Public Comment
Proposed Operator Certification Regulations
Deadline: 10/15/12 by 12 noon

RECEIVED
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SWRCB Clerk

Good Morning,
I do not agree with the proposed changes. A Water Treatment certificate is not the same as a Wastewater Treatment Certificate. There is no experience gained through water treatment for Primary, Digestion, Activated Sludge, Solids Handling or any other aspect of Wastewater. Holding one type of certificate does not equate to knowledge or experience gained by preforming the activities of the other as described in the proposal. I also find these proposals discriminatory in that the Wastewater Plant Operator Certificate would not allow the Operation of a Water Treatment Facility.

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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

Article 1. General Provisions

§ 3670. Purpose.

The primary purpose of the Wastewater Treatment Plant Classification, Operator Certification, and Contract Operator Registration Program is to protect public health and the environment by providing for the effective operation of wastewater treatment plants, including water recycling treatment plants, through the certification of wastewater treatment plant operators and the registration of contract operators.

Authority: Section 1058, Water Code.
Reference: Chapter 9 (commencing with Section 13625), Division 7, Water Code.

§ 3670.1. Certification Requirements for Operating Wastewater Treatment Plants.

(a) Except as provided in subdivision (b), no person shall operate a wastewater treatment plant without a valid, unexpired, State Water Board-issued operator, provisional operator, or operator-in-training certificate at a grade level appropriate for the class of wastewater treatment plant being operated as set forth in sections 3680, 3680.1, and 3680.2.

(b) A person certified by the California Department of Public Health as a water treatment plant operator may operate a water recycling treatment plant at a grade level appropriate for the class of wastewater treatment plant being operated as set forth in sections 3680 and 3680.1.

(1) For the purpose of this subdivision, a water treatment plant operator certificate is equivalent to a wastewater treatment plant operator certificate as follows:

Certificate Requirements for Water Recycling Treatment Plants

Wastewater Treatment Plant Classification	Water Treatment Plant Operator Certificate	Wastewater Treatment Plant Operator Certificate
I	T1	Grade I
II	T2	Grade II
III	T3	Grade III
IV	T4	Grade IV
V	T5	Grade V

(2) The State Water Board may prohibit the use of a certificate issued by the California Department of Public Health if the water treatment plant operator has committed or commits any act in violation of this chapter.

(c) Any person who operates a wastewater treatment plant without a valid, unexpired certificate as required by subdivisions (a) and (b) is subject to administrative civil liability as set forth in section 3709 and disciplinary action pursuant to sections 3710 and 3719.12.

(d) Any person who owns or operates a wastewater treatment plant that employs, or allows the employment of, any person performing the duties of an operator who does not hold a valid, unexpired certificate as required by subdivisions (a) and (b) is subject to administrative civil liability as set forth in section 3709(b)(2) and disciplinary action pursuant to sections 3710 and 3719.12.

Authority: Sections 1058 and 13627, Water Code.
Reference: Sections 13625, 13627, 13627.1, and 13627.3, Water Code.

§ 3671. Definitions.

The following definitions shall apply to this chapter:

"Activated sludge treatment" means a wastewater treatment process in which predominantly biodegradable pollutants in wastewater are adsorbed and/or absorbed by a suspended mass of living aerobic organisms called "activated sludge." The suspended mass is subsequently separated from the treated wastewater by sedimentation either for further use in the process or for disposal.

"Appellant" means a person who appeals a discretionary decision made by the Office of Operator Certification regarding: 1) denial of an application for an operator, provisional operator, or operator-in-training certificate or the renewal or reinstatement of an operator or operator-in-training certificate; 2) denial of an application for a contract operator registration or a contract operator credential or the renewal of a contract operator registration or a contract operator credential; 3) denial of an application for an exemption or the renewal of an exemption, or the revocation of an exemption for a Class I wastewater treatment plant; 4) denial of a request for approval to use a lone operator or a provisional operator; or 5) the results of an examination.

"Applicant" means: 1) a person who files an application for an examination; 2) a person who files an application for an operator, provisional operator, or operator-in-training certificate or the renewal or reinstatement of an operator or operator-in-training certificate; 3) a person who files an application for a contract operator registration or a contract operator credential or the renewal of a contract operator registration or a contract operator credential; or 4) an owner who files an application for an exemption or the renewal of an exemption for a Class I wastewater treatment plant; 5) a chief plant operator who requests approval to use a lone operator; or 6) an owner who requests approval to use a provisional operator.

"Associate's degree" means a degree issued by a college or university accredited to award associate's degrees by the Western Association of Schools and Colleges or another accrediting organization recognized by the California Postsecondary Education Commission or the United States Department of Education, for the completion of a program of study equivalent to the first two years of a baccalaureate degree.

"Bachelor's degree" means a baccalaureate degree issued by a college or university accredited to award bachelor's degrees by the Western Association of Schools and Colleges or another

accrediting organization recognized by the California Postsecondary Education Commission or the United States Department of Education.

“Biological filtration treatment” (biofiltration) means a wastewater treatment process in which predominantly biodegradable pollutants in wastewater are adsorbed and/or absorbed by masses of living aerobic organisms attached to stationary support media as the wastewater trickles over the media. Settleable material that may have sloughed from the media surfaces is subsequently separated from the treated wastewater by a sedimentation process for disposal.

“Certifying body” means a state other than California, a territory, or an Indian tribe or unit thereof, that certifies or registers any person 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 wastewater treatment plant. “Certifying body” includes entities designated by an Indian tribe to administer the tribe’s certification and/or contract registration program.

“Chief plant operator” means any of the following:

(1) the operator responsible for the overall operation of a wastewater treatment plant including compliance with effluent limitations established in the wastewater treatment plant’s waste discharge requirements and ensuring that operators-in-training are supervised directly as required by section 3682; or

(2) 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 section 3680.2.

“Contract operator” means a person who enters into a contract with an owner to operate one or more wastewater treatment plants.

“Conventional treatment pond” means a pond in which biological oxidation of organic matter occurs through the natural transfer of oxygen in the wastewater. A pond that uses surface aerators solely to control odors shall be considered a conventional treatment pond unless the effluent receives disinfection before it is discharged.

“Design flow” means that amount of flow for which the wastewater treatment plant was designed.

“Designated operator-in-charge” means an operator appointed by the chief plant operator pursuant to section 3680(b) to be responsible for the overall operation of a wastewater treatment plant, including compliance with the applicable waste discharge requirements, when the chief plant operator is unable to carry out the responsibilities of the position of “chief plant operator” as defined in this section. The designated operator-in-charge shall report to the chief plant operator.

“Direct supervision” means the supervising operator shall oversee and inspect the work performed by an operator-in-training and provide training to ensure the safe and proper execution of the operator-in-training’s duties. Direct supervision shall be carried out by an operator at the same or higher grade level as the operator-in-training. The supervising operator shall be present at the wastewater treatment plant 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.

“Disinfection” means a wastewater or water treatment process that uses physical or chemical processes to treat the effluent to inactivate or destroy pathogens remaining in wastewater after primary, secondary, or tertiary treatment. “Disinfection” includes the removal of chlorine if it is required by the wastewater treatment plant’s waste discharge requirements.

“Division” means the unit of the State Water Board in which the Office of Operator Certification is located.

“Extended aeration treatment” means a modification of the activated sludge treatment process which utilizes long aeration periods to promote aerobic digestion of the biomass.

“Full time” for purposes of qualifying experience means any of the following:

(1) an average of 40 hours worked per week by an operator or operator-in-training at a wastewater treatment plant while performing job duties that meet the definition of qualifying experience. Any used paid vacation or sick leave earned as a result of hours spent performing job duties that meet the definition of qualifying experience may be counted toward full-time employment. In no case, however, may an operator or operator-in-training be considered to be working full time if he or she spends less than 1,800 hours per year performing duties defined as qualifying experience;

(2) less than an average of 40 hours worked per week by an operator or provisional operator at a wastewater treatment plant if the operator or provisional operator is solely responsible for the operation of a wastewater treatment plant; or

(3) less than an average of 40 hours worked per week by an operator-in-training at a wastewater treatment plant if the operator-in-training works as the only operator-in-training under the direct supervision of an operator who is solely responsible for the operation of the wastewater treatment plant and who is working less than an average of 40 hours per week.

“Indian tribe” means an Indian entity recognized by, and eligible to receive services from, the United States, and included in the list of the entities periodically published by the Bureau of Indian Affairs in the Federal Register.

“Lone operator” means an operator, at a grade level lower than the designated-operator-in-charge, approved by the Office of Operator Certification pursuant to section 3681 to work alone at a wastewater treatment plant. An operator-in-training shall not be a “lone operator.”

“Management course” means a course that teaches supervision and management skills including oral communication, technical writing, public administration, business management, and finance. Operators may earn educational points for completion of management courses pursuant to section 3685(b).

“Modified treatment pond” means a pond in which either the biological oxidation of organic matter is enhanced by the addition of aeration or the effluent receives disinfection before discharge.

“Office of Enforcement” means the unit of the State Water Board responsible for enforcement of the Wastewater Treatment Plant Classification, Operator Certification, and Contract Operator Registration Program pursuant to article 9 and article 12.

“Office of Operator Certification” means the unit of the State Water Board that administers the Wastewater Treatment Plant Classification, Operator Certification, and Contract Operator Registration Program.

“Operates” means actions or decisions to control the performance or outcome of one or more wastewater treatment processes. The term also includes the supervision of other operators acting or making decisions to control the performance or outcome of one or more wastewater treatment processes.

“Operator” means a person who operates a wastewater treatment plant and who possesses a valid, unexpired operator certificate. The term “operator” includes a person who possesses a valid, unexpired operator certificate, but who is not currently employed in a position for which an operator certificate is required.

“Operator-in-training” means a person who has been issued an operator-in-training certificate by the State Water Board and who is acquiring qualifying experience at a wastewater treatment plant under the direct supervision of an operator at the same or a higher grade level as the operator-in-training.

“Owner” means a person who owns a wastewater treatment plant.

“Person” means an individual, entity, firm, association, organization, partnership, business trust, corporation, limited liability company, company, city, county, district, the state, and the United States, to the extent authorized by federal law.

“Petitioner” means a person who petitions the State Water Board seeking 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 Office of Enforcement.

“Preliminary treatment” means a wastewater treatment process to remove or reduce the size of solids that could damage equipment or reduce the effectiveness of other treatment processes.

“Primary treatment” means a wastewater treatment process that allows substances in wastewater that readily settle or float to be separated from the water being treated.

“Provisional operator” means a person who is solely responsible for the operation of a Class I wastewater treatment plant that has received written approval from the Office of Operator Certification to use a provisional operator in accordance with section 3680.2 and who possesses a valid, unexpired provisional operator certificate.

“Qualifying experience” means experience acquired by an operator, provisional operator, or operator-in-training while operating a wastewater treatment plant as defined in this section. “Qualifying experience” includes experience acquired by a water treatment plant operator while operating a water recycling treatment plant in accordance with section 3670.1. The term may include the performance of minor maintenance related to the servicing, adjustment, or regulation of equipment necessary to maintain reliable operation of wastewater treatment processes.

“Qualifying experience credit” means credit awarded in lieu of qualifying experience pursuant to section 3684. Qualifying experience credit is equivalent to qualifying experience and may be used to meet the experience requirements for operator certification pursuant to section 3687.

“Regional Water Board” means a California Regional Water Quality Control Board.

“Requestor” means a person who requests that the Director of the Office of Enforcement reconsider a proposed disciplinary action letter.

“Satellite plant” means a wastewater treatment plant that is physically separated from the main wastewater treatment plant, but that has the potential to affect the operation of, or effluent quality from, the main wastewater treatment plant. To qualify as a satellite plant, both the main wastewater treatment plant and the satellite plant shall be owned by the same person and shall be classified as one wastewater treatment plant. The owner’s employee organization chart, job descriptions, and duty rosters for wastewater treatment plant personnel shall include a chief plant operator who is responsible for the overall operation of both the main wastewater treatment plant and the satellite plant.

“Science course” means a course in mathematics, physics, engineering, chemistry, or biology. Operators may earn educational points for completion of science courses pursuant to section 3685(a).

“Secondary treatment” means a wastewater treatment process that goes beyond primary treatment to remove colloidal and dissolved organic matter and further remove suspended matter, usually by biological processes such as activated sludge and biological filtration treatment.

“Sequencing batch reactor” means a wastewater treatment system that uses a variation of the activated sludge process in which aeration and sedimentation or clarification occur in a single tank in sequential stages. A programmable logic controller is used to monitor the time associated with the process stages to achieve specific treatment objectives.

“Solids treatment” means a wastewater treatment process used to stabilize solids that have been removed from wastewater by using biological, chemical, or thermal treatment methods. “Solids treatment” includes using physical processes at a wastewater treatment plant to further reduce the volume of stabilized solids.

“State Water Board” means the State Water Resources Control Board.

“Tertiary treatment” means a wastewater treatment process that goes beyond secondary treatment, which may include ~~and includes~~ filtration, coagulation, and nutrient removal.

“Waste discharge requirements” means waste discharge requirements issued pursuant to article 4, chapter 4, division 7 of the Water Code or chapter 5.5 of division 7 of the Water Code.

“Water quality objectives” means the limits or levels of water quality constituents or characteristics established for the reasonable protection of beneficial uses of water or the prevention of nuisance within a specific area.

“Wastewater treatment course” means a course that teaches operators the skills to operate a wastewater treatment plant including water quality control, wastewater treatment, wastewater engineering, wastewater chemistry, and sanitation microbiology. Operators may earn educational points for completion of wastewater treatment courses pursuant to section 3685(a).

"Wastewater treatment plant" means any of the following:

(1) A facility owned by a state, local, or federal agency and used in the treatment or reclamation of sewage or industrial wastes;

(2) A privately owned facility used in the treatment or reclamation of sewage or industrial wastes, and regulated by the Public Utilities Commission pursuant to sections 216 and 230.6 of, and chapter 4 (commencing with section 701) of part 1 of division 1, of the Public Utilities Code; or

(3) A privately owned facility used primarily in the treatment or reclamation of sewage, and for which the State Water Board or a Regional Water Board has issued waste discharge requirements.

"Wastewater treatment plant" includes water recycling treatment plants. The term, "wastewater treatment plant" does not include onsite sewage treatment systems as defined in section 13290 of the Water Code.

"Wastewater treatment process" means a process that improves the quality of wastewater before it is discharged from a wastewater treatment plant, and includes the use of preliminary, primary, pond, secondary, or tertiary treatment for liquid-solids separation of wastewater; the use of disinfection to inactivate or destroy pathogens in wastewater; and the use of solids treatment for solids stabilization and volume reduction before removal from the wastewater treatment plant site.

"Water recycling treatment plant" (water reclamation plant) means a wastewater treatment plant that receives and further treats secondary and/or tertiary effluent from another wastewater treatment plant for the purpose of meeting the uniform statewide recycling criteria established pursuant to section 13521 of chapter 7 of division 7 of the Water Code for the use of recycled water.

"Water treatment plant" means a facility that uses sedimentation, coagulation, filtration, disinfection, conditioning, softening, fluoridation, removal of tastes and odors, corrosion control, algae control, and/or aeration to reduce or remove contaminants that are present in water for the purpose of making water suitable for drinking.

Authority: Section 1058, Water Code.
Reference: Chapter 9 (commencing with Section 13625), Division 7, Water Code.

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

§ 3675. Classification of Wastewater Treatment Plants.

(a) Within 45 days of receiving the information required pursuant to section 3676(b) or (c), the Office of Operator Certification shall classify a wastewater treatment plant-according to the following criteria:

WASTEWATER TREATMENT PLANT CLASSIFICATION TABLE

Class	Wastewater Treatment Process	**Design Flow** (in million gallons per day)
I	Primary.	1.0 or less
	Conventional Treatment Pond	All
II	Primary	Greater than 1.0 through 5.0
	Biofiltration	1.0 or less
	Modified Treatment Pond	All
III	Primary	Greater than 5.0 through 20.0
	Biofiltration	Greater than 1.0 through 10.0
	Activated Sludge	5.0 or less
	Sequencing Batch Reactor	1.0 or less
	Tertiary	1.0 or less
IV	Primary	Greater than 20.0
	Biofiltration	Greater than 10.0 through 30.0
	Activated Sludge	Greater than 5.0 through 20.0
	Sequencing Batch Reactor	Greater than 1.0 through 10.0
	Tertiary	Greater than 1.0 through 10.0
V	Biofiltration	Greater than 30.0
	Activated Sludge	Greater than 20.0
	Sequencing Batch Reactor	Greater than 10.0
	Tertiary	Greater than 10.0

(b) A wastewater treatment plant may be classified other than as indicated in subdivision (a) if:

(1) the wastewater treatment plant uses unconventional or innovative approaches due to conditions of flow or unusual requirements for discharge to a receiving water;

(2) the conditions of flow or the use of the receiving waters require an unusually high degree of wastewater treatment plant operational control; or

(3) the wastewater treatment plant uses an approved method of wastewater treatment not included in subdivision (a).

(c) Satellite plants shall not be classified separately. A satellite plant and the main wastewater treatment plant shall be classified as a single wastewater treatment plant.

(d) Within 45 days of receiving written notice of any change in reportable items in section 3676(b) or (c), the Office of Operator Certification shall either reclassify the wastewater treatment plant or make a determination that the change does not result in a need for reclassification.

Authority: Sections 1058 and 13626, Water Code.
Reference: Section 13626, Water Code.

§ 3676. Reporting Requirements for Owners of Wastewater Treatment Plants.

(a) Except as provided in subdivision (c), within 60 days from the effective date of this section, an owner shall submit to the Office of Operator Certification a signed statement from the chief plant operator acknowledging and accepting the responsibilities of the position of "chief plant operator" as defined in section 3671.

(b) Except as provided in subdivision (c), in addition to providing the written acknowledgement required by subdivision (a), within 60 days from the effective date of this section, the owner of a privately owned wastewater treatment plant for which the State Water Board or a Regional Water Board has issued waste discharge requirements or any other wastewater treatment plant using a sequencing batch reactor or extended aeration treatment for process control shall submit to the Office of Operator Certification a description and schematic of the wastewater treatment plant's treatment processes and design flow, the name of the Regional Water Board overseeing the wastewater treatment plant, an employee organization chart, job descriptions, and duty rosters for wastewater treatment plant personnel.

(c) The owner of a wastewater treatment plant that will begin operating more than 60 days after the effective date of this section shall submit to the Office of Operator Certification at least 60 days before the wastewater treatment plant begins operating, a description and schematic of the wastewater treatment plant's treatment processes and design flow, the name of the Regional Water Board overseeing the wastewater treatment plant, an employee organization chart, job descriptions, and duty rosters for wastewater treatment plant personnel. The owner shall submit a signed statement from the chief plant operator acknowledging and accepting the responsibilities of the position of "chief plant operator" as defined in section 3671.

(d) The owner shall notify the Office of Operator Certification in writing within 30 days of the closure of the wastewater treatment plant or any change in the reportable items in subdivisions (b) or (c), that may affect the classification of the wastewater treatment plant.

(e) If the person designated as the chief plant operator changes, the owner shall notify the Office of Operator Certification in writing within 30 days and shall provide a signed statement from the new chief plant operator acknowledging and accepting the responsibilities of the position of "chief plant operator" as defined in section 3671.

(f) The owner shall notify the Office of Operator Certification in writing within 30 days of entering into or ending a contract with a contract operator.

(g) The owner shall notify the Office of Operator Certification in writing within 30 days of any final disciplinary action taken by the owner against an operator, provisional operator, operator-in-training, or contract operator. Disciplinary action includes reprimanding or placing on probation, suspending, demoting, or discharging an operator, provisional operator, operator-in-training, or contract operator for performing, or allowing or causing another to perform, any act in violation of this chapter. The notice shall include the name of the operator, provisional operator, operator-in-training, or contract operator, the specific violations, and the disciplinary action taken. The notice also shall include the operator's certificate number or the contract operator's registration number.

(1) Except as provided in (2) below, a notice received from an owner regarding final disciplinary action shall be retained in State Water Board files for three years.

(2) If the State Water Board imposes administrative civil liability or takes disciplinary action pursuant to article 9 or article 12 in response to the conduct which is the basis for the notice, then the notice shall remain in State Water Board files for 10 years.

Authority: Sections 1058 and 13626, Water Code.
Reference: Sections 13626, 13627, 13627.1, 13627.2, 13627.3, and 13627.4, Water Code.

§ 3677. Exemption for a Class I Wastewater Treatment Plant.

An owner of a Class I wastewater treatment plant may apply to the Office of Operator Certification for an exemption from the requirements of this chapter and Water Code, division 7, chapter 9, if the wastewater treatment plant could not, due to operator error, violate water quality objectives.

Authority: Sections 1058 and 13625.1, Water Code.
Reference: Section 13625.1, Water Code.

§ 3677.1. Application for Exemption for a Class I Wastewater Treatment Plant.

(a) An application for exemption shall contain sufficient information to demonstrate that the wastewater treatment plant meets the criteria prescribed in section 3677, and shall include:

(1) the name, mailing and business addresses, and telephone number of the owner of the wastewater treatment plant;

(2) the name, business address, and telephone number of the wastewater treatment plant;

(3) an employee organization chart;

(4) the original signature of the owner of the wastewater treatment plant or the owner's authorized representative;

(5) the name of the Regional Water Board overseeing the wastewater treatment plant and a copy of the current waste discharge requirements issued by the State Water Board or Regional Water Board;

(6) a description and schematic of the wastewater treatment plant showing all wastewater treatment and solids handling processes including a flow diagram showing design flows and present flows for all wastewater treatment processes and a solids balance diagram for the solids handling processes;

(7) an evaluation of the operations of the wastewater treatment plant signed and stamped by a California registered professional chemical, civil, or mechanical engineer. The engineer shall identify potential operator errors, evaluate the potential effects of the identified operator errors on the operation of the wastewater treatment plant, and determine whether the operator errors could cause the wastewater treatment plant to violate water quality objectives; and

(8) additional information, evidence, statements, or documents to support the application for exemption as requested by the Office of Operator Certification.

(b) A non-refundable application fee of $800 shall accompany each application for exemption.

(c) The applicant for exemption shall provide a copy of the application for exemption to the appropriate Regional Water Board.

Authority: Sections 1058 and 13625.1, Water Code.
Reference: Section 13625.1, Water Code.

<u>§ 3677.2. Issuance of a Notice of Exemption for a Class I Wastewater Treatment Plant.</u>

(a) Within 60 days of receipt of a completed application for exemption, the Office of Operator Certification shall issue a notice of exemption or inform the applicant of the reason the notice of exemption shall not be issued.

(b) The Office of Operator Certification shall consult with the Regional Water Board and may conduct an inspection of the wastewater treatment plant before approving or denying a request for exemption.

(c) A wastewater treatment plant shall be granted an exemption only if the Office of Operator Certification determines that the wastewater treatment plant could not, due to operator error, violate water quality objectives.

(d) A notice of exemption shall include:

(1) the name of the wastewater treatment plant;

(2) the name and business address of the owner;

(3) the issue and expiration dates of the exemption;

(4) the exemption number assigned by the State Water Board;

(5) the State Water Board seal;

(6) the name “State Water Resources Control Board;” and

(7) the signature of a State Water Board member or designee.

(e) An exemption granted by the Office of Operator Certification shall be valid for four years.

(f) The Office of Operator Certification may revoke or place conditions on an exemption at any time.

(g) If an application for exemption is denied or the Office of Operator Certification revokes an exemption, the owner shall, within 365 days from the date of the denial or revocation, staff the wastewater treatment plant with certified operators of the appropriate grade level as set forth in sections 3680 and 3680.1.

Authority: Sections 1058 and 13625.1, Water Code.
Reference: Section 13625.1, Water Code.

§ 3677.3. Changes to the Operation of an Exempt Wastewater Treatment Plant.

(a) At least 60 days before implementing any changes to the operation of an exempt wastewater treatment plant, the owner shall notify the Office of Operator Certification in writing of the proposed changes.

(b) Within 30 days of receiving notice of proposed changes to the operation of an exempt wastewater treatment plant, the Office of Operator Certification shall provide written notification of whether the wastewater treatment plant will remain exempt if the proposed changes are implemented.

(c) The owner shall notify the Office of Operator Certification in writing if the owner decides to implement proposed changes that the Office of Operator Certification determined will result in revocation of the exempt status of the wastewater treatment plant.

(d) The Office of Operator Certification shall revoke the wastewater treatment plant's exemption if the owner implements changes that result in the wastewater treatment plant no longer meeting the criteria for exemption in section 3677.2(c).

(e) If a wastewater treatment plant's exemption is revoked pursuant to this section, the owner shall, within 365 days from the date of the revocation, staff the wastewater treatment plant with certified operators of the appropriate grade level as set forth in sections 3680 and 3680.1.

Authority: Sections 1058 and 13625.1, Water Code.
Reference: Section 13625.1, Water Code.

§ 3677.4. Notice of Expiration of an Exemption for a Class I Wastewater Treatment Plant.

At least 60 days before the expiration of an exemption, the Office of Operator Certification shall send a written notice of the expiration date to the owner. Failure to receive a notice of

exemption expiration does not relieve the owner of the responsibility for renewing an exemption on or before the expiration date.

Authority: Sections 1058 and 13625.1, Water Code.
Reference: Section 13625.1, Water Code.

§ 3677.5. Application for Exemption Renewal for a Class I Wastewater Treatment Plant.

(a) An application for exemption renewal shall include all of the information required for an application for exemption in section 3677.1(a) and a $300 application for exemption renewal fee.

(b) (1) The application for exemption renewal shall be received by the Office of Operator Certification no later than 30 days before the expiration of the exemption.

(2) If the renewal application is not received by the Office of Operator Certification at least 30 days before the expiration of the exemption, the owner of the wastewater treatment plant shall pay a late fee of $100 in addition to the renewal fee.

(c) The applicant for exemption renewal shall provide a copy of the application for exemption renewal to the appropriate Regional Water Board.

(d) Within 30 days of the receipt of a complete application for exemption renewal, the Office of Operator Certification shall renew the exemption for four years in accordance with section 3677.2 or shall inform the applicant of the reason the exemption shall not be renewed.

(e) If an application for exemption renewal is denied, the owner shall, within 365 days from the date of the denial, staff the wastewater treatment plant with certified operators of the appropriate grade level as set forth in sections 3680 and 3680.1.

Authority: Sections 1058 and 13625.1, Water Code.
Reference: Section 13625.1, Water Code.

§ 3677.6. Posting Notices of Exemption for a Class I Wastewater Treatment Plant.

An exempt wastewater treatment plant shall display its notice of exemption in an area accessible to the public at the wastewater treatment plant. If no area is accessible to the public, the notice shall be posted at the wastewater treatment plant owner's headquarters.

Authority: Sections 1058 and 13525.1, Water Code.
Reference: Section 13625.1, Water Code.

Article 3. Grade Levels of Operator Certification

§ 3680. Grade Levels of Operator Certification.

Except as provided in section 3680.1, this section applies to operators.

(a) Except as provided in section 3680.2, each chief plant operator and designated operator-in-charge shall possess a valid operator certificate at a grade level at least equivalent to the following:

Wastewater Treatment Plant Classification	Minimum Grade Level of Chief Plant Operator	Minimum Grade Level of Designated Operator-in-Charge
I	I	I
II	II	I
III	III	II
IV	IV	III
V	V	III

(b) Except as provided in section 3680.2, a chief plant operator shall appoint a certified operator to be the designated operator-in-charge for any period of time during which the chief plant operator is unable to carry out the responsibilities of the position of "chief plant operator" as defined in section 3671.

(c) All operators shall possess at least a valid Grade I certificate, a valid provisional operator certificate, or a valid operator-in-training certificate. At Class IV and V wastewater treatment plants, at least 50 percent of the operators shall possess valid operator or operator-in-training certificates at the Grade II level or higher.

(d) Notwithstanding subdivisions (a) through (c), if an owner of a wastewater treatment plant using a sequencing batch reactor or extended aeration treatment for process control submits the reportable items in section 3676(b) and the Office of Operator Certification gives the wastewater treatment plant a higher classification than the wastewater treatment plant's prior classification, the owner shall, within 365 days from the date that the Office of Operator Certification classifies the wastewater treatment plant, staff the wastewater treatment plant with certified operators of the appropriate grade level as set forth in this section.

Authority: Sections 1058 and 13627, Water Code.
Reference: Section 13627, Water Code.

§ 3680.1. Grade Levels of Operators at Privately Owned Wastewater Treatment Plants.

This section applies only to privately owned wastewater treatment plants for which the State Water Board or a Regional Water Board has issued waste discharge requirements.

(a) No later than two years from the effective date of this section, all persons at a privately owned wastewater treatment plant performing duties that are comparable to the duties of an operator at a wastewater treatment plant shall possess at least a valid Grade I certificate, a

valid provisional operator certificate, or a valid operator-in-training certificate and meet the requirements for operators set forth in sections 3680 and 3680.2.

(b) No later than two years from the effective date of this section, the owner of a privately owned wastewater treatment plant shall staff the wastewater treatment plant with operators of appropriate grade levels as prescribed in section 3680 or use a provisional operator in accordance with section 3680.2.

(c) Notwithstanding the provisions in this section, a certified operator, certified provisional operator, or certified operator-in-training working at a privately owned wastewater treatment plant shall comply with the requirements of this chapter.

Authority: Sections 1058 and 13627, Water Code.
Reference: Section 13627, Water Code.

§ 3680.2 Provisional Operator

(a) An owner of a Class I wastewater treatment plant must receive written approval from the Office of Operator Certification before using a provisional operator. The owner shall demonstrate that the owner has had difficulty, despite due diligence, hiring a certified operator to operate the wastewater treatment plant. The owner shall submit a written request for approval to use a provisional operator, a $1,000 request to use a provisional operator fee, a copy of the wastewater treatment plant's waste discharge requirements and standard operating procedures, and a written plan that includes:

(1) a description of the duties that the provisional operator will be performing at the wastewater treatment plant, the provisional operator's work schedule, and a requirement that the provisional operator submit a copy of the wastewater treatment plant's monitoring reports to the Office of Operator Certification;

(2) a description of the training that the provisional operator will receive on proper sampling procedures, the wastewater treatment plant's standard operating procedures, and the wastewater treatment plant's waste discharge requirements;

(3) the procedures for testing the provisional operator's proficiency performing proper sampling procedures and understanding of the wastewater treatment plant's standard operating procedures and the wastewater treatment plant's waste discharge requirements;

(4) the written agreement with a certified operator, a registered contract operator, or another wastewater treatment plant, providing that a certified operator will communicate with, and provide assistance to, the provisional operator when the provisional operator needs direction and the procedure that the provisional operator will use to request this assistance; and

(5) the written agreement with a certified operator, a registered contract operator, or another wastewater treatment plant, providing that a certified operator will assist the provisional operator when the provisional operator is unable to carry out the responsibilities of the position of "chief plant operator" as defined in section 3671 and the procedure that the provisional operator will use to request this assistance.

(b) The owner shall provide to the appropriate Regional Water Board, a copy of the request for approval to use a provisional operator and the written plan prepared pursuant to subdivision (a).

(c) Except as provided in subdivision (d), the Office of Operator Certification shall approve the request to use a provisional operator if the owner submits a complete request to use a provisional operator and the written plan prepared pursuant to subdivision (a) provides that the provisional operator:

(1) will submit a copy of the wastewater treatment plant's monitoring reports to the Office of Operator Certification and will not supervise an operator, another provisional operator, or an operator-in-training or appoint a designated operator-in-charge;

(2) will receive training acceptable to the Office of Operator Certification on proper sampling procedures, the wastewater treatment plant's standard operating procedures, and the wastewater treatment plant's waste discharge requirements;

(3) will demonstrate proficiency performing proper sampling procedures and an understanding of the wastewater treatment plant's standard operating procedures and the wastewater treatment plant's waste discharge requirements;

(4) has the ability to communicate at all times with a certified operator; and

(5) has the ability to request assistance from a certified operator when the provisional operator is unable to carry out the responsibilities of the position of "chief plant operator" as defined in section 3671.

(d) The Office of Operator Certification shall consult with the Regional Water Board and may conduct an inspection of the wastewater treatment plant before approving or denying the request to use a provisional operator. The Office of Operator Certification may refuse to approve the request to use a provisional operator if the owner fails to demonstrate that the owner exercised due diligence, has had difficulty hiring a certified operator to operate the wastewater treatment plant, or if the written plan does not ensure the protection of human health, safety, and the environment.

(e) An approval to use a provisional operator granted by the Office of Operator Certification shall be valid for five years.

(f) The following process shall govern any changes to the written plan approved pursuant to subdivision (c):

(1) At least 30 days before implementing any changes to the written plan, the owner shall notify the Office of Operator Certification and the appropriate Regional Water Board in writing of the proposed changes.

(2) Within 30 days of receiving notice of the proposed changes, the Office of Operator Certification shall provide written approval of the proposed amended plan in accordance with subdivision (c) or notify the owner that the proposed amended plan does not meet the requirements for using a provisional operator as prescribed in subdivision (c).

(3) The owner shall not amend the written plan as proposed if the Office of Operator Certification notifies the owner that the proposed plan does not meet the requirements for using a provisional operator as prescribed in subdivision (c).

(g) The Office of Operator Certification may revoke its written approval of request to use a provisional operator if it determines that the written plan on which approval was based has been violated.

(h) A provisional operator shall be solely responsible for the operation of a Class I wastewater treatment plant. In no event shall a provisional operator supervise an operator, another provisional operator, or an operator-in-training or appoint a designated operator-in-charge.

Authority: Sections 1058, 13627, and 13628, Water Code.
Reference: Sections 13627 and 13628, Water Code.

§ 3681. Lone Operator.

(a) A chief plant operator of a wastewater treatment plant must receive written approval from the Office of Operator Certification before assigning an operator as a lone operator. The chief plant operator shall demonstrate that the owner has had difficulty, despite due diligence, hiring a certified operator of the appropriate grade to operate the wastewater treatment plant. The chief plant operator shall request approval and shall submit a written plan that includes:

(1) the name(s) and grade level(s) of the lone operator(s) and the proposed duties of the lone operator(s);

(2) a work schedule showing when the lone operator(s) will be working alone; and

(3) the procedure the lone operator(s) will use to communicate with the chief plant operator, the designated operator-in-charge, or an operator at the same or higher grade level as the designated operator-in-charge when the lone operator(s) needs direction.

(b) Except as provided in subdivision (c), ~~Written approval shall be given by~~ the Office of Operator Certification shall approve the request to use a lone operator if the written plan prepared pursuant to subdivision (a) provides that the lone operator(s):

(1) will perform only basic duties that require minimal judgment; and

(2) has the ability to communicate at all times with the chief plant operator, the designated operator-in-charge, or an operator at the same or higher grade level as the designated operator-in-charge.

(c) The Office of Operator Certification may refuse to approve the request to use a lone operator if the chief plant operator fails to demonstrate that the owner exercised due diligence but had difficulty hiring a certified operator of the appropriate grade to operate the wastewater treatment plant.

(d) An approval to use a lone operator granted by the Office of Operator Certification shall be valid for 180 days.

~~(c)~~ (e) The following process shall govern any changes to the written plan approved pursuant to subdivision (b):

(1) At least 30 days before implementing any changes to the written plan, the chief plant operator shall notify the Office of Operator Certification in writing of the proposed changes.

(2) Within 30 days of receiving notice of the proposed changes, the Office of Operator Certification shall provide written approval of the proposed amended plan in accordance with subdivision (b) or notify the chief plant operator that the proposed amended plan does not meet the requirements for assigning a lone operator as prescribed in subdivision (b).

(3) The chief plant operator shall not amend the written plan as proposed if the Office of Operator Certification notifies the chief plant operator that the proposed amended plan does not meet the requirements for assigning a lone operator as prescribed in subdivision (b).

~~(d)~~ (f) The Office of Operator Certification may revoke its written approval if it determines that the plan has been violated.

~~(e)~~ (g) In no event shall an operator-in-training be assigned as a lone operator.

Authority: Sections 1058 and 13627, Water Code.
Reference: Section 13627, Water Code.

Article 4. Operators-in-Training

§ 3682. Employment or Training of an Operator-in-Training.

An owner may employ or train an operator-in-training at any grade level, provided the operator-in-training is under the direct supervision of an operator at the same or higher grade level as the operator-in-training and is performing the duties at the grade level for which the certificate was issued. Operators-in-training may not supervise operators or other operators-in-training, and may not act in the capacity of a chief plant operator, designated operator-in-charge, or lone operator.

Authority: Sections 1058 and 13627, Water Code.
Reference: Section 13627, Water Code.

§ 3682.1. Application for Operator-in-Training Certification.

(a) An application for an operator-in-training certificate shall include: 1) all of the information required in section 3702 for an application for an operator certificate; 2) the certification fee prescribed in article 10; and 3) the name, contact information, and signature of the chief plant operator of the wastewater treatment plant where the applicant will be in training.

(b) An applicant for an operator-in-training certificate must have completed the minimum amount of education prescribed in section 3687 for certification as an operator at the grade level for which an operator-in-training certification is requested.

(c) Except as provided in section 3682.5(b), an applicant for a Grade I operator-in-training certificate may, but is not required to, pass the Grade I examination before being issued the certificate.

(d) A person may apply for operator-in-training certification at the Grade II through Grade V levels if the applicant has passed an examination at that grade level or higher and the applicant's examination results have not expired.

(e) Within 30 days of receipt of an application, the Office of Operator Certification shall notify the applicant in writing whether the application is complete or deficient. If there is a deficiency, the Office of Operator Certification shall inform the applicant in writing of the specific requirements necessary to complete the application. If the applicant does not correct the deficiency within 60 days from the date of the notice of deficiency, the application shall be denied.

Authority: Sections 1058 and 13627, Water Code.
Reference: Section 13627, Water Code.

§ 3682.2. Issuance of an Operator-in-Training Certificate.

(a) Within 30 days of receipt of a complete application and payment of the certification fee prescribed in article 10, the Office of Operator Certification shall issue an operator-in-training certificate or inform the applicant of the reason the certificate will not be issued. The operator-in-training certificate shall be issued in the name of the applicant and mailed to the chief plant operator at the mailing address of the wastewater treatment plant where the applicant will be in training.

(b) An operator-in-training certificate shall include:

(1) the name and grade level of the operator-in-training;

(2) the issue and expiration dates of the certificate;

(3) the name of the wastewater treatment plant where the operator-in-training will be training;

(4) the State Water Board seal;

(5) the name, "State Water Resources Control Board;" and

(6) the signature of a State Water Board member or designee.

(c) The Office of Operator Certification may refuse to issue an operator-in-training certificate if it determines that the applicant has committed any act in violation of this chapter.

(d) Except as provided in subdivision (e), operator-in-training certificates shall be valid for two years.

(e) The expiration date of Grade II through Grade V operator-in-training certificates shall not exceed the expiration date of the applicant's passed examination results.

Authority: Sections 1058 and 13627, Water Code.
Reference: Section 13627, Water Code.

§ 3682.3. Renewal of an Operator-in-Training Certificate.

(a) An applicant for renewal of an operator-in-training certificate must have completed the minimum amount of education prescribed in section 3687 for certification as an operator at the grade level for which a renewed operator-in-training certification is requested.

(b) Except as provided in section 3682.4(d), a valid, unexpired Grade I operator-in-training certificate may be renewed once for a two-year period provided the operator-in-training has passed an examination at the Grade I level or higher before the expiration of the initial certificate and the operator-in-training's examination results have not expired.

(c) A valid, unexpired Grade II through Grade V operator-in-training certificate may be renewed once for a two-year period provided the operator-in-training has passed an examination at that grade level or higher and the operator-in-training's examination results have not expired.

(d) Following an initial renewal pursuant to subdivisions (a) or (b), and except as provided in section 3682.4(d), a valid, unexpired Grade I though Grade V operator-in-training certificate may be renewed repeatedly for additional two-year periods if the operator-in-training has passed an examination at that grade level or higher and the operator-in-training's examination results have not expired, and the chief plant operator submits a plan for the operator-in-training to acquire the qualifying experience necessary to meet the minimum qualifications for certification at the appropriate grade level under section 3687. The plan shall include:

(1) the chief plant operator's original signature verifying:

(i) the applicant's qualifying experience acquired at that wastewater treatment plant; and

(ii) a description of the duties that the applicant performs and/or will be performing at that wastewater treatment plant.

(2) information regarding qualifying experience the applicant may have acquired at another wastewater treatment plant;

(3) the applicant's original signature;

(4) the average number of hours per week the applicant will be training at the wastewater treatment plant to acquire qualifying experience;

(5) an estimate of the amount of time required for the applicant to acquire the qualifying

experience necessary to meet the minimum qualifications for certification at the appropriate grade level under section 3687; and

(6) additional information, evidence, statements, or documents to support the application for renewal as requested by the Office of Operator Certification.

(e) At least 60 days before the expiration of an operator-in-training certificate, the Office of Operator Certification shall send a written notice of the expiration date to the chief plant operator at the wastewater treatment plant where the operator-in-training is training and to the operator-in-training. Failure to receive a notice of the expiration date does not relieve the operator of the responsibility for renewing a certificate on or before the expiration date.

(f) An application for renewal shall include:

(1) the applicant's name, mailing address, grade level, and classification or title;

(2) the name, contact information, and signature of the chief plant operator of the wastewater treatment plant where the operator-in-training is in training;

(3) the renewal fee prescribed in article 10; and

(4) if the operator-in-training is applying for a renewal certificate pursuant to subdivision (c), a plan containing the information required by subdivision (c) submitted by the chief plant operator at the wastewater treatment plant where the operator-in-training is training.

(g) Within 30 days of receipt of an application, the Office of Operator Certification shall notify the applicant in writing whether the renewal application is complete or deficient. If there is a deficiency, the Office of Operator Certification shall inform the applicant in writing of the specific requirements necessary to complete the application. If the applicant does not correct the deficiency within 60 days from the date of the notice of deficiency, the application shall be denied.

Authority: Sections 1058 and 13627, Water Code.
Reference: Sections 13627 and 13628, Water Code.

<u>§ 3682.4. Issuance of a Renewed Operator-in-Training Certificate.</u>

(a) Within 30 days of receipt of a completed application for renewal and the renewal fee, the Office of Operator Certification shall issue a renewed operator-in-training certificate or inform the applicant of the reason the certificate shall not be issued.

(b) The Office of Operator Certification may refuse to renew an operator-in-training certificate if it determines that the applicant has:

(1) operated a wastewater treatment plant with an expired operator-in-training certificate;

(2) operated a wastewater treatment plant at a grade level for which the applicant was not certified; or

(3) committed any other act in violation of this chapter.

(c) A renewed operator-in-training certificate shall include:

(1) the name and grade level of the operator-in-training;

(2) the issue and expiration dates of the certificate;

(3) the name of the wastewater treatment plant where the operator-in-training will be training;

(4) the State Water Board seal;

(5) the name, “State Water Resources Control Board;” and

(6) the signature of a State Water Board member or designee.

(d) The expiration date of a renewed operator-in-training certificate shall not exceed the expiration date of the operator-in-training’s passed examination results.

Authority: Sections 1058 and 13627, Water Code.
Reference: Section 13627, Water Code.

§ 3682.5. Invalidation and Issuance of a New Operator-in-Training Certificate.

(a) Operator-in-training certificates are valid only while the operator-in-training is in training at the wastewater treatment plant for which the certificate was issued. When the training ceases, the chief plant operator shall return the certificate to the Office of Operator Certification within 30 days with a statement as to the amount of qualifying experience the operator-in-training acquired before training ceased.

(b) Except as provided in subdivision (c), if a Grade I operator-in-training certificate is returned to the Office of Operator Certification because the operator-in-training is no longer being trained at the wastewater treatment plant for which the certificate was issued, or if a Grade I operator-in-training certificate is not renewed for any reason, the operator-in-training may apply for a new certificate at any time in accordance with this article, provided the operator-in-training:

(1) has passed an examination at the Grade I level or higher and the operator-in-training’s examination results have not expired; or

(2) held all previous Grade I operator-in-training certificates for a total of less than 24 months and does not have one year of full-time qualifying experience.

(c) A Grade I operator-in-training certificate issued pursuant to subdivision (b)(2), shall be valid for a maximum of 24 months, including the time the applicant held all previous Grade I operator-in-training certificates.

(d) If a Grade II through Grade V operator-in-training certificate is returned to the Office of Operator Certification because the operator-in-training is no longer being trained at the wastewater treatment plant for which the certificate was issued, or if a Grade II through Grade V operator-in-training certificate is not renewed for any reason, the operator-in-

training may apply for a new certificate at any time in accordance with this article, provided the operator-in-training has passed an examination at that grade level or higher and the operator-in-training's examination results have not expired.

(e) Time and experience acquired under a previous operator-in-training certificate shall be credited to a new certificate issued pursuant to this section.

Authority: Sections 1058 and 13627, Water Code.
Reference: Section 13627, Water Code.

§ 3682.6. Reporting Requirements for Operators-in-Training.

An operator-in-training shall notify the Office of Operator Certification 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 wastewater treatment plant, takes final action: to discipline the operator-in-training; to impose administrative civil liability; or to impose civil or criminal liability.

Authority: Sections 1058 and 13627, Water Code.
Reference: Section 13627, Water Code.

Article 5. Provisional Operators

§ 3683. Employment of a Provisional Operator.

An owner of a Class I wastewater treatment plant may employ a provisional operator to be solely responsible for the operation of the wastewater treatment plant, provided the owner has received written approval from the Office of Operator Certification to use a provisional operator in accordance with section 3680.2. Provisional operators may not supervise operators, other provisional operators, or operators-in-training or appoint a designated operator-in-charge.

Authority: Sections 1058 and 13627, Water Code.
Reference: Section 13627, Water Code.

§ 3683.1. Application for Provisional Operator Certification.

(a) An application for a provisional operator certificate shall include: 1) all of the information required in section 3702 for an application for an operator certificate; 2) provisional operator certification fee prescribed in article 10; and 3) the name, contact information, and signature of the owner of the wastewater treatment plant where the applicant will be employed.

(b) An applicant for a provisional operator certificate must have completed the minimum amount of education prescribed in section 3687 for certification as a Grade I operator.

(c) A person may apply for a provisional operator certificate if the applicant has passed an examination at the Grade I level or higher and the applicant's examination results have not expired.

(d) The owner of the wastewater treatment plant where the applicant will be employed must have received written approval from the Office of Operator Certification to use a provisional operator in accordance with section 3680.2.

(e) Within 30 days of receipt of an application, the Office of Operator Certification shall notify the applicant in writing whether the application is complete or deficient. If there is a deficiency, the Office of Operator Certification shall inform the applicant in writing of the specific requirements necessary to complete the application. If the applicant does not correct the deficiency within 60 days from the date of the notice of deficiency, the application shall be denied.

Authority: Sections 1058 and 13627, Water Code.
Reference: Section 13627, Water Code.

§ 3683.2. Issuance of a Provisional Operator Certificate.

(a) Within 30 days of receipt of a complete application and payment of the certification fee prescribed in article 10, the Office of Operator Certification shall issue a provisional operator certificate or inform the applicant of the reason the certificate will not be issued. The provisional operator certificate shall be issued in the name of the applicant and mailed to the owner at the mailing address of the wastewater treatment plant where the applicant will be employed.

(b) A provisional operator certificate shall include:

(1) the name of the provisional operator;

(2) the issue and expiration dates of the certificate;

(3) the name of the wastewater treatment plant where the provisional operator will be employed;

(4) the State Water Board seal;

(5) the name, “State Water Resources Control Board;” and

(6) the signature of a State Water Board member or designee.

(c) The Office of Operator Certification may refuse to issue a provisional operator certificate if it determines that the applicant has committed any act in violation of this chapter.

(d) A provisional operator certificate shall be valid for a maximum of 24 months, including the time the applicant held all previous provisional operator certificates. A provisional operator certificate shall not be renewed.

(e) The expiration date of a provisional operator certificate shall not exceed the expiration date of the applicant’s passed examination results.

Authority: Sections 1058 and 13627, Water Code.
Reference: Section 13627, Water Code.

§ 3683.3. Invalidation and Issuance of a New Provisional Operator Certificate.

(a) Provisional operator certificates are valid only while the provisional operator is employed at the wastewater treatment plant for which the certificate was issued. When the employment ceases, the owner shall return the certificate to the Office of Operator Certification within 30 days with a statement as to the amount of qualifying experience the provisional operator acquired before employment ceased.

(b) If a provisional operator certificate is returned to the Office of Operator Certification because the provisional operator is no longer employed at the wastewater treatment plant for which the certificate was issued, the provisional operator may apply for a new certificate at any time in accordance with this article, provided 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.

Authority: Sections 1058 and 13627, Water Code.
Reference: Section 13627, Water Code.

§ 3683.4. Reporting Requirements for Provisional Operators.

A provisional operator shall notify the Office of Operator Certification 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 wastewater treatment plant, takes final action: to discipline the provisional operator; to impose administrative civil liability; or to impose civil or criminal liability.

Authority: Sections 1058 and 13627, Water Code.
Reference: Section 13627, Water Code.

Article 6. Minimum Qualifications for Wastewater Treatment Plant Operator Certification

§ 3684. Qualifying Experience Credit.

(a) An applicant for operator certification who has acquired at least one year of full-time qualifying experience at a wastewater treatment plant may receive qualifying experience credits as follows:

(1) An applicant may receive a one-time credit for one year of full-time qualifying experience if the applicant:

(A) has acquired 3,600 or more hours of experience in the operation of a water treatment plant regulated by the California Department of Public Health, another state, a territory, or an Indian tribe;

(B) possessed a valid water treatment plant operator certificate at the time the experience was acquired; and

(C) has acquired 3,600 or more hours of experience using two or more of the following processes: coagulation, sedimentation, aeration, filtration, oxidation, and disinfection.

(2) An applicant may receive a one-time credit for one year of full-time qualifying experience if the applicant has acquired 3,600 or more hours of experience in one or more of the following areas:

(A) developing wastewater treatment plant operations and maintenance, safety, or laboratory procedural manuals;

(B) conducting training in wastewater treatment plant operations, safety, or laboratory procedures;

(C) developing, testing, and evaluating process control strategies to optimize wastewater treatment plant performance; or

(D) performing physical, chemical, and biological processes that are comparable to the duties of an operator at a wastewater treatment plant.

(3) When an applicant submits an application for certification to the Office of Operator Certification, the applicant may make an irrevocable election to substitute 16 educational points for one year of full-time qualifying experience credit. Educational points substituted for qualifying experience credit may not be used to satisfy education requirements in the Operator Certification Requirements Table in section 3687 for certification or qualifying for an examination.

(b) The Office of Operator Certification shall 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 under the jurisdiction of an Indian tribe, provided the duties are comparable to the duties of an operator at a wastewater treatment plant and provided that during the time of employment, the applicant held a valid, unexpired certification of the appropriate grade level issued by a certifying body and the certification requirements are comparable to the requirements of this chapter.

(1) Evaluation of the experience shall be based on the actual work performed by the applicant without respect to job title.

(2) The Office of Operator Certification may refuse to give qualifying experience credit under this subdivision 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 wastewater treatment plant, 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.

(c) Upon passing a written examination, each person applying for a certificate in accordance with section 3680.1 who is employed at a privately owned wastewater treatment plant before the effective date of section 3680.1, shall be credited with a minimum of one year of full-time qualifying experience.

(1) An applicant may receive more than one year of full-time qualifying experience credit if the applicant provides documentation of more than one year of experience acquired while employed at a privately owned facility used primarily in the treatment or reclamation of sewage, and for which the State Water Board or a Regional Water Board has issued waste discharge requirements, provided the duties are comparable to the duties of an operator at a wastewater treatment plant and the owner verifies the experience.

(2) An applicant also may receive qualifying experience credit in accordance with subdivisions (a) and (b).

Authority: Sections 1058, 13627, and 13627.5, Water Code.
Reference: Sections 13627 and 13627.5, Water Code.

§ 3685. Educational Points.

(a) Pursuant to the provisions of this article, applicants may be required to obtain educational points to qualify for certification. Operators may receive educational points for completing wastewater treatment courses or science courses as follows:

(1) One three-unit semester course completed as part of the curriculum of an accredited college or university is equal to eight educational points. Operators who have completed courses that result in more or less than three units or in quarter units rather than semester units shall be credited with educational points on a prorated basis.

(2) One Continuing Education Unit awarded by a professional association or other nonprofit private or public agency is equal to one educational point.

(3) For any other course given approval by the Office of Operator Certification, ten classroom hours are equal to one educational point.

(b) At Grades III, IV, and V, operators may earn up to sixteen educational points for completing management courses. An operator may not earn more than four educational points in each type of management course. Educational points for a management course may be earned as follows:

(1) One completed three-unit semester course that is part of the curriculum of an accredited college or university is equal to four educational points. Operators who have completed courses that result in more or less than three units or in quarter units rather than semester units shall be credited with educational points on a prorated basis.

(2) Two Continuing Education Units awarded by a professional association or other nonprofit private or public agency are equal to one educational point.

(3) For any other course given approval by the Office of Operator Certification, twenty classroom hours are equal to one educational point.

(c) Applicants may not substitute experience for educational points.

Authority: Sections 1058 and 13627, Water Code.
Reference: Sections 13627 and 13629, Water Code.

§ 3686. High School Equivalence.

Passing an approved General Educational Development Test, or obtaining a Certificate of Proficiency issued by the Board of Education in accordance with section 48412 of the Education Code, are equivalent to obtaining a high school diploma.

Authority: Sections 1058 and 13627, Water Code.
Reference: Section 13627, Water Code.

§ 3687. Education and Experience Requirements.

(a) The education and experience requirements in this section apply to applicants for a new operator, provisional operator, or operator-in-training certificate, a renewed operator-in-training certificate, or an examination. An operator holding a valid, unexpired certificate issued before the effective date of this section does not need to meet these requirements in order to renew a certificate. Additionally, an operator holding an expired certificate issued before the effective date of this section does not need to meet these requirements in order to reinstate a certificate in accordance with section 3702.4.

(b) The Office of Operator Certification shall issue a certificate if the applicant:

(1) has completed one of the education and experience paths prescribed in this section; and

(2) has passed an examination at the appropriate grade level or higher and the applicant's examination results have not expired, or has obtained an examination waiver in accordance with section 3689.

(c) Eligibility for certification shall be based on the education and experience requirements for each wastewater treatment plant operator grade level in the following table:

OPERATOR CERTIFICATION REQUIREMENTS TABLE

PATH	EDUCATION		QUALIFYING EXPERIENCE
GRADE I			
1	High school diploma or equivalent and 6 educational points	and	1 year of full-time qualifying experience

GRADE II			
1	High school diploma or equivalent and 9 educational points	and	18 months of full-time qualifying experience as a Grade I operator
2	High school diploma or equivalent and 12 educational points	and	2 years of full-time qualifying experience
3	Associate's degree, a higher degree, or a minimum of 60 college semester units, including a minimum of 15 semester units of science courses	and	1 year of full-time qualifying experience
GRADE III			
1	High school diploma or equivalent and 12 educational points	and	3 years of full-time qualifying experience as a Grade II operator
2	High school diploma or equivalent and 18 educational points	and	4 years of full-time qualifying experience
3	Associate's degree or a minimum of 60 college semester units, including a minimum of 15 semester units of science courses	and	2 years of full-time qualifying experience
4	Bachelor's degree or a higher degree, including a minimum of 30 semester units of science courses	and	1 year of full-time qualifying experience
GRADE IV			
1	High school diploma or equivalent and 32 educational points	and	6 years of full-time qualifying experience
2	Associate's degree or a minimum of 60 college semester units, including a minimum of 15 semester units of science courses	and	4 years of full-time qualifying experience

3	Bachelor's degree or a higher degree, including a minimum of 30 semester units of science courses	and	3 years of full-time qualifying experience
4	Valid registration as a chemical, civil, or mechanical engineer issued by the California Board for Professional Engineers and Land Surveyors or by another state, territory, or Indian tribe	and	2 years of full-time qualifying experience

GRADE V			
1	High school diploma or equivalent and 48 educational points	and	10 years full-time qualifying experience
2	Associate's degree or a minimum of 60 college semester units, including a minimum of 15 semester units of science courses	and	6 years of full-time qualifying experience
3	Bachelor's degree or a higher degree, including a minimum of 30 semester units of science courses	and	5 years of full-time qualifying experience
4	Valid registration as a chemical, civil, or mechanical engineer issued by the California Board for Professional Engineers and Land Surveyors or by another state, a territory, or an Indian tribe	and	4 years of full-time qualifying experience

(d)(1) The Office of Operator Certification may award educational points to an operator for completing wastewater treatment, science, or management courses in accordance with section 3685.

(2) The Office of Operator Certification may accept comparable education obtained outside of the United States to satisfy the educational requirements listed below.

(3) Full-time qualifying experience shall be earned at a wastewater treatment plant in accordance with the definitions of "full time" and "qualifying experience" in section 3671. An operator shall 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. In addition, the Office of Operator Certification may award an operator qualifying experience credit in accordance with section 3684.

Authority: Sections 1058 and 13627, Water Code.
Reference: Section 13627, Water Code.

Article 7. Examination for Wastewater Treatment Plant Operators

§ 3689. Examination Waiver.

(a) The Office of Operator Certification shall waive the examination requirement and the examination fee if the applicant holds a valid, unexpired certificate issued by a certifying body for a position comparable to that of an operator at a wastewater treatment plant, provided:

(1) the experience, education, and examination requirements of the certifying body are comparable to the Office of Operator Certification's requirements as prescribed in article 6;

(2) the applicant meets the minimum education and qualifying experience requirements for the applicable grade level as prescribed in article 6;

(3) the applicant has passed a written examination, administered by the certifying body, that is comparable to the examination given by the Office of Operator Certification for the applicable grade of operator certification; and

(4) the applicant completes an application for operator certification and pays the certification and examination waiver fees prescribed in article 10.

(b) The Office of Operator Certification 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 wastewater treatment plant, 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.

(c) An applicant for certification who has been issued an examination waiver shall receive qualifying experience credit in accordance with section 3684(b).

Authority: Section 1058, Water Code.
Reference: Sections 13627 and 13628, Water Code.

§ 3700. Application for Examination.

(a) A person may apply to take an examination at any grade level if the applicant has completed the education required in section 3687 for that grade level before the final filing date for the examination. An application for an examination shall include:

(1) the applicant's full name, mailing address, and telephone number;

(2) the applicant's original signature;

(3) a copy of a high school diploma or equivalent; college transcripts; graduate school transcripts; report cards; certificates of completion for wastewater treatment and management courses; and chemical, civil, or mechanical engineering registrations issued by California or another state, a territory, or an Indian tribe, to verify completion of education requirements;

(4) additional information, evidence, statements, or documents to support the application for examination as requested by the Office of Operator Certification; and

(5) the application fee for an examination and the examination fee as prescribed in article 10.

(b) Applications for examination shall be received by the Office of Operator Certification by the final filing date as prescribed in section 3701(a). Complete applications received after the final filing date shall not be processed for the current examination, but shall be held over and processed for the next scheduled examination.

(c)(1) The Office of Operator Certification shall notify applicants in writing within 30 days of receipt of an application whether it is complete or deficient and shall identify any deficiency.

(2) If the deficiency is not corrected before the final filing date for the examination, the application shall not be approved. The applicant shall be required to complete a new application to take a subsequent examination and pay the application fee for an examination. If the applicant has paid the examination fee, it will be applied to a future examination.

(d) An applicant who is scheduled to take an examination and wants to request a change of testing location or have the application held until the next examination date must make the request at least 30 days before the scheduled examination. If the applicant fails to attend the next examination, the applicant may apply to take a subsequent examination by submitting a new examination application and the application fee for examination.

(e) An applicant who has paid the examination fee, but does not take an examination, may request a refund of the examination fee from the Office of Operator Certification.

Authority: Sections 1058, 13627, and 13628, Water Code.
Reference: Sections 13627 and 13628, Water Code.

<u>§ 3701. Examinations.</u>

(a) A minimum of two examinations shall be given each year. The final filing date will be 60 days before the scheduled examination.

(b) Written examinations for each wastewater treatment plant operator grade level shall test an applicant's knowledge of wastewater treatment plant operation. Mathematical problems related to process control and evaluation shall be included. The examination for each

progressively higher grade level shall require more detailed knowledge of the subject matter.

(c) The content of the examination for each grade level shall be as follows:

(1) Grade I examinations shall test the applicant's knowledge of: basic safety practices and hazards related to wastewater treatment plant operation; wastewater constituents including simple and routine sampling and analysis procedures; procedures involved in operating and maintaining preliminary and primary treatment facilities including sludge digestion and disinfection; specifics regarding the operation of stabilization ponds; and state regulations regarding wastewater treatment plant classification, waste discharge requirements, and operator certification.

(2) Grade II examinations shall test the applicant's knowledge of: the components of the Grade I examination as prescribed in (1) above; commonly used processes for preliminary, primary, and secondary treatment including disinfection, sludge handling, and digestion; routine sampling and analysis procedures for evaluation of process and overall wastewater treatment plant performance; and basic supervision responsibilities.

(3) Grade III examinations shall test the applicant's knowledge of: the components of the Grade II examination as prescribed in (2) above; limitations, controls, and performance calculations for primary and secondary treatment and sludge-handling processes; basic principles of tertiary treatment processes; state regulations regarding water recycling; and public health issues.

(4) Grade IV examinations shall test the applicant's knowledge of: the components of the Grade III examination as prescribed in (3) above; limitations, controls, and performance calculations for tertiary treatment processes; requirements and practices for water reclamation and reuse; supervision and management responsibilities including energy management, safety program development and control, operator training, and budget development and control.

(5) Grade V examinations shall test the applicant's knowledge of the components of the Grade IV examination as prescribed in (4) above as applied in more difficult and complex situations.

Authority: Sections 1058, 13627, and 13628, Water Code.
Reference: Sections 13627 and 13628, Water Code.

<u>§ 3701.1. Examination Security.</u>

(a) An applicant shall be required to present photographic identification issued by a state or federal governmental entity to gain admission to the examination.

(b) The examination materials of an applicant who engages in dishonest conduct during an examination shall be confiscated and the applicant shall not have the examination graded, shall be denied the opportunity to take the next scheduled examination, and shall be subject to administrative civil liability as set forth in section 3709 and disciplinary action pursuant to section 3710. The examination fee paid by the applicant shall not be refunded.

(c) Examination questions are confidential. Any person who copies questions or removes any examination material from the examination room or who conveys or reveals all or part of any examination for an unauthorized use may be denied certification pursuant to the provisions of section 3710. The applicant also is subject to administrative civil liability as set forth in section 3709 and disciplinary action pursuant to section 3710.

Authority: Sections 1058 and 13627.1, Water Code.
Reference: Section 13627.1, Water Code.

§ 3701.2. Examination Results.

(a) Within 90 days after an examination, the Office of Operator Certification shall send a notice of the examination results in writing to the applicant.

(b) An applicant who fails an examination may be eligible to take a subsequent examination upon submitting the examination application and examination fee as prescribed in article 10. Requests for reexamination shall be received by the final filing date set forth in section 3701(a).

(c) Passing examination results are valid for four years from the date on the notice of the examination results.

Authority: Sections 1058, 13627, and 13628, Water Code.
Reference: Sections 13627 and 13628, Water Code.

Article 8. Certification of Wastewater Treatment Plant Operators

§ 3702. Application for Certification.

(a) An application for certification shall include the applicant's full name, mailing address, work and home telephone numbers, social security number, date of birth, the grade level of certification that is being requested; if currently certified, the operator's current grade level and certificate number, and all of the following information unless previously provided to the Office of Operator Certification:

(1) a copy of a high school diploma or equivalent; college transcripts; graduate school transcripts; report cards; certificates of completion for wastewater treatment and management courses; and chemical, civil, or mechanical engineering registrations issued to the applicant by California or another state, a territory, or an Indian tribe, to verify completion of education requirements;

(2) the business address and telephone number of each wastewater treatment plant at which the applicant has acquired qualifying experience, including current employment, and the amount of qualifying experience acquired at each wastewater treatment plant;

(A) An applicant who is currently employed as an operator shall submit an original signed statement by the chief plant operator verifying:

(i) the applicant's qualifying experience acquired at that wastewater treatment plant;

and

(ii) a description of the duties that the applicant performs and/or will be performing at that wastewater treatment plant.

(B) An applicant who is not currently employed as an operator, but who meets all certifications requirements is not required to submit an original signature from a chief plant operator.

(C) An applicant who is a chief plant operator shall submit an original signed statement by the owner verifying:

(i) the applicant's qualifying experience acquired at that wastewater treatment plant; and

(ii) a description of the duties that the applicant performs and/or will be performing at that wastewater treatment plant.

(3) a signed statement regarding 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 wastewater treatment plant, 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 conducted an investigation regarding the applicant; or imposed civil or criminal liability upon the applicant;

(4) information regarding any experience for which the applicant is requesting qualifying experience credit pursuant to section 3684;

(5) the applicant's original signature;

(6) additional information, evidence, statements, or documents to support the application as requested by the Office of Operator Certification; and

(7) the certification fee prescribed in article 10.

(b) Within 30 days of receipt of an application, the Office of Operator Certification shall notify the applicant in writing whether the application is complete or deficient. If there is a deficiency, the Office of Operator Certification shall inform the applicant in writing of the specific requirements necessary to complete the application. If the applicant does not correct the deficiency within 60 days from the date of the notification, the application shall be denied.

Authority: Sections 1058, 13627, and 13628, Water Code.
Reference: Sections 13627 and 13628, Water Code.

<u>§ 3702.1. Issuance of Certificates.</u>

(a) An operator certificate shall include:

(1) the operator's name and grade level;

(2) the certificate number;

(3) the issue and expiration dates of the certificate;

(4) the State Water Board seal;

(5) the name, "State Water Resources Control Board;" and

(6) the signature of a State Water Board member or designee.

(b) Upon successful completion of the application and examination process and within 30 days of payment of the certification fee prescribed in article 10, the Office of Operator Certification shall issue an operator certificate. If an operator is employed at more than one wastewater treatment plant, the Office of Operator Certification shall issue duplicate operator certificates to the operator for posting at each wastewater treatment plant.

(c) The Office of Operator Certification may refuse to issue a certificate if it determines that the applicant has committed any act in violation of this chapter.

(d) Operator certificates shall be valid for two years from the date of issue.

Authority: Sections 1058, 13627, and 13628, Water Code.
Reference: Sections 13627 and 13628, Water Code.

<u>§ 3702.2. Application for Certificate Renewal.</u>

(a) An operator certificate may be renewed repeatedly for two-year periods.

(b) At least 60 days before the expiration of an operator certificate, the Office of Operator Certification shall send a written notice of the expiration date to the operator. Failure to receive a notice of the expiration date does not relieve the operator of the responsibility for renewing a certificate on or before the expiration date.

(c) An application for renewal shall include:

(1) the applicant's name, mailing address, grade level, certificate number, and classification or title;

(2) if employed as an operator, the name, telephone number, and mailing address of the wastewater treatment plant where employed, and the name of the chief plant operator; and

(3) the renewal fee prescribed in article 10.

(d) Within 30 days of receipt of a renewal application, the Office of Operator Certification shall notify the applicant in writing whether the application is complete or deficient. If there is a deficiency, the Office of Operator Certification shall inform the applicant in writing of the specific requirements necessary to complete the application.

(e) If there is a deficiency, and the deficiency is not corrected before expiration of the certificate, the Office of Operator Certification shall not issue a renewal certificate. After the applicant pays the reinstatement fee prescribed in section 3717, the Office of Operator Certification shall issue a new certificate if the requirements of section 3702.4 are met.

Authority: Sections 1058, 13627, and 13628, Water Code.
Reference: Sections 13627 and 13628, Water Code.

§ 3702.3. Issuance of Renewal Certificate.

(a) Within 30 days of receipt of a completed application for renewal and the renewal fee, the Office of Operator Certification shall issue a renewal certificate or inform the applicant of the reason the certificate shall not be issued.
(b) The Office of Operator Certification may refuse to renew a certificate if it determines that the applicant has:

(1) operated a wastewater treatment plant with an expired operator certificate;

(2) operated a wastewater treatment plant at a grade level for which the applicant was not certified; or

(3) committed any other act in violation of this chapter.

(c) A renewal certificate shall include:

(1) the operator's name and ~~address~~ grade level;

(2) the certificate number ~~and operator grade level~~;

(3) the issue date of the initial certificate and the expiration date of the renewal certificate;

(4) the State Water Board seal;

(5) the name, "State Water Resources Control Board;" and

(6) the signature of a State Water Board member or designee.

(d) The expiration date of a renewed certificate shall be two years from the expiration date of the certificate being renewed.

Authority: Sections 1058, 13627, and 13628, Water Code.
Reference: Sections 13627 and 13628, Water Code.

§ 3702.4. Reinstatement.

(a) An expired operator certificate may be reinstated within one year following expiration if the applicant applies for reinstatement as prescribed in this section.

(b) Experience acquired under the expired certificate shall be credited to the reinstated certificate.

(c) An application for reinstatement shall include:

(1) all the information prescribed in section 3702.2;

(2) a signed statement regarding 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 wastewater treatment plant, 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 conducted an investigation regarding the applicant; or imposed civil or criminal liability upon the applicant; and

(3) the renewal and reinstatement fees prescribed in article 10.

(d) The Office of Operator Certification may refuse to reinstate a certificate if it determines that the applicant has:

(1) operated a wastewater treatment plant with an expired operator certificate;

(2) operated a wastewater treatment plant at a grade level for which the applicant was not certified; or

(3) committed any other act in violation of this chapter.

(e) The expiration date of a reinstated certificate shall be two years from the date of reinstatement of the certificate.

(f) A certificate that has been expired for more than one year shall not be reinstated. Upon passing another examination at the appropriate grade level, an applicant whose certificate has been expired for more than one year may apply for a new certificate in accordance with section 3702.

Authority: Sections 1058, 13627, and 13628, Water Code.
Reference: Sections 13627 and 13628, Water Code.

<u>§ 3702.5. Reporting Requirements for Operators.</u>

An operator shall notify the Office of Operator Certification 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 wastewater treatment plant, takes final action: to discipline the operator; to impose administrative civil liability; or to impose civil or criminal liability.

Authority: Sections 1058 and 13627, Water Code.
Reference: Section 13627, Water Code.

§ 3702.6. Replacement.

A lost, stolen, damaged, or destroyed certificate may be replaced by the Office of Operator Certification if the operator, provisional operator, or operator-in-training signs and submits a statement explaining the circumstances of the loss, theft, damage, or destruction and submits the replacement fee prescribed in article 10.

Authority: Sections 1058 and 13628, Water Code.
Reference: Section 13628, Water Code.

§ 3702.7 Unpaid Fees and Administrative Civil Liability.

The Office of Operator Certification shall not issue, renew, reinstate, or replace a certificate if the operator, provisional operator, or operator-in-training has not paid all fees and administrative civil liability owed to the State Water Board.

Authority: Sections 1058, Water Code.
Reference: Section 13627, Water Code.

§ 3703. Posting Certificates.

Operators, provisional operators, and operators-in-training shall display their valid certificates in an area accessible to the public at each wastewater treatment plant where employed. If no area is accessible to the public, the certificates shall be posted in an accessible area at the wastewater treatment plant owner's headquarters.

Authority: Section 1058, Water Code.
Reference: Section 13627, Water Code.

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

§ 3709. Imposition of Administrative Civil Liability.

(a) The civil liability described in subdivisions (b) or (c) may be imposed administratively in accordance with article 2.5 (commencing with section 13323) of chapter 5 of division 7 of the Water Code.

(b) The State Water Board may impose administrative civil liability in an amount not to exceed $100 for each day of violation upon:

(1) any person who operates a wastewater treatment plant without holding a valid, unexpired certificate at the appropriate grade level as required by this chapter; or

(2) any person who owns or operates a wastewater treatment plant that employs, or allows the employment of, any person as an operator who does not hold a valid, unexpired certificate of the appropriate grade level as required by this chapter.

(c) The State Water Board may impose administrative civil liability in an amount not to exceed $5,000 for each violation upon any person for any of the following acts:

(1) employing fraud or deception in the course of operating a wastewater treatment plant;

(2) failing to use reasonable care or judgment in the operation of a wastewater treatment plant;

(3) willfully or negligently violating, or causing, or allowing the violation of waste discharge requirements;

(4) submitting false or misleading information to the State Water Board on an application for a certificate; or

(5) engaging in dishonest conduct during an examination.

Authority: Sections 13627.1, 13627.2, and 13627.4, Water Code.
Reference: Sections 13323, 13627.1, 13627.2, and 13627.4, Water Code.

§ 3710. Grounds for Disciplinary Action.

(a) The State Water Board may refuse to grant, suspend, or revoke an operator, provisional operator, or operator-in-training certificate or may reprimand or place on probation an operator, provisional operator, or operator-in-training upon any reasonable ground, including performing, or allowing or causing another to perform, any of the following acts:

(1) willfully or negligently violating, causing, or allowing a violation of this chapter;

(2) without regard to intent or negligence, operating or allowing the operation of a wastewater treatment plant by a person who is not certified at a grade level necessary for the position or whose operator, provisional operator, or operator-in-training certificate has expired;

(3) submitting false or misleading information on any document provided to State Water Board staff including applications for examination, certification, renewal, or reinstatement, or providing false or misleading information to State Water Board staff during an investigation of a possible violation of this chapter;

(4) engaging in dishonest conduct during an examination or violating confidentiality of examination questions;

(5) using fraud or deception in the course of employment as an operator, provisional operator, or operator-in-training;

(6) failing to use reasonable care or good judgment in the course of employment as an operator, provisional operator, or operator-in-training or failing to apply knowledge or ability in the performance of duties;

(7) willfully or negligently violating, causing, or allowing the violation of waste discharge requirements;

(8) failing to notify, as required by section 3682.6, 3683.4, or 3702.5, the Office of Operator Certification within 30 days of the date that 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 wastewater treatment plant, takes one of the following final actions: discipline by a certifying body; imposition of administrative civil liability; or imposition of civil or criminal liability;

(9) without regard to intent or negligence, operating a wastewater treatment plant without posting a valid operator, provisional operator, or operator-in-training certificate as required by section 3703; or

(10) committing any act that is a reasonable ground for disciplinary action pursuant to this chapter 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 wastewater treatment plant and the act would be a reasonable ground for a disciplinary action pursuant to this chapter if associated with performing duties at a wastewater treatment plant.

(b) A chief plant operator may be subject to the disciplinary actions specified in subdivision (a) for willfully or negligently failing to ensure that an operator-in-training is supervised directly as required by section 3682.

Authority: Sections 1058 and 13627, Water Code.
Reference: Sections 185, 13260, and 13627, Water Code; and Title IV, 33 USC, Section 1342 (Clean Water Act).

<u>§ 3711. Appeals of Discretionary Decisions Made by the Office of Operator Certification.</u>

(a) The following discretionary decisions made by the Office of Operator Certification are final and conclusive unless the applicant requests the Deputy Director of the Division to review the discretionary decision made by the Office of Operator Certification: 1) denial of an application for an operator, provisional operator, or operator-in-training certificate or the renewal or reinstatement of an operator or operator-in-training certificate; 2) denial of an application for a contract operator registration or a contract operator credential or the renewal of a contract operator registration or a contract operator credential; 3) denial of an application for an exemption or the renewal of an exemption, or the revocation of an exemption for a Class I wastewater treatment plant; 4) denial of a request for approval to use a lone operator or a provisional operator; or 5) the results of an examination.

(b) Appeals shall be in writing and shall be received by the Deputy Director of the Division within 45 days of the date of the decision being appealed.

(c) An appeal shall contain:

(1) the name, address, telephone number, and email address (if available) of the appellant;

(2) a copy of the decision that the appellant is appealing;

(3) a full and complete statement of the reasons why the decision being appealed is erroneous, inappropriate, or improper; and

(4) the specific action that the appellant seeks from the Deputy Director of the Division.

(d) The appeal shall be sent to the Deputy Director of the Division, with a copy sent to the Office of Operator Certification.

Authority: Section 1058, Water Code.
Reference: Section 13627, Water Code.

§ 3711.1. Action by the Deputy Director of the Division.

(a) The Office of Operator Certification may file a recommendation regarding an appeal with the Deputy Director of the Division within 30 days of receiving a copy of the appeal. The Deputy Director may allow additional time for the Office of Operator Certification to file a recommendation. The Office of Operator Certification shall provide a copy of its recommendation to the appellant.

(b) The Deputy Director of the Division shall review the evidence and any recommendation filed by the Office of Operator Certification and shall make a Final Division Decision within 90 days of receipt of the appeal. The Final Division Decision shall inform the appellant that the decision is final and conclusive unless the appellant petitions the State Water Board for review in accordance with the provisions of section 3711.2.

(c) The Deputy Director of the Division may at any time, on the Deputy Director's own motion, issue a Final Division Decision.

Authority: Section 1058, Water Code.
Reference: Section 13627, Water Code.

§ 3711.2. Petition for Review of a Final Division Decision by the State Water Board.

(a) An applicant may petition the State Water Board for review of a Final Division Decision. The petition shall be in writing and shall be received no later than 30 days after the date of the Final Division Decision.

(b) A petition for review by the State Water Board shall contain:

(1) the name, address, telephone number, and email address (if available) of the petitioner;

(2) a copy of the Final Division Decision that the petitioner is requesting the State Water Board to review;

(3) a full and complete statement by the petitioner of the reasons why the Final Division Decision is erroneous, inappropriate, or improper; and

(4) the specific action that the petitioner seeks from the State Water Board.

(c) The petition shall be sent to the State Water Board Chair, with copies sent to the Chief Counsel of the State Water Board, and the Deputy Director of the Division.

(d) If the petitioner requests that the State Water Board consider evidence not previously provided to the Deputy Director of the Division, the request must include a statement that additional evidence is available that was not presented to the Deputy Director. The request to present additional evidence shall include a copy of the evidence and a detailed statement of the nature of the evidence and of the facts to be proved. The request also shall provide a detailed explanation of the reasons why the evidence could not have been submitted previously. A request to consider additional evidence shall be submitted at the time the petition is filed or as soon as the evidence becomes available.

(e) The petitioner may request that the State Water Board conduct a hearing to consider testimony, other evidence, and argument. The request shall be supported by a summary of contentions to be addressed or evidence to be introduced and a showing of why the contentions or evidence have not been previously or adequately presented. A request to conduct a hearing shall be submitted at the time the petition is filed or as soon as possible thereafter.

(f) Service of a petition may be made by U.S. mail, hand delivery, facsimile with hard copy to follow, or by e-mail by prior arrangement with hard copy to follow. [In the case of service by facsimile, only the petition itself shall be sent. All exhibits shall be included with the hard copy.] The petition shall be received by the State Water Board no later than 5:00 p.m., 30 days following the date of the Final Division Decision, except that if the 30th day following the date of the Final Division Decision falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board no later than 5:00 p.m. on the first business day following.

Authority: Section 1058, Water Code.
Reference: Section 13627, Water Code.

<u>§3712. Requests for Reconsideration of Proposed Disciplinary Action Letters.</u>

(a) A proposed disciplinary action letter is final and conclusive unless the applicant, operator, provisional operator, or operator-in-training being disciplined requests that the Director of the Office of Enforcement reconsider a proposed disciplinary action letter issued by the Office of Enforcement.

(b) Requests for reconsideration shall be in writing and shall be received by the Director of the Office of Enforcement within 45 days of the date of the proposed disciplinary action letter.

(c) A request for reconsideration shall contain:

(1) the name, address, telephone number, and email address (if available) of the requestor;

(2) a copy of the proposed disciplinary action letter;

(3) a full and complete statement of the reasons why the proposed disciplinary action letter is erroneous, inappropriate, or improper; and

(4) the specific action that the requestor seeks from the Director of the Office of Enforcement.

Authority: Section 1058, Water Code.
Reference: Section 13627, Water Code.

§ 3712.1. Action by the Director of the Office of Enforcement.

(a) The Director of the Office of Enforcement shall review the evidence and make a Final Office of Enforcement Decision within 90 days of receipt of the request for reconsideration. The Final Office of Enforcement Decision shall inform the requestor that the decision is final and conclusive unless the requestor petitions the State Water Board for review in accordance with the provisions of section 3712.2.

(b) The Director of the Office of Enforcement may at any time, on the Director's own motion, issue a Final Office of Enforcement Decision.

Authority: Section 1058, Water Code.
Reference: Section 13627, Water Code.

§ 3712.2. Petition for Review of a Final Office of Enforcement Decision by the State Water Board.

(a) The applicant, operator, provisional operator, or operator-in-training being disciplined may petition the State Water Board for a review of the Final Office of Enforcement Decision. The petition shall be in writing and shall be received no later than 30 days after the date of the Final Office of Enforcement Decision.

(b) A petition for review by the State Water Board shall contain:

(1) the name, address, telephone number, and email address (if available) of the petitioner;

(2) a copy of the Final Office of Enforcement Decision that the petitioner is requesting the State Water Board to review;

(3) a full and complete statement of the reasons why the Final Office of Enforcement Decision is erroneous, inappropriate, or improper; and

(4) the specific action the petitioner seeks from the State Water Board.

(c) The petition shall be sent to the State Water Board Chair, with copies sent to the Chief Counsel of the State Water Board, and the Director of the Office of Enforcement.

(d) If the petitioner requests that the State Water Board consider evidence not previously provided to the Director of the Office of Enforcement, the request must include a statement that additional evidence is available that was not presented to the Director. The request to present additional evidence shall include a copy of the evidence and a detailed statement of the nature of the evidence and of the facts to be proved. The request also shall provide a detailed explanation of the reasons why the evidence could not have been submitted

previously. A request to consider additional evidence shall be submitted at the time the petition is filed or as soon as the evidence becomes available.

(e) The petitioner may request that the State Water Board conduct a hearing to consider testimony, other evidence, and argument. The request shall be supported by a summary of contentions to be addressed or evidence to be introduced and a showing of why the contentions or evidence have not been previously or adequately presented. A request to conduct a hearing shall be submitted at the time the petition is filed or as soon as possible thereafter.

(f) Service of a petition may be made by U.S. mail, hand delivery, facsimile with hard copy to follow, or by e-mail by prior arrangement with hard copy to follow. [In the case of service by facsimile, only the petition itself shall be sent. All exhibits shall be included with the hard copy.] The petition shall be received by the State Water Board no later than 5:00 p.m., 30 days following the date of the Final Office of Enforcement Decision, except that if the 30th day following the date of the Final Office of Enforcement Decision falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board no later than 5:00 p.m. on the first business day following.

Authority: Section 1058, Water Code.
Reference: Section 13627, Water Code.

§ 3713. Defective Petitions.

(a) Upon receipt of a petition that does not comply with section 3711.2 or 3712.2 of this chapter, the State Water Board shall notify the petitioner of the manner in which the petition is defective and the time within which an amended petition may be filed.

(b) If a properly amended petition is not received by the State Water Board within the time allowed, the petition shall be dismissed unless good cause is shown for an extension of time.

Authority: Section 1058, Water Code.
Reference: Section 13627, Water Code.

§ 3714. Action by the State Water Board on a Petition.

(a) The State Water Board may:

(1) at any time, 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;

(2) deny the petition upon a finding that the Final Division Decision or Final Office of Enforcement Decision was appropriate and proper;

(3) set aside or modify the Final Division Decision or Final Office of Enforcement Decision; or

(4) take any other action the State Water Board deems appropriate.

(b) 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.

(c) Except where an evidentiary hearing is required by law, the State Water Board may, in its discretion, hold a hearing for the purpose of oral argument or receipt of additional evidence or both before taking final action on the petition.

(d) If a hearing is held, it shall be conducted in accordance with California Code of Regulations, title 23, chapter 1.5, article 2.

Authority: Section 1058, Water Code.
Reference: Section 13627, Water Code.

§ 3715. Workshop Meeting.

The State Water Board may discuss a proposed order in response to a petition for review of a Final Division Decision or Final Office of Enforcement Decision in a public workshop meeting prior to formal action at a board meeting. Comments may be submitted in writing before the workshop meeting. At the workshop meeting, the State Water Board may invite comments on the proposed order from interested persons. All comments shall be based solely upon evidence contained in the record or upon legal argument.

Authority: Section 1058, Water Code.
Reference: Section 13627, Water Code.

§ 3716. Formal Disposition.

(a)(1) Except as provided in subdivision (b), unless denied by the Executive Director pursuant to section 3714(b), formal disposition by the State Water Board of any pending petition will be taken at a regularly or specially scheduled State Water Board meeting. At the meeting the State Water Board may invite comments on the matter from interested persons. These comments shall be based solely upon evidence contained in the record or legal argument.

(2) No new evidence shall be submitted at the State Water Board meeting. Written arguments submitted after the workshop meeting shall be limited to revisions to the proposed order that was considered by the State Water Board at the workshop meeting. Such written arguments shall be filed at least two working days prior to the State Water Board meeting, unless otherwise specified by the State Water Board.

(b) This section does not limit the authority of the Executive Director to issue an order by settlement to resolve a petition on behalf of the State Water Board.

Authority: Section 1058, Water Code.
Reference: Section 13627, Water Code.

Article 10. Fees

§ 3717. Operator, Provisional Operator, and Operator-In-Training Fees.

(a) Except for examination fees that are refundable pursuant to section 3700(e), all fees are nonrefundable.

(b) Application fees for an examination are:

Grade I:	$70
Grade II:	$90
Grade III:	$130
Grade IV:	$140
Grade V:	$140

(c) Examination fees are:

Grade I:	$70
Grade II:	$90
Grade III:	$220
Grade IV:	$300
Grade V:	$300

(d) The provisional operator certification fee is $170. Operator and operator-in-training certification fees are:

Grade I:	$170
Grade II:	$230
Grade III:	$300
Grade IV:	$340
Grade V:	$340

(e) Operator and operator-in-training certification renewal fees are:

Grade I:	$170
Grade II:	$230
Grade III:	$300
Grade IV:	$340
Grade V:	$340

(f) The reinstatement fee for all grade levels is $100.

(g) The fee for replacing a lost, stolen, damaged, or destroyed certificate is $50.

(h) Applicants for an examination waiver shall pay an examination waiver fee of $100 in addition to the certification fee.

Authority: Sections 1058 and 13628, Water Code.
Reference: Sections 13627 and 13628, Water Code.

Article 11. Advisory Committee

§ 3718. Advisory Committee Membership and Responsibilities.

(a) The State Water Board shall appoint an advisory committee of nine members to assist it in carrying out its responsibilities under this chapter. The committee shall consist of:

(1) two operators who are employed at a wastewater treatment plant and who are members of a statewide organization representing operators;

(2) two individuals from statewide organizations representing municipalities, including counties or private utility wastewater treatment plants;

(3) two individuals from statewide organizations representing local sanitation agencies, other than agencies specified in (2) above;

(4) one professional engineer specializing in sanitary engineering;

(5) one individual from a university or a state university school or division of engineering; and

(6) one member of an organized labor union that represents operators.

(b) Members of the advisory committee shall serve for four years at which time they shall be eligible for reappointment.

(c) The committee shall meet when necessary to review and make recommendations to the State Water Board regarding all proposed regulations and to assist the State Water Board in carrying out its responsibilities under this chapter.

Authority: Sections 1058 and 13631, Water Code.
Reference: Sections 13631, 13632, and 13633, Water Code.

Article 12. Wastewater Treatment Plant Contract Operators

§ 3719. Contract Operator Registration Requirement.

Within 30 days after entering into a contract to operate a wastewater treatment plant, a contract operator must submit an application for contract operator registration to the Office of Operator Certification. The contract operator must obtain a contract operator credential for each wastewater treatment plant under contract. All operators employed by the contract operator shall be certified according to the provisions of this chapter.

Authority: Sections 1058 and 13627.3, Water Code.
Reference: Section 13627.3, Water Code.

§ 3719.1. Term of Contract Operator Registration.

A contract operator registration shall be valid for one year from the issue date.

Authority: Sections 1058 and 13627.3, Water Code.
Reference: Section 13627.3, Water Code.

§ 3719.2. Application for Contract Operator Registration.

(a) An application for a contract operator registration shall include:

(1) the applicant's name, mailing and business addresses, and telephone number;

(2) the name, address, and telephone number of the owner of each wastewater treatment plant under contract;

(3) for each wastewater treatment plant to be operated, the name, business address, and telephone number of the wastewater treatment plant; the name of the chief plant operator(s); the name of the Regional Water Board overseeing the wastewater treatment plant; and the duration of each contract;

(4) the name and grade level of each wastewater treatment plant operator employed at the wastewater treatment plant(s);

(5) the original signature of the person authorized by the contract operator to sign the contract(s);

(6) a signed statement regarding 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 wastewater treatment plant, 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 conducted an investigation regarding the applicant; or imposed civil or criminal liability upon the applicant; and

(7) the registration fee as prescribed in section 3719.16.

(b) Within 30 days of receipt of the application, the Office of Operator Certification shall notify the applicant in writing whether the application is complete or deficient. If there is a deficiency, the Office of Operator Certification shall inform the applicant in writing of the specific requirements necessary to complete the application. If the applicant does not correct the deficiency within 60 days from the date of the notice of deficiency, the application shall be denied.

Authority: Sections 1058 and 13627.3, Water Code.
Reference: Section 13627.3, Water Code.

§ 3719.3. Issuance of Contract Operator Registration and Contract Operator Credential.

(a) The contract operator registration issued by the Office of Operator Certification shall include:

(1) the applicant's name, business address, and registration number;

(2) the issue and expiration dates of the registration;

(3) the State Water Board seal;

(4) the name, “State Water Resources Control Board,” and

(5) the signature of a State Water Board member or designee.

(b) Except as provided in subdivision (c), within 30 days of receipt of a complete application for registration, the Office of Operator Certification shall issue a contract operator registration to the contract operator or inform the applicant of the reason the registration will not be issued. The Office of Operator Certification also shall issue one contract operator credential to the contract operator for each wastewater treatment plant operated. The contract operator credential shall include the name of the wastewater treatment plant to be operated in addition to the information required in subdivision (a). Contract operator registrations and contract operator credentials are nontransferable.

(c) The Office of Operator Certification may refuse to issue a contract operator registration if it determines that the applicant has committed any act in violation of this chapter.

Authority: Sections 1058 and 13627.3, Water Code.
Reference: Section 13627.3, Water Code.

§3719.4. Renewal of Contract Operator Registration.

(a) At least 60 days before the expiration of a contract operator registration, the Office of Operator Certification shall send a written notification of the expiration date to the contract operator. Failure to receive a notice of the expiration date does not relieve the contract operator from the responsibility of renewing a registration on or before the expiration date.

(b) An application for renewal of a contract operator registration shall include:

(1) the contract operator’s name, mailing and business addresses, telephone number, and registration number;

(2) the name, address, and telephone number of the owner of each wastewater treatment plant under contract;

(3) for each wastewater treatment plant operated, the name, business address, and telephone number of the wastewater treatment plant, the name of the chief plant operator, the name of the Regional Water Board overseeing the wastewater treatment plant, and the duration of each contract;

(4) the name and grade level of each wastewater treatment plant operator employed at the wastewater treatment plant(s);

(5) the original signature of the person authorized by the contract operator to sign the contract(s); and

(6) the renewal fee as prescribed in section 3719.16.

(c) A contract operator who wishes to renew a contract operator registration shall submit to the Office of Operator Certification a completed application as specified in subdivision (b). The application for renewal shall be received no later than 30 days before the expiration of the registration. If the application for renewal is received less than 30 days before the expiration date, the contract operator shall pay a late fee as prescribed in section 3719.16.

(d) Within 30 days of receipt of the application for renewal, the Office of Operator Certification shall notify the applicant in writing whether the application is complete or deficient. If there is a deficiency, the Office of Operator Certification shall inform the contract operator in writing of the specific requirements necessary to complete the application for renewal. If the applicant does not correct the deficiency within 60 days from the date of the notice of deficiency, the application shall be denied.

Authority: Sections 1058 and 13627.3, Water Code.
Reference: Section 13627.3, Water Code.

<u>§ 3719.5. Issuance of Renewed Contract Operator Registration and Contract Operator Credential.</u>

(a) A renewed contract operator registration shall include:

(1) the contract operator's name, business address, and registration number;

(2) the issue date of the initial registration and expiration date of the renewal registration;

(3) the State Water Board seal;

(4) the name, "State Water Resources Control Board;" and

(5) the signature of a State Water Board member or designee.

(b) Except as provided in subdivision (c), within 30 days of the receipt of a complete application for renewal, the Office of Operator Certification shall issue a renewed contract operator registration or inform the applicant of the reason the registration will not be issued. The Office of Operator Certification shall issue one contract operator credential to the contract operator for each wastewater treatment plant operated. The credential shall include the name of the wastewater treatment plant operated in addition to the requirements in subdivision (a) for a renewed contract operator registration. Contract operator registrations and contract operator credentials are nontransferable.

(c) The Office of Operator Certification may refuse to renew a contract operator registration if it determines that the applicant has operated a wastewater treatment plant with an expired contract operator registration or has committed any other act in violation of this chapter.

Authority: Sections 1058 and 13627.3, Water Code.
Reference: Section 13627.3, Water Code.

§ 3719.6. Application for Additional Contract Operator Credential.

(a) Within 30 days after entering into a contract to operate a wastewater treatment plant not included in the original application, a contract operator shall submit an application to the Office of Operator Certification requesting an additional contract operator credential. The application shall include the following:

(1) the contract operator's name, mailing and business addresses, telephone number, and registration number;

(2) the name, address, telephone number, and registration number of the owner of the wastewater treatment plant;

(3) the name, address, telephone number, and chief plant operator of the wastewater treatment plant, the Regional Water Board overseeing the wastewater treatment plant, and the duration of the contract;

(4) the name and grade level of each wastewater treatment plant operator employed at the wastewater treatment plant;

(5) the original signature of the person authorized by the contract operator to enter the contract; and

(6) the fee for issuing a new contract operator credential as prescribed in section 3719.16.

(b) Within 30 days of receipt of an application for an additional contract operator credential, the Office of Operator Certification shall issue a contract operator credential in accordance with section 3719.3.

Authority: Sections 1058 and 13627.3, Water Code.
Reference: Section 13627.3, Water Code.

§ 3719.7. Replacement of Contract Operator Registration or Contract Operator Credential.

A lost, stolen, damaged, or destroyed contract operator registration or contract operator credential may be replaced by the Office of Operator Certification if the registration or credential holder signs and submits a statement explaining the circumstances of the loss, theft, damage, or destruction of the registration or credential and submits the replacement fee prescribed in section 3719.16.

Authority: Sections 1058 and 13627.3, Water Code.
Reference: Section 13627.3, Water Code.

§ 3719.8. Unpaid Fees and Administrative Civil Liability.

The Office of Operator Certification shall not issue, renew, or replace a contract operator registration or contract operator credential if the contract operator has not paid all fees and administrative civil liability owed to the State Water Board.

Authority: Sections 1058 and 13627.3, Water Code.
Reference: Section 13627.3, Water Code.

§ 3719.9. Posting Contract Operator Credentials.

A valid, unexpired contract operator credential shall be displayed in an area accessible to the public at each wastewater treatment plant where the contract operator has a contract to provide services. If no area is accessible to the public, the contract operator credential shall be posted in an accessible area at the wastewater treatment plant owner's headquarters.

Authority: Sections 1058 and 13627.3, Water Code.
Reference: Section 13627.3, Water Code.

§ 3719.10. Reporting Requirements for Contract Operators.

(a) A contract operator shall notify the Office of Operator Certification in writing within 30 days of any final disciplinary action by the contract operator against an operator, provisional operator, or operator-in-training. Disciplinary action includes reprimanding or placing on probation an operator, provisional operator, or operator-in-training, or suspending, demoting, or discharging an operator, provisional operator, or operator-in-training for performing, or allowing or causing another to perform, any act in violation of this chapter. The notice shall include the name and certificate number of the operator, provisional operator, or operator-in-training, the specific violations, and the disciplinary action taken by the contract operator.

(1) Except as provided in (2) below, a notice regarding final disciplinary action received from a contract operator shall be retained in State Water Board files for three years.

(2) If the State Water Board imposes administrative civil liability as set forth in section 3709 or takes disciplinary action pursuant to section 3710 in response to the conduct which is the basis for the notice, then the notice shall remain in State Water Board files for 10 years.

(b) A contract operator shall notify the Office of Operator Certification 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 wastewater treatment plant, takes final action: to discipline the contract operator; to impose administrative civil liability; or to impose civil or criminal liability.

Authority: Sections 1058 and 13627.3, Water Code.
Reference: Section 13627.3, Water Code

§ 3719.11. Imposition of Administrative Civil Liability.

(a) The civil liability described in subdivision (b) or (c) may be imposed administratively in accordance with article 2.5 (commencing with section 13323) of chapter 5 of division 7 of the Water Code.

(b) The State Water Board may impose administrative civil liability in an amount not to exceed $5,000 for each violation upon any person for any of the following acts:

(1) failing to use reasonable care in the management or operation of the wastewater treatment plant;

(2) willfully or negligently causing or allowing a violation of waste discharge requirements; or

(3) submitting false or misleading information to the State Water Board on an application for a registration.

(c) The State Water Board may impose administrative civil liability in an amount not to exceed $1,000 for each day of the violation upon any person for failure to comply with section 3719.

Authority: Section 13627.3, Water Code
Reference: Sections 13323, 13627.3, and 13627.4, Water Code

§ 3719.12. Grounds for Disciplinary Action.

The State Water Board may refuse to grant, or may suspend or revoke, a registration for good cause, including any of the following reasons:

(a) willfully or negligently violating, causing, or allowing a violation of this chapter;

(b) without regard to intent or negligence, allowing the operation of a wastewater treatment plant by a person who is not certified at a grade level necessary for the position or whose certificate has expired;

(c) except as provided in (1) or (2) below, operating a wastewater treatment plant without a valid, unexpired registration;

(1) It has been no more than 30 days after the contract operator entered a contract to operate a wastewater treatment plant; or

(2) The contract operator submitted an application for contract operator registration to the Office of Operator Certification within 30 days of entering into a contract to operate a wastewater treatment plant and the Office of Operator Certification has not yet taken action on that application.

(d) except as provided in (1) or (2) below, operating a wastewater treatment plant without a valid, unexpired contract operator credential;

(1) It has been no more than 30 days after the contract operator entered a contract to operate the wastewater treatment plant; or

(2) The contract operator submitted an application for contract operator registration or an application for an additional contract operator credential to the Office of Operator Certification within 30 days of entering into a contract to operate the wastewater treatment plant and the Office of Operator Certification has not yet taken action on that application.

(e) submitting false or misleading information on any document provided to State Water Board staff including applications for registration or registration renewal, or providing false or misleading information to State Water Board staff during an investigation of a possible violation of this chapter;

(f) using fraud or deception in the course of contracting to operate a wastewater treatment plant, including submitting false or misleading documents to the owner of any wastewater treatment plant under contract;

(g) failing to use reasonable care or good judgment while operating a wastewater treatment plant;

(h) willfully or negligently causing or allowing a violation of waste discharge requirements;

(i) failing to notify, as required by section 3719.10(b), the Office of Operator Certification within 30 days of the date that 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 wastewater treatment plant, takes one of the following final actions: discipline by a certifying body; imposition of administrative civil liability; or imposition of civil or criminal liability;

(j) without regard to intent or negligence, allowing the operation of a wastewater treatment plant by a person who has not posted an operator or operator-in-training certificate as required by section 3703 or failing to post the contract operator credential as required by section 3719.9; or

(k) 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 wastewater treatment plant and the act would be good cause for a disciplinary action pursuant to this chapter if associated with performing duties at a wastewater treatment plant.

Authority: Sections 1058 and 13627.3, Water Code.
Reference: Section 13627.3, Water Code.

<u>§ 3719.13. Appeals of Discretionary Decisions made by the Office of Operator Certification.</u>

(a) An applicant or contract operator may appeal discretionary decisions made by the Office of Operator Certification regarding denial of an application for registration or registration renewal.

(b) Appeals shall be processed in accordance with the provisions of sections 3711 and 3711.1 of article 9.

Authority: Sections 1058 and 13627.3, Water Code.
Reference: Section 13627.3, Water Code.

§ 3719.14. Requests for Reconsideration of Proposed Disciplinary Action Letters.

(a) An applicant or contract operator may request that the Director of the Office of Enforcement reconsider a proposed disciplinary action letter issued by the Office of Enforcement.

(b) Requests for reconsideration shall be processed in accordance with the provisions of sections 3712 and 3712.1 of article 9.

Authority: Sections 1058 and 13627.3, Water Code.
Reference: Section 13627.3, Water Code.

§ 3719.15. Petitions.

(a) An applicant or contract operator may petition the State Water Board for review of a Final Division Decision or a Final Office of Enforcement Decision.

(b) Petitions shall be processed in accordance with the provisions of sections 3711.2, 3712.2, and 3713 through 3716 of article 9.

Authority: Sections 1058 and 13627.3, Water Code.
Reference: Section 13627.3, Water Code.

§ 3719.16. Wastewater Treatment Plant Contract Operator Registration Fees.

(a) The initial contract operator registration fee is $350. For each operator employed in California by the contract operator, the contract operator shall pay a fee of $75 up to a maximum of $1,500 in combined contract operator registration fees and employee registration fees.

(b) The annual renewal fee is $350 plus $75 for each operator employed in California by the contract operator up to a maximum of $1,500 in combined contract operator registration renewal fees and employee registration fees.

(c) If the renewal application is not received by the Office of Operator Certification at least 30 days before the expiration of the contract operator registration, the contract operator shall pay a late fee of $100 in addition to the renewal fee.

(d) The fee for replacing a lost, stolen, damaged, or destroyed contract operator registration or contract operator credential or for issuing an additional contract operator credential pursuant to section 3719.6 is $50.

Authority: Sections 1058 and 13627.3, Water Code.
Reference: Section 13627.3, Water Code.