERATOR REGISTRATION.

Specific Purpose and Necessity of the Proposed Action

1. **Section 3719.2(a)** – Existing section 3719.11(a) stating what information must be provided on an application for a contract operator registration is moved to proposed section 3719.2(a) and reorganized for clarification purposes. The State Water Board does not require applicants to use a specific application form; however, for the convenience of the applicant, the State Water Board supplies an optional form in an organized, consistent format.

These requirements for an application for a contract operator registration are amended for consistency with other amendments to the regulations. As amended, applicants are now required to provide the name, address, and telephone number of each owner contracting with the contract operator. Applicants also must provide the contact information for the chief plant operator and the name of the Regional Water Board overseeing each WWTP under contract. This information will help the OOC track the owner, contract operator, and chief plant operator at each WWTP.

2. **Section 3719.2(a)(6)** – Pursuant to proposed sections 3719.3(c) and 3719.12(k), the State Water Board may refuse to issue a registration if the applicant has committed any act associated with performing duties at a facility that treats wastewater in a state other than California, in a territory, or on land under the jurisdiction of an Indian tribe, provided the duties are comparable to the duties of an operator or contract operator at a California WWTP and the act would be good cause for a disciplinary action pursuant to these regulations if associated with performing duties at a WWTP.

To determine if there is good cause for denying the requested registration, this new subdivision requires an applicant to inform the OOC whether a certifying body or court, for any act associated with performing duties at a facility that treats wastewater in a state other than California, in a territory, or on land under the jurisdiction of an Indian tribe, provided the duties are comparable to the duties of an operator or contract operator at a WWTP, has ever: taken final action to revoke or suspend the applicant's certification or registration; taken final action to discipline or impose administrative civil liability on the applicant; or imposed civil or criminal liability.

3. **Section 3719.2(b)** – Existing section 3719.11(b) setting the deadline for contract operators to register with the State Water Board when it first began registering contract operators is deleted because it is no longer necessary or appropriate.

Existing section 3719.11(c), requiring the OOC to notify applicants in writing within 30 days of receipt whether the application for registration is deficient, is moved to proposed section 3719.2(b). This provision is amended to require the OOC to notify applicants if their applications for registration are complete, ensuring that applicants are aware of the status of their applications. Additionally, this subdivision is amended to clarify that if the application is deficient, the OOC must inform the applicant in writing of the specific information required to complete the application.

Existing regulations do not specify the date by which the applicant must correct the deficiency. Proposed section 3682.1(e) provides that if the deficiency is not corrected within 60 days from the date of the notification, the application shall be denied.

SECTION 3719.3. ISSUANCE OF CONTRACT OPERATOR REGISTRATION AND CONTRACT OPERATOR CREDENTIAL.

Specific Purpose and Necessity of the Proposed Action

1. **Section 3719.3(a)** – Existing section 3719.12(a) is moved to proposed section 3719.3(a) and amended to add the name “State Water Resources Control Board” to contract operator registrations to distinguish them from registrations issued by another certifying body and to conform with existing OOC practice.
2. **Section 3719.3(b)** – The use of the term “certificate of registration” in existing section 3719.12(b) is confusing because it is used for both the certificates issued by the OOC upon registering contract operators and for the certificates that must be posted at each WWTP operated by the contract operator. Therefore, the certificates that must be posted at each WWTP are renamed “contract operator credentials.”
3. **Section 3719.3(c)** – Existing section 3719.12(c) is moved to proposed section 3719.3(c) and amended to clarify that the OOC may not issue a contract operator registration if the applicant has committed any act in violation of the regulations.

SECTION 3719.4. RENEWAL OF CONTRACT OPERATOR REGISTRATION.

Specific Purpose and Necessity of the Proposed Action

1. **Section 3719.4(b)** – Existing section 3719.13(b) stating what information must be provided on an application for renewal of a contract operator registration is moved to proposed section 3719.4(b) and reorganized for clarification purposes. The State Water Board does

not require applicants to use a specific application form; however, for the convenience of the applicant, the State Water Board supplies an optional form in an organized, consistent format.

The requirements for an application for renewal of a contract operator registration are amended for consistency with other amendments to the regulations. As amended, applicants are now required to provide the name, address, and telephone number of the owner of each WWTP under contract.

2. **Section 3719.4(b)(3)** – In addition to the requirements in existing section 3719.13(b), applicants must provide the contact information for the chief plant operator and the name of the Regional Water Board overseeing each WWTP to be operated. This information will help the OOC track the chief plant operator and Regional Water Board overseeing each WWTP.
3. **Section 3719.4(c)** – Existing section 3719.13(c) is moved to proposed Section 3719.4(c) and amended to incorporate the renumbering of the section regarding contract operator fees.
4. **Section 3719.4(d)** – Existing section 3719.13(d) requiring the OOC to notify an applicant in writing within 30 days of receipt whether an application for contract operator registration renewal is deficient is moved to proposed section 3719.4(d). The requirement is amended to require the OOC to notify applicants if their renewal applications are complete, ensuring that applicants are aware of the status of their renewal applications. This subdivision also clarifies that if the renewal application is deficient, the OOC must inform the applicant in writing of the specific information required to complete the application.

Existing regulations do not specify the date by which the applicant must correct the deficiency. Proposed section 3682.1(e) provides that if the deficiency is not corrected within 60 days from the date of the notification, the application shall be denied.

SECTION 3719.5 ISSUANCE OF RENEWED CONTRACT OPERATOR REGISTRATION AND CONTRACT OPERATOR CREDENTIAL.

Specific Purpose and Necessity of the Proposed Action

1. **Section 3719.5(a)** – Existing section 3719.14(a) is moved to proposed section 3719.5(a) and amended to add the name “State Water Resources Control Board” to contract operator registrations to distinguish them from registrations issued by another certifying body. This requirement establishes existing practice in regulation.
2. **Section 3719.5(b)** – Existing section 3719.14(b) is moved to proposed section 3719.5(b). The use of the term “certificate of registration” in existing section 3719.14(b) is confusing because it is used to refer to the certificates issued by the OOC upon registering contract operators as well as the certificates that must be posted at each WWTP under contract. Therefore, the certificates that must be posted at each WWTP are renamed, “contract operator credentials.”
3. **Section 3719.5(c)** – Existing section 3719.14(c) is moved to proposed section 3719.5(c) and amended to include all grounds for a disciplinary action or administrative civil liability under the proposed regulations.

SECTION 3719.6. APPLICATION FOR ADDITIONAL CONTRACT OPERATOR CREDENTIAL.

Specific Purpose and Necessity of the Proposed Action

1. **Section 3719.6(a)** – Under existing section 3719.16, a contract operator must post a certificate of registration (renamed “contract operator credential” in the proposed regulations) at each WWTP under contract. There are no provisions, however, for obtaining an additional certificate of registration if the contract operator enters into a new contract at a later date.

This new subdivision establishes what information must be provided on an application for an additional contract operator credential. The information will help the OOC track the owner, contract operator, and chief plant operator at each WWTP. The State Water Board does not require applicants to use a specific application form; however, for the convenience of the applicant, the State Water Board supplies an optional form in an organized, consistent format.

2. **Section 3719.6(b)** – This new subdivision establishes a 30-day time limit within which the OOC must issue the additional contract operator credential.

SECTION 3719.7. REPLACEMENT OF CONTRACT OPERATOR REGISTRATION OR CONTRACT OPERATOR CREDENTIAL.

Specific Purpose and Necessity of the Proposed Action

Existing section 3719.15 is moved to this new section and amended to be consistent with the requirements in proposed section 3702.6 for replacing an operator certificate and to incorporate the amendment to the regulations regarding contract operator credentials. Additionally, this new section incorporates the renumbering of the section regarding fees.

SECTION 3719.8. UNPAID FEES AND ADMINISTRATIVE CIVIL LIABILITY.

Specific Purpose and Necessity of the Proposed Action

Existing section 3719.14(c) stating that a registration shall not be renewed until any unpaid fees or fines have been paid is moved to this new section for clarification purposes. This new section also includes fees for the issuance or replacement of a contract operator registration or contract operator credential and payment of administrative civil liability consistent with the provisions regarding administrative civil liability that are added to the regulations.

SECTION 3719.9. POSTING CONTRACT OPERATOR CREDENTIALS.

Specific Purpose and Necessity of the Proposed Action

Existing section 3719.16 stating that a registered contract operator’s certificate of registration must be displayed and clearly visible at each WWTP under contract is moved to this new section. This new section also requires the contract operator to display the contract operator credential in an area accessible to the public. If there is no area accessible to the public, the contract operator credential must be posted in an accessible area at the WWTP owner’s

headquarters. This requirement ensures that the public and regulatory agencies can inspect contract operator credentials.

SECTION 3719.10. REPORTING REQUIREMENTS FOR CONTRACT OPERATORS.

Specific Purpose and Necessity of the Proposed Action

1. **Section 3719.10(a)** – Existing section 3676(c) requires agencies or municipalities to report to the OOC any final disciplinary action against an operator or OIT (this section is amended to include provisional operators in the proposed regulations). The regulations do not, however, require contract operators to report any final disciplinary action they take against an operator, provisional operator, or OIT. It is typically the contract operator, not the owner, who disciplines the operators and OITs working at a WWTP. This new section requires contract operators to report disciplinary actions to the OOC.

This section also requires the OOC to include the operator's certificate number in the notice. The length of time the notice will remain in State Water Board files is consistent with the provisions of proposed section 3676(g) regarding the length of time a notice from the owner will remain in State Water Board files.

2. **Section 3719.10(b)** – Proposed section 3719.12(k) provides that a contract operator may be disciplined for committing any act associated with performing duties at a facility that treats wastewater in a state other than California, in a territory, or on land under the jurisdiction of an Indian tribe, provided the duties are comparable to the duties of an operator or contract operator at a WWTP and the act would be good cause for a disciplinary action pursuant to these regulations if associated with performing duties at a WWTP.

This new section implements section 3719.12(k) by requiring a contract operator to notify the OOC within 30 days of the date a certifying body or court, for any act associated with performing duties at a facility that treats wastewater in a state other than California, in a territory, or on land under the jurisdiction of an Indian tribe, provided the duties are comparable to the duties of an operator or contract operator at a WWTP, takes final action: to discipline the OIT; to impose administrative civil liability; or to impose civil or criminal liability.

SECTION 3719.11. IMPOSITION OF ADMINISTRATIVE CIVIL LIABILITY.

Specific Purpose and Necessity of the Proposed Action

This new section implements sections 13627.3 and 13627.4 of the Water Code, which were added to the Water Code by chapter 422, statutes of 2002.

SECTION 3719.12. GROUNDS FOR DISCIPLINARY ACTION.

Specific Purpose and Necessity of the Proposed Action

1. **Section 3719.12(c)** – Existing section 3719.17(c) stating that a person may be disciplined for operating a WWTP without a valid and current registration is moved to proposed section 3719.12(c). This new subdivision implements the amendment to proposed section 3719, which provides that within 30 days after entering into a contract to operate a

WWTP, a contract operator must submit an application for contract operator registration with the OOC.

2. **Section 3719.12(d)** – Existing section 3719.17(c) states that a person may be disciplined for operating a WWTP without a valid and current registration. Proposed section 3719, which provides that within 30 days after entering into a contract to operate a WWTP, a contract operator must submit an application for contract operator registration with the OOC. Additionally, a contact operator must obtain a contract operator credential for each WWTP that the contract operator operates. This new subdivision implements these amendments to section 3719.
3. **Section 3719.12(e)** – Existing section 3719.17(d) allowing the State Water Board to discipline a contract operator for providing written information that is false or misleading is moved to proposed section 3719.12(e). Existing section 3719.17 does not provide the means to discipline contract operators who orally provide false or misleading information to State Water Board staff. State Water Board staff has experienced situations where contract operators give false or misleading information to investigators relative to operators under investigation. This provision is amended to allow the State Water Board to discipline contract operators who lie to State Water Board staff during an investigation of possible violations of the regulations.
4. **Section 3719.12(f)** – Existing section 3719.12(e) is moved to proposed section 3719.12(f). The amendments to this provision are non-substantive and are not intended to have any regulatory effect.
5. **Section 3719.12(g)** – Existing section 3719.12(f) is moved to proposed section 3719.12(g) and amended for consistency with Water Code section 13627.3(c)(5).
6. **Section 3719.12(h)** – Existing section 3719.12(g) is moved to proposed section 3719.12(h) and amended for clarification purposes. The proposed definition of “waste discharge requirements” includes all waste discharge requirements issued pursuant to article 4 of chapter 4, division 7 of the Water Code and chapter 5.5 of division 7 of the Water Code. This definition includes provisions in a National Pollutant Discharge Elimination System permit.
7. **Section 3719.12(i)** – This subdivision is added so that a contract operator may be disciplined for failing to comply with the new reporting requirement in proposed section 3719.10(b).
8. **Section 3719.12(j)** – Although existing sections 3703 and 3719.16 require operators and OITs to post their certificates and contract operators to post their certificates of registration (renamed “contract operator credential” in the proposed regulations), the regulations do not provide a means of enforcing the requirements. Therefore, failing to post a certificate or a contract operator credential is included in the grounds for disciplinary action in this new subdivision.
9. **Section 3719.12(k)** – A person who commits an act that is good cause for a disciplinary action pursuant to these regulations at any facility that treats wastewater, including facilities operated in another state, in a territory, or on land under the jurisdiction of an Indian tribe, may not possess the technical qualifications, integrity, and respect for the law necessary to operate a WWTP. Therefore, this new subdivision states that contract operators may be disciplined for committing any act associated with performing duties at a facility that treats wastewater in a state other than California, in a territory, or on land under the jurisdiction of an Indian tribe, provided the duties are comparable to the duties of an operator or contract

operator at a California WWTP and the act would be good cause for a disciplinary action pursuant to these regulations if associated with performing duties at a WWTP.

SECTION 3719.13. APPEALS OF DISCRETIONARY DECISIONS MADE BY THE OFFICE OF OPERATOR CERTIFICATION.

Specific Purpose and Necessity of the Proposed Action

Existing section 3719.18 allowing applicants or registration holders to appeal discretionary decisions made by the OOC or the OE in accordance with the regulations governing appeals for operators and OITs is moved to this new section. This new section incorporates the amendments to proposed article 9 regarding appeals of discretionary decisions made by the OOC.

SECTION 3719.14. REQUESTS FOR RECONSIDERATION OF PROPOSED DISCIPLINARY ACTION LETTERS.

Specific Purpose and Necessity of the Proposed Action

Existing section 3719.18 allowing applicants or registration holders to appeal discretionary decisions made by the OOC or the OE in accordance with the regulations governing appeals for operators and OITs is moved to this new section. This new section incorporates the amendments to proposed article 8 regarding requests for reconsideration of Proposed Disciplinary Action Letters.

SECTION 3719.15. PETITIONS.

Specific Purpose and Necessity of the Proposed Action

Existing section 3719.18 allowing applicants or registration holders to appeal discretionary decisions made by the OOC or the OE in accordance with the regulations governing appeals for operators and OITs is moved to this new section. This new section incorporates the amendments to proposed Article 8 regarding petitions to the State Water Board seeking review of a Final Division Decision or a Final Office of Enforcement Decision.

SECTION 3719.16. WASTEWATER TREATMENT PLANT CONTRACT OPERATOR REGISTRATION FEES.

Specific Purpose and Necessity of the Proposed Action

1. **Section 3719.16** – Water Code section 13627.3(e) requires the State Water Board to establish a fee schedule to pay for its costs to implement Water Code section 13627.3 governing the contract operator registration program. The contract operator fees were established on August 29, 1994, and have never been increased. The costs of registering contract operators have increased significantly since 1994 and the fees collected do not cover the costs.

Each year, the OOC receives approximately 100 applications for a contract operator registration or the renewal of a contract operator registration. The State Water Board estimates that it takes an average of six hours for an Office Technician, a Staff Services

Analyst, and the OOC Administrator to review and process a typical application. At the current salaries for an Office Technician, a Staff Services Analyst, and the OOC Administrator, the administration costs to process an average of 100 contract operator applications per year are projected at approximately \$37,230 per year.

Based on an analysis of the cost of processing applications for a contract operator registration or the renewal of a contract operator registration, the State Water Board has determined that the initial contract operator registration fee and annual renewal fee must increase by 250 percent and the fee for employee registration by the contract operator must increase by 200 percent.

2. **Section 3719.16(c)** – Existing section 3719.19(c) is moved to proposed section 3719.16(c) and amended to increase the late fee from \$50 to \$100 to cover additional costs that may be incurred and to deter contract operators from submitting their renewal applications late.
3. **Section 3719.16(d)** – Existing section 3719.19(d) is moved to proposed section 3719.16(d) and amended to be consistent with proposed Section 3719.7 regarding replacement of a lost, stolen, damaged, or destroyed contract operator registration or contract operator credential. This subdivision also incorporates the addition of proposed section 3719.6 regarding the application for an additional contract operator credential. The replacement fee is increased from \$30 to \$50 to cover the cost of issuing a new contract operator registration or contract operator credential.

Appendix

Existing Article 4. Minimum Qualifications

Specific Purpose and Necessity of the Proposed Action

The sections in existing article 4 concerning minimum qualifications are moved to proposed article 6 for organizational purposes.

Proposed Article 4. Operators-in-Training

Specific Purpose and Necessity of the Proposed Action

The sections in existing article 6 concerning OITs are moved to proposed article 4 and renumbered for organizational purposes.

Existing Article 5. Examination and Certification of Wastewater Treatment Plant Operators

Specific Purpose and Necessity of the Proposed Action

The sections in existing article 5 concerning examinations are moved to proposed article 7 for organizational purposes. The sections in existing article 5 concerning operator certification are moved to proposed article 8 for organizational purposes.

Proposed Article 6. Minimum Qualifications for Wastewater Treatment Plant Operator Certification

Specific Purpose and Necessity of the Proposed Action

The sections in existing article 4 concerning minimum qualifications are moved to proposed article 6 for organizational purposes.

Existing Article. 6. Operators-in-Training

Specific Purpose and Necessity of the Proposed Action

The sections in existing article 6 concerning operators-in-training are moved to proposed article 4 for organizational purposes.

Proposed Article 7. Examination for Wastewater Treatment Plant Operators

Specific Purpose and Necessity of the Proposed Action

The sections in existing article 5 concerning examinations are moved to proposed article 7 for organizational purposes.

Existing Article 7. Prohibited Acts, Disciplinary Action, and Appeal Process

Specific Purpose and Necessity of the Proposed Action

The sections in existing article 7 concerning prohibited acts, disciplinary action, and appeal process are moved to proposed article 9 for organizational purposes.

Proposed Article 8. Certification of Wastewater Treatment Plant Operators

Specific Purpose and Necessity of the Proposed Action

The sections in existing article 5 on the certification of WWTP operators are moved to proposed article 8 for organizational purposes.

Existing Article 8. Fees

Specific Purpose and Necessity of the Proposed Action

The section in existing article 8 concerning fees is moved to proposed article 10 for organizational purposes.

Proposed Article 9. Administrative Civil Liability, Disciplinary Action, Appeal, and Appeal Process

Specific Purpose and Necessity of the Proposed Action

The sections in existing article 7 concerning prohibited acts, disciplinary action, and appeal process are moved to proposed article 9 for organizational purposes.

Existing Article 9. Advisory Committee

Specific Purpose and Necessity of the Proposed Action

The section in existing article 9 concerning the Advisory Committee is moved to proposed article 11 for organizational purposes.

Proposed Article 10. Fees

Specific Purpose and Necessity of the Proposed Action

The section in existing article 8 concerning fees is moved to proposed article 10 for organizational purposes.

Existing Article 10. Wastewater Treatment Plant Contract Operators

Specific Purpose and Necessity of the Proposed Action

The sections in existing article 10 concerning contract operators are moved to proposed article 12 for organizational purposes.

Proposed Article 11. Advisory Committee

Specific Purpose and Necessity of the Proposed Action

The section in existing article 9 concerning the Advisory Committee is moved to proposed article 11 for organizational purposes.

Proposed Article 12. Wastewater Treatment Plant Contract Operators

Specific Purpose and Necessity of the Proposed Action

The sections in existing article 10 concerning contract operators are moved to proposed article 12 for organizational purposes.