

OPERATOR CERTIFICATION

**STATUTES, REGULATIONS, AND OTHER
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WASTEWATER OPERATOR CERTIFICATION PROGRAM

WATER CODE
DIVISION 7. WATER QUALITY
CHAPTER 9. WASTE WATER TREATMENT PLANT CLASSIFICATION AND
OPERATOR CERTIFICATION

§ 13625. Definitions

As used in this chapter unless the context otherwise requires, the following definitions apply:

- (a) “Chief plant operator” means the person designated by the owner of the wastewater treatment plant as the person responsible for the overall operation of the wastewater treatment plant, including compliance with effluent limitations established in the wastewater treatment plant’s waste discharge requirements.
- (b) “Operates” means actions or decisions to control performance or outcome of one or more wastewater treatment processes and includes the supervision of any other person who acts or makes decisions to control the performance or outcome of one or more wastewater treatment processes.
- (c) “Wastewater certificate” means a certificate of competency issued by the state board stating that a person has met the requirements to be certified for a specific classification and grade level in the certification program. At a minimum, wastewater certificate classifications shall include operators and operators-in-training.
- (d) (1) “Wastewater treatment plant” means any of the following:
 - (A) Any facility owned by a state, local, or federal agency and used in the treatment or reclamation of sewage or industrial wastes.
 - (B) Any 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.
 - (C) Any privately owned facility used primarily in the treatment or reclamation of sewage for which the state board or a regional board has issued waste discharge requirements.
- (2) “Wastewater treatment plant” does not include onsite sewage treatment systems as regulated by the state board or a regional water quality control board pursuant to Chapter 4.5 (commencing with Section 13290).

- (e) "Wastewater treatment process" means a process that improves the quality of wastewater before it is discharged from a wastewater treatment plant and includes all of the following:
- (1) Use of preliminary, primary, pond, secondary, or tertiary treatment for liquid-solids separation of wastewater.
 - (2) Use of disinfection to inactivate or destroy pathogens in wastewater.
 - (3) Use of solids treatment for solids stabilization and volume reduction before removal from the wastewater treatment plant site.
- (f) "Water treatment operator certificate" has the same meaning as defined in Section 106876 of the Health and Safety Code.
- (g) "Water recycling treatment plant" means a wastewater treatment plant that further treats secondary or tertiary effluent, or both, for the purpose of meeting the uniform statewide recycling criteria established pursuant to Section 13521 for the use of recycled water.

(Amended by Stats. 2016, Ch. 305, Sec. 19. (AB 2890) Effective January 1, 2017.)

§ 13625.1. Exemption of Class 1 plants; length of exemption; processing fee

- (a) The state board may exempt from the requirements of this chapter any facility that is classified as a Class 1 plant by the state board under Section 3675 of Title 23 of the California Code of Regulations, and the facility could not, due to operator error, violate water quality objectives.
- (b) An exemption granted pursuant to this section is valid for four years, and may be renewed by the state board upon request.
- (c) The state board may condition an exemption under this section, and the exemption may be terminated at any time by the board.
- (d) The state board may charge a reasonable administrative fee for processing a facility's original or renewal application for exemption.

(Added by Stats. 2002, Ch. 422, Sec. 2. Effective January 1, 2003.)

§ 13626. Classifications; regulations

The state board shall classify types of wastewater treatment plants for the purpose of determining the levels of competence necessary to operate them. The state board shall

adopt regulations setting forth the types of plants and the factors on which the state board based its classification.

(Amended by Stats. 2016, Ch. 305, Sec. 20. (AB 2890) Effective January 1, 2017.)

§ 13627. Certificates; grounds for refusal to grant, suspension of, or revocation of certificate, or placement on probation or reprimand of certificate holder; proceedings

- (a) Except as provided in Section 13625.1 and subdivision (b), a person who operates a wastewater treatment plant shall possess a valid, unexpired wastewater certificate of the appropriate grade.
- (b) A person who operates a water recycling treatment plant may comply with subdivision (a) by possessing a valid, unexpired water treatment operator certificate of the appropriate grade.
- (c) (1) All wastewater certificates shall be issued in accordance with regulations adopted by the state board. The state board shall develop and specify in its regulations the training necessary to qualify a person for a wastewater certificate for each type and class of plant. The state board may accept experience in lieu of qualification training.

(2) The state board shall evaluate opportunities for the following:
 - (A) Issuing a wastewater certificate by examination waiver to persons who performed duties comparable to the duties of an operator at a wastewater treatment plant while serving in the United States military.
 - (B) Award experience and education credits to persons who performed duties comparable to the duties of an operator at a wastewater treatment plant while serving in the United States military.
- (3) The state board shall seek consultation with the United States Department of Defense in carrying out paragraph (2).
- (4) If the state board identifies opportunities pursuant to paragraph (2), the state board shall, where appropriate, issue a wastewater certificate by examination waiver or award experience or education credits to persons who performed duties comparable to the duties of an operator at a wastewater treatment plant while serving in the United States military.
- (d) The state board may refuse to grant, suspend, or revoke any wastewater certificate, or may place on probation or reprimand the certificate holder, upon any reasonable ground, including, but not limited to, all of the following reasons:

- (1) Submitting false or misleading information on an application for a wastewater certificate or an examination for a wastewater certificate.
 - (2) The employment of fraud or deception in the course of operating the wastewater treatment plant.
 - (3) A wastewater certificate holder's failure to use reasonable care or judgment in the operation of the plant.
 - (4) A wastewater certificate holder's inability to perform operating duties properly.
 - (5) Willfully or negligently violating, or causing or allowing the violation of, waste discharge requirements or permits issued pursuant to the Clean Water Act (33 U.S.C. Sec. 1251 et seq.) or this division.
 - (6) Engaging in dishonest conduct during an examination for a wastewater certificate.
- (e) The state board shall conduct all proceedings for the refusal to grant a wastewater certificate, and suspension or revocation of a certificate pursuant to subdivision (d), in accordance with the rules adopted pursuant to Section 185.

(Amended by Stats. 2019, Ch. 760, Sec. 3. (AB 1588) Effective January 1, 2020.)

§ 13627.1. Violations; misdemeanor; penalties; civil liability

- (a) Any person who commits either of the following violations is guilty of a misdemeanor and may be liable civilly in an amount not to exceed one hundred dollars (\$100) for each day of violation:
- (1) Operates a wastewater treatment plant that is not a water recycling treatment plant but does not hold a valid, unexpired wastewater certificate of the appropriate grade issued pursuant to this chapter.
 - (2) Operates a water recycling treatment plant but does not hold either a valid, unexpired wastewater certificate of the appropriate grade issued pursuant to this chapter or a valid, unexpired water treatment operator certificate of the appropriate grade.
- (b) Any person or entity who commits either of the following violations is guilty of a misdemeanor and may be liable civilly in an amount not to exceed one hundred dollars (\$100) for each day of violation:

- (1) Owns or operates a wastewater treatment plant that is not a water recycling treatment plant that employs, or allows the employment of, any person who operates the wastewater treatment plant but does not hold a valid, unexpired wastewater certificate of the appropriate grade issued pursuant to this chapter.
- (2) Owns or operates a water recycling treatment plant that employs, or allows the employment of, any person who operates the water recycling treatment plant but does not hold a valid, unexpired wastewater certificate of the appropriate grade issued pursuant to this chapter or a valid, unexpired water treatment operator certificate of the appropriate grade.
- (c) Any person who commits any of the acts listed in paragraph (2), (3), (5), or (6) of subdivision (d) of Section 13627 or paragraph (3) or (5) of subdivision (c) of Section 13627.3 may be liable civilly in an amount not to exceed five thousand dollars (\$5,000) for each violation.

(Amended by Stats. 2016, Ch. 305, Sec. 22. (AB 2890) Effective January 1, 2017.)

§ 13627.2. False or misleading information on application; civil liability

Any person who submits to the state board false or misleading information on an application for a wastewater certificate, on an application for an examination for a wastewater certificate, or on an application for registration may be liable civilly in an amount not to exceed five thousand dollars (\$5,000) for each violation.

(Amended by Stats. 2016, Ch. 305, Sec. 23. (AB 2890) Effective January 1, 2017.)

§ 13627.3. Registration of operators; requirements; violations; suspension or revocations; misdemeanor; civil liability; procedures

- (a) Any person or entity that contracts with the owner of a wastewater treatment plant to operate that plant shall register with the state board, and shall, within a year after the registration or the renewal of the registration, and annually thereafter, prepare and submit to the state board a report with all of the following information:
 - (1) The name and address of the person or entity.
 - (2) The name and address of the wastewater treatment plants that the person or entity operates, or has operated during the preceding year, and the name of the applicable regional board that oversees each wastewater treatment plant.
 - (3) The name and grade of each wastewater treatment plant operator employed at each plant.

- (4) Other information that the state board requires.
- (b) The state board shall, by regulation, prescribe the procedures, and requirements for, registration pursuant to subdivision (a).
- (c) The state board may refuse to grant, and may suspend or revoke, any registration issued by the state board pursuant to this section for good cause, including, but not limited to, any of the following reasons:
- (1) The submission of false or misleading information on an application for registration.
 - (2) (A) Employment of a person to operate a wastewater treatment plant that is not a water recycling treatment plant who does not hold a valid, unexpired wastewater certificate of the appropriate grade.

(B) Employment of a person to operate a water recycling treatment plant who does not hold either a valid, unexpired wastewater certificate of the appropriate grade issued pursuant to this chapter or a valid, unexpired water treatment operator certificate of the appropriate grade.
 - (3) Willfully or negligently causing or allowing a violation of waste discharge requirements or permits issued pursuant to the Clean Water Act (33 U.S.C. Sec. 1251 et seq.) or this division.
 - (4) Failure to meet the registration requirements prescribed by the state board pursuant to subdivision (b).
 - (5) Failure to use reasonable care in the management or operation of the wastewater treatment plant.
- (d) The state board shall conduct all proceedings relating to the refusal to grant, or the suspension or revocation of, registration pursuant to subdivision (c) in accordance with the rules adopted pursuant to Section 185.
- (e) The state board shall establish a fee schedule to pay for its costs to implement this section.
- (f) Any person or entity that fails to comply with subdivision (a) is guilty of a misdemeanor and may be civilly liable in an amount not to exceed one thousand dollars (\$1,000) for each day of the violation.

(Amended by Stats. 2016, Ch. 305, Sec. 24. (AB 2890) Effective January 1, 2017.)

§ 13627.4. Civil liability; administrative imposition; nature of remedy

- (a) The state board may administratively impose the civil liability described in Section 13627.1, 13627.2, or 13627.3 in accordance with Article 2.5 (commencing with Section 13323) of Chapter 5.
- (b) A remedy under this chapter is in addition to, and does not supersede or limit, any other remedy, civil or criminal, except that liability is not recoverable against an operator under subdivision (c) of Section 13627.1 for a violation for which liability is recovered against the operator under Section 13350 or 13385.

(Amended by Stats. 2010, Ch. 288, Sec. 51. (SB 1169) Effective January 1, 2011.)

§ 13627.6. Regulations relating to chief plant operator

The state board, by regulation, shall prescribe the procedures and requirements for designation of a person as the chief plant operator and the duties that a chief plant operator is required to perform.

(Added by Stats. 2016, Ch. 305, Sec. 26. (AB 2890) Effective January 1, 2017.)

§ 13628. Renewal of certificates; fees; establishment of reduced fees; annual review and revision of fees; regulations

- (a) Wastewater certificates issued or renewed pursuant to this chapter on or after January 1, 2017, shall be renewed triennially, subject to compliance by applicants with renewal requirements prescribed by regulations.
- (b) Fees shall be payable to the state board at the time of issuance of a wastewater certificate and at the time of renewal. The state board shall establish a fee schedule to provide revenues that shall not exceed the amount necessary, but shall be sufficient, to recover all the costs of this program.
- (c) The state board may establish reduced fees for the issuance or renewal of a wastewater certificate for applicants who hold a valid, unexpired water treatment operator certificate or a valid, unexpired water distribution operator certificate.
- (d) The state board shall set the amount of total revenue collected each year through the fee schedules established pursuant to this chapter at an amount equal to the amount appropriated by the Legislature in the annual Budget Act from the Wastewater Operator Certification Fund for expenditure for the administration of this chapter, taking into account the reserves in the fund. The state board shall review the fees each fiscal year and revise the fees as necessary to conform with the amounts appropriated by the Legislature. If the state board determines that the revenue collected during the preceding year was greater than, or less than, the amounts appropriated by the

Legislature, the state board may further adjust the fees to compensate for the overcollection or undercollection of the revenue.

- (e) The state board may adopt regulations pursuant to this section, including any subsequent adjustments to the fees or subsequent amendments to the regulations, as emergency regulations in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The adoption of these emergency regulations is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health, safety, and general welfare. Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, any emergency regulations adopted by the state board, or any adjustment to the fees made by the state board pursuant to this section, shall remain in effect until revised by the state board.

(Amended by Stats. 2016, Ch. 305, Sec. 27. (AB 2890) Effective January 1, 2017.)

§ 13629. Courses of instruction

The state board may approve courses of instruction at higher educational institutions that will qualify operators for each grade of certification. The state board shall also approve courses of instruction given by professional associations, or other private or public agencies that shall be deemed equivalent to courses of instruction given by higher educational institutions.

(Amended by Stats. 2016, Ch. 305, Sec. 29. (AB 2890) Effective January 1, 2017.)

§ 13630. State agency; administration of funds

The state board is the state agency which is authorized to represent the state and its local governmental agencies in administering any federal or state funds available for wastewater treatment plant operator training. The state board may provide technical and financial assistance to organizations providing operator training programs.

(Amended by Stats. 2002, Ch. 422, Sec. 5. Effective January 1, 2003.)

§ 13631. Advisory committee; appointment

Prior to adopting or amending any regulations or approving any courses for operator training, the state board shall appoint an advisory committee to assist it in carrying out its responsibilities under this chapter.

(Repealed and added by Stats. 1985, Ch. 420, Sec. 3. Effective July 30, 1985.)

§ 13632. Advisory committee; membership

The advisory committee appointed pursuant to Section 13631 shall consist of the following:

- (a) Two persons from a statewide organization representing wastewater treatment plant operators who shall be employed at a wastewater treatment plant as operators.
- (b) Two persons from statewide organizations representing municipalities, including counties or private utility wastewater treatment plants.
- (c) Two persons from statewide organizations representing local sanitation agencies, other than agencies specified in subdivision (b).
- (d) One person who is employed as an operator at a water recycling treatment plant.
- (e) One person from an educational institution's school or division of engineering.
- (f) One person who is a member of an organized labor union that represents wastewater treatment plant operators.
- (g) One person who is a professional engineer specializing in sanitary engineering.
- (h) One person who is an active or former member of the United States military who is working, supervising, or managing or who has previously worked, supervised, or managed in wastewater treatment or distribution within their military service.

(Amended by Stats. 2019, Ch. 760, Sec. 4. (AB 1588) Effective January 1, 2020.)

§ 13633. Advisory committee; review of proposed regulations, recommendations

The advisory committee shall review all proposed regulations and make recommendations to the state board prior to adoption of any regulations or amendments thereto.

(Repealed and added by Stats. 1985, Ch. 420, Sec. 3. Effective July 30, 1985.)

TITLE 23. WATERS QUALITY CONTROL BOARDS
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 cited: 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 cited: 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; 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” includes experience acquired by a water treatment plant operator while operating a water recycling treatment plant in accordance with section 3670.1. 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 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 cited: 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 Conventional Treatment Pond	1.0 or less All
II	Primary Biofiltration Modified Treatment Pond	Greater than 1.0 through 5.0 1.0 or less All
III	Primary Biofiltration Activated Sludge Sequencing Batch Reactor Tertiary	Greater than 5.0 through 20.0 Greater than 1.0 through 10.0 5.0 or less 1.0 or less 1.0 or less
IV	Primary Biofiltration Activated Sludge Sequencing Batch Reactor Tertiary	Greater than 20.0 Greater than 10.0 through 30.0 Greater than 5.0 through 20.0 Greater than 1.0 through 10.0 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 cited: 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 cited: 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 cited: 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 \$1,458 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 cited: Sections 1058, 13625.1 and 13628, Water Code.

Reference: Section 13625.1 and 13628, Water Code.

§ 3677.2. Issuance of a Notice of Exemption for a Class I Wastewater Treatment Plant

- (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 cited: 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 cited: 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 cited: 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 \$547 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 \$182 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 cited: 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 cited: 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 cited: 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 section 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 cited: 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 hiring, despite due diligence, 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 but 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 cited: Sections 1058, 13627, and 13628, Water Code.

Reference: Section 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), 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.

(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).

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

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

Authority cited: Sections 1058, Water Code.

Reference: Sections 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 cited: 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 cited: 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 three 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 cited: 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 three-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 three-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 through Grade V operator-in-training certificate may be renewed repeatedly for additional three-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 cited: Sections 1058 and 13627, Water Code.

Reference: Sections 13627 and 13628, Water Code.

§ 3682.4. Issuance of a Renewed Operator-in-Training 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 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 cited: 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 cited: 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 cited: 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 cited: 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 cited: 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 cited: 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 cited: 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 cited: 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 cited: 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 cited: 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 cited: 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 cited: 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 cited: 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 cited: Sections 1058, 13627, and 13628, Water Code.

Reference: Sections 13627 and 13628, Water Code.

§ 3701. Examinations

- (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 cited: Sections 1058, 13627, and 13628, Water Code.

Reference: Sections 13627 and 13628, Water Code.

§ 3701.1. Examination Security

- (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 cited: 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 cited: 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 cited: Sections 1058, 13627, and 13628, Water Code.

Reference: Sections 13627 and 13628, Water Code.

§ 3702.1. Issuance of Certificates

(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 three years from the date of issue.

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

Reference: Sections 13627 and 13628, Water Code.

§ 3702.2. Application for Certificate Renewal

(a) An operator certificate may be renewed repeatedly for three-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 cited: 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 grade level;
 - (2) the certificate number;
 - (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 three years from the expiration date of the certificate being renewed.

Authority cited: 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 three 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 cited: Sections 1058, 13627, and 13628, Water Code.

Reference: Sections 13627 and 13628, Water Code.

§ 3702.5. Reporting Requirements for Operators

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 cited: 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 cited: 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 cited: 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 cited: 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 cited: 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 cited: Sections 1058 and 13627, Water Code.

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

§ 3711. Appeals of Discretionary Decisions Made by the Office of Operator Certification

(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;
- 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 cited: 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 cited: 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 cited: Section 1058, Water Code.

Reference: Section 13627, Water Code.

§ 3712. Requests for Reconsideration of Proposed Disciplinary Action Letters

- (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 cited: 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 cited: 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 cited: 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 cited: 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 cited: 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 cited: 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 cited: 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:

Operator Examination Application Fee Schedule

Grade	Application Fee	Re-examination Application Fee
I	\$128	\$63
II	\$165	\$82
III	\$238	\$119
IV	\$255	\$128
V	\$255	\$128

(c) Examination fees are:

Operator Examination Fee Schedule

Grade	Examination Fee
I	\$92
II	\$119
III	\$301
IV	\$410
V	\$410

(d) The provisional operator certification fee is \$125. Except as provided in subdivision (e), the operator and operator-in-training certification fees are:

Fee Schedule for Operators and Operators-in-Training With a Single Certificates

Grade	Certification Fee	Triennial Renewal Fee
I	\$228	\$274
II	\$311	\$274
III	\$410	\$274
IV	\$464	\$274
V	\$464	\$274

(e) Notwithstanding subdivision (d), the certification fees for those operators who are applying for, or hold, two or more valid, unexpired certifications issued by the State Water Board as a water treatment operator, distribution operator, or wastewater treatment plant operator are:

Fee Schedule for Operators and Operators-in-Training With Multiple Certificates

Grade	Certification Fee per Certificate	Triennial Renewal Fee per Certificate
I	\$173	\$201
II	\$228	\$201
III	\$311	\$201
IV	\$347	\$201
V	\$347	\$201

- (f) The reinstatement fee for all grade levels is \$182.
- (g) The fee for replacing a lost, stolen, damaged, or destroyed certificate is \$92.
- (h) Applicants for an examination waiver shall pay an examination waiver fee of \$182 in addition to the certification fee.

Authority cited: Sections 1058 and 13628, Water Code.

Reference: Sections 1362 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 cited: 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 cited: 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 cited: 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 cited: 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 cited: 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) 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 cited: Sections 1058 and 13627.3, Water Code.

Reference: Section 13627.3, Water Code.

§ 3719.5. Issuance of Renewed Contract Operator Registration and Contract Operator Credential

(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 cited: 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 cited: 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 cited: 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 cited: 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 cited: 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 cited: 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 cited: Section 13627.3, Water Code.

Reference: Sections 13323, 13627.1, 13627.2, 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 cited: Sections 1058 and 13627.3, Water Code.

Reference: Section 13627.3, Water Code.

§ 3719.13. Appeals of Discretionary Decisions made by the Office of Operator Certification

- (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 cited: 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 cited: 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 cited: 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 \$639. For each operator employed in California by the contract operator, the contract operator shall pay a fee of \$136 up to a maximum of \$2,734 in combined contract operator registration fees and employee registration fees.
- (b) The annual renewal fee is \$639 plus \$136 for each operator employed in California by the contract operator up to a maximum of \$2,734 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 \$182 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 \$92.

Authority cited: Sections 1058, 13627.3 and 13628, Water Code.

Reference: Section 13627.3 and 13628, Water Code.

DRINKING WATER OPERATOR CERTIFICATION PROGRAM

**HEALTH AND SAFETY CODE
DIVISION 104. ENVIRONMENTAL HEALTH
PART 1. ENVIRONMENTAL HEALTH PERSONNEL
CHAPTER 4. PROFESSIONAL CERTIFICATION**

Article 3. Operator Certification Program: Water Treatment Plants and Water Distribution Systems

§ 106875. Examination and certification to operate water treatment plants and water distribution systems

- (a) The state board shall examine and certify persons as to their qualifications to operate water treatment plants. The certification shall indicate the classification of water treatment plant that the person is qualified to operate.
- (b) The state board shall examine and certify persons as to their qualifications to operate a water distribution system. The certification shall indicate the classification of distribution system that the person is qualified to operate.

(Amended by Stats. 2016, Ch. 305, Sec. 1. (AB 2890) Effective January 1, 2017.)

§ 106876. Definitions

As used in this article, unless the context otherwise requires, the following definitions apply:

- (a) "Community water system" has the same meaning as defined in Section 116275.
- (b) "Local primacy agency" has the same meaning as defined in Section 116275.
- (c) "Nontransient noncommunity water system" has the same meaning as defined in Section 116275.
- (d) "Operates a water distribution system" means actions or decisions to control the quality or quantity of drinking water in a water distribution system and includes both of the following:
 - (1) Supervision of other persons operating a water distribution system.
 - (2) Any activity designated by the state board, in its regulations to implement this article, as an activity that may only be performed by a person with a water distribution operator certificate.

- (e) “Operates a water treatment plant” means actions or decisions to control the performance of one or more drinking water treatment processes and includes both of the following:
 - (1) Supervision of other persons operating a water treatment plant.
 - (2) Any activity designated by the state board, in its regulations to implement this article, as an activity that may only be performed by a person with a water treatment operator certificate.
- (f) “Wastewater certificate” has the same meaning as defined in Section 13625 of the Water Code.
- (g) “Wastewater treatment plant” has the same meaning as defined in Section 13625 of the Water Code.
- (h) “Water distribution operator certificate” means a certificate of competency issued by the state board stating that a person has met the requirements to be certified to operate a water distribution system for a specified grade level.
- (i) “Water distribution system” has the same meaning as defined in Section 116275.
- (j) “Water recycling treatment plant” has the same meaning as defined in Section 13625 of the Water Code.
- (k) “Water treatment operator certificate” means a certificate of competency issued by the state board stating that a person has met the requirements to be certified to operate a water treatment plant for a specific classification and grade level.
- (l) “Water treatment plant” has the same meaning as defined in Section 116275.
- (m) “Water treatment process” means a process that improves the physical, chemical, biological, or radiological quality of water in order to render the water acceptable for use as drinking water and includes all of the following:
 - (1) Aeration.
 - (2) Blending.
 - (3) Chemical addition.
 - (4) Contaminant removal.
 - (5) Conventional treatment.

- (6) Demineralization.
- (7) Disinfection.
- (8) Filtration.
- (9) Fluoridation.
- (10) Ion exchange.
- (11) pH adjustment.
- (12) Pre- and post-treatment.
- (13) Reverse osmosis.

(Added by Stats. 2016, Ch. 305, Sec. 3. (AB 2890) Effective January 1, 2017.)

§ 106877. Water treatment operator certificate; suspension, revocation, or refusal to grant; probation or reprimand of certificate holder; grounds; hearing

- (a) The state board may suspend, revoke, or refuse to grant or renew any water treatment operator certificate to operate a water treatment plant or may place on probation or reprimand the certificate holder upon any reasonable grounds, including, but not limited to, any of the following:
- (1) The submission of false or misleading information on an application for a water treatment operator certificate or an examination for a water treatment operator certificate.
 - (2) The use of fraud or deception in the course of operating a water treatment plant or a water recycling treatment plant.
 - (3) The failure to use reasonable care or judgment in the operation of a water treatment plant or a water recycling treatment plant.
 - (4) The inability to perform operating duties properly in a water treatment plant or a water recycling treatment plant.
 - (5) Engaging in dishonest conduct during an examination for a water treatment operator certificate.
 - (6) The conduct of willful or negligent acts that cause or allow the violation of the federal Safe Drinking Water Act (Subchapter XII (commencing with Section 300f) of

Chapter 6A of Title 42 of the United States Code), the California Safe Drinking Water Act (Chapter 4 (commencing with Section 116270) of Part 12), or the regulations and standards adopted pursuant to either act.

- (7) Willfully or negligently violating or causing or allowing the violation of waste discharge requirements or permits issued pursuant to the Clean Water Act (33 U.S.C. Sec. 1251 et seq.) or the Porter-Cologne Water Quality Control Act (Division 7 (commencing with Section 13000) of the Water Code) while operating a water recycling treatment plant.
- (b) The state board may suspend, revoke, or refuse to grant or renew any water distribution operator certificate to operate a water distribution system or may place on probation or reprimand the certificate holder upon any reasonable grounds, including, but not limited to, any of the following:
 - (1) The submission of false or misleading information on an application for a water distribution operator certificate or an examination for a water distribution operator certificate.
 - (2) The use of fraud or deception in the course of operating a water distribution system.
 - (3) The failure to use reasonable care of judgment in the operation of a water distribution system.
 - (4) The inability to perform operating duties properly in a water distribution system.
 - (5) Engaging in dishonest conduct during an examination for a water distribution operator certificate.
 - (6) The conduct of willful or negligent acts that cause or allow the violation of the federal Safe Drinking Water Act (Subchapter XII (commencing with Section 300f) of Chapter 6A of Title 42 of the United States Code), the California Safe Drinking Water Act (Chapter 4 (commencing with Section 116270) of Part 12), or the regulations and standards adopted pursuant to either act.
- (c) Prior to suspension or revocation of a valid operator certificate, the state board shall provide the certificate holder with an opportunity for a hearing before the state board, in accordance with rules adopted pursuant to Section 185 of the Water Code.

(Added by renumbering Section 106876 by Stats. 2016, Ch. 305, Sec. 2. (AB 2890) Effective January 1, 2017.)

§ 106878. Violations; penalties

- (a) Any person who commits either of the following violations is guilty of a misdemeanor and may be liable civilly in an amount not to exceed one hundred dollars (\$100) for each day of violation:
- (1) Operates a water treatment plant but does not hold a valid, unexpired water treatment operator certificate of the appropriate grade in accordance with regulations adopted pursuant to Section 106910.
 - (2) Operates a water distribution system but does not hold a valid, unexpired water distribution operator certificate of the appropriate grade in accordance with the regulations adopted pursuant to Section 106910.
- (b) (1) Any person or entity who is in responsible charge of a water treatment plant and allows the employment of any person as a water treatment operator who does not hold a valid, unexpired water treatment operator certificate of the appropriate grade in accordance with the regulations adopted pursuant to Section 106910 is guilty of a misdemeanor and may be liable civilly in an amount not to exceed one hundred dollars (\$100) for each day of violation.
- (2) Any person or entity who is in responsible charge of a water distribution system and allows the employment of any person as a water distribution operator who does not hold a valid, unexpired water distribution operator certificate of the appropriate grade in accordance with the regulations adopted pursuant to Section 106910 is guilty of a misdemeanor and may be liable civilly in an amount not to exceed one hundred dollars (\$100) for each day of violation.
- (c) Any person or entity that commits an act described in paragraph (2), (3), (5), or (6) of subdivision (a) of, or paragraph (2), (3), (5), or (6) of subdivision (b) of, Section 106877, may be liable civilly in an amount not to exceed five thousand dollars (\$5,000) for each violation.
- (d) Any person that commits an act described in paragraph (1) of subdivision (a) of, or paragraph (1) of subdivision (b) of, Section 106877 may be liable civilly in an amount not to exceed five thousand dollars (\$5,000) for each violation.

(Added by Stats. 2016, Ch. 305, Sec. 4. (AB 2890) Effective January 1, 2017.)

§ 106879. Imposition of civil liability by state board or Attorney General; remedies

- (a) The state board may administratively impose civil liability pursuant to this article or, upon the request of the state board, the Attorney General may impose civil liability pursuant to this article in an action in superior court. The state board may impose civil

liability administratively in accordance with Article 2.5 (commencing with Section 13323) of Chapter 5 of Division 7 of the Water Code.

- (b) A remedy described in this article is in addition to, and does not supersede or limit, any other remedy, civil or criminal, except that civil liability may not be imposed both administratively and by the superior court for the same violation.

(Added by Stats. 2016, Ch. 305, Sec. 5. (AB 2890) Effective January 1, 2017.)

§ 106880. Examinations

The state board shall hold at least one examination each year for the purpose of examining candidates for water treatment operator certificates and water distribution operator certificates.

(Amended by Stats. 2016, Ch. 305, Sec. 6. (AB 2890) Effective January 1, 2017.)

§ 106885. Possession of valid, unexpired water treatment or water distribution operator certificate

- (a) (1) A person who operates a water treatment plant shall possess a valid, unexpired water treatment operator certificate of appropriate grade in accordance with the regulations adopted pursuant to Section 106910.
- (2) A person who is in responsible charge of the water treatment plant shall possess a valid, unexpired water treatment operator certificate equal to or greater than the classification of the water treatment plant.
- (b) (1) A person who operates a water distribution system shall possess a valid, unexpired water distribution operator certificate of the appropriate grade in accordance with the regulations adopted pursuant to Section 106910.
- (2) A person who is in responsible charge of the water distribution system shall possess a valid, unexpired water distribution operator certificate equal to or greater than the classification of the water distribution system.

(Amended by Stats. 2016, Ch. 305, Sec. 7. (AB 2890) Effective January 1, 2017.)

§ 106890. Legislative intent; self-supporting program; fee schedules; establishment of reduced fees; annual review and revision of fees; regulations

- (a) It is the intent of the Legislature that the program authorized pursuant to this article be entirely self-supporting, and for this purpose the state board is authorized to establish fee schedules for the issuance, replacement, reinstatement, continuing education, and

renewal of certificates that shall provide revenues that shall not exceed the amount necessary, but shall be sufficient, to recover all costs incurred in the administration of this article.

- (b) The state board may establish reduced fees for the issuance of, and renewal of, a water treatment operator certificate for applicants who hold a valid, unexpired water distribution operator certificate or a valid, unexpired wastewater certificate.
- (c) The state board may establish reduced fees for the issuance of, and renewal of, a water distribution operator certificate for applicants who hold a valid, unexpired water treatment operator certificate or a valid, unexpired wastewater certificate.
- (d) (1) The state board shall set the amount of total revenue collected each year through the fee schedules at an amount equal to the amount appropriated by the Legislature in the annual Budget Act from the Drinking Water Operator Certification Special Account for expenditure for the administration of this article, taking into account the reserves in the account. The state board shall review the fees each fiscal year and revise the fees as necessary to conform with the amounts appropriated by the Legislature. If the state board determines that the revenue collected during the preceding year was greater than, or less than, the amounts appropriated by the Legislature, the state board may further adjust the fees to compensate for the overcollection or undercollection of revenue.
- (2) The state board may adopt regulations pursuant to this section, including any subsequent adjustments to the fees or subsequent amendments to the regulations, as emergency regulations in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The adoption of these emergency regulations is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health, safety, and general welfare. Notwithstanding Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, any emergency regulations adopted by the state board, or any adjustment to the fees made by the state board pursuant to this section, shall remain in effect until revised by the state board.

(Amended by Stats. 2016, Ch. 305, Sec. 8. (AB 2890) Effective January 1, 2017.)

§ 106892. Drinking Water Operator Certification Special Account

- (a) There is in the State Treasury the Drinking Water Operator Certification Special Account. Moneys in the special account are available to the state board, upon appropriation by the Legislature, for the purposes of administering this article.

(b) All of the following moneys shall be deposited in the Drinking Water Operator Certification Special Account:

(1) Any moneys made available by the Legislature for the purposes of the account.

(2) Fees collected pursuant to Section 106890.

(3) Notwithstanding Section 16305.7 of the Government Code, all interest earned upon moneys that are deposited in the account.

(Amended by Stats. 2016, Ch. 305, Sec. 9. (AB 2890) Effective January 1, 2017.)

§ 106897. Certificates issued by other states; reciprocity

(a) The state board shall issue a water treatment operator certificate and water distribution operator certificate by reciprocity to any person holding a valid, unexpired, comparable certification issued by another state, the United States, a territory or tribal government that has been designated as the primacy agency by the United States Environmental Protection Agency, or a unit of any of these. The state board may, by regulations, prescribe the procedures and requirements for issuing a water treatment operator certificate and water distribution operator certificate by reciprocity.

(b) The state board shall evaluate opportunities for the following:

(1) Issuing a water treatment operator certificate and water distribution operator certificate by reciprocity to persons who performed duties comparable to the duties of an operator at a water treatment facility or water distribution system while serving in the United States military.

(2) Awarding experience and education credits to persons who performed duties comparable to the duties of an operator at a water treatment facility or water distribution system while serving in the United States military.

(c) The state board shall seek consultation with the United States Department of Defense in carrying out subdivision (b).

(d) If the state board identifies opportunities pursuant to subdivision (b), the state board shall, where appropriate, issue a water treatment operator certificate or water distribution operator certificate by reciprocity to, or award experience or education credits to, persons who performed duties comparable to the duties of an operator at a water treatment facility or water distribution system while serving in the United States military.

(Amended by Stats. 2019, Ch. 760, Sec. 1. (AB 1588) Effective January 1, 2020.)

§ 106898. Advisory Committee; duties; membership

- (a) The state board shall appoint an advisory committee to assist it in carrying out its responsibilities pursuant to this article. The advisory committee shall review all proposed regulations and make recommendations to the state board before the adoption of a regulation or an amendment to a regulation.
- (b) The advisory committee shall consist of the following members:
- (1) Two persons from a statewide organization representing medium to large water systems.
 - (2) Two persons from a statewide organization representing small water systems.
 - (3) One person from a local primacy agency.
 - (4) One person who is employed as an operator at a water recycling treatment plant.
 - (5) One person from an educational institution's school or division of engineering.
 - (6) One person who is a member of an organized labor union that represents water treatment operators and water distribution operators.
 - (7) One person who is employed by an educational institution, professional association, public agency, or private agency to provide water treatment or water distribution courses of instruction.
 - (8) One person who is a professional engineer specializing in sanitary engineering.
 - (9) One person who is an active or former member of the United States military who is working, supervising, or managing or who has previously worked, supervised, or managed in water treatment or distribution within their military service.

(Amended by Stats. 2019, Ch. 760, Sec. 2. (AB 1588) Effective January 1, 2020.)

§ 106900. Courses of instruction; approval

The state board may approve courses of instruction provided by educational institutions, professional associations, public agencies, or private agencies for purposes of qualifying persons for issuance of and renewal of a water treatment operator certificate or water distribution operator certificate.

(Amended by Stats. 2016, Ch. 305, Sec. 15. (AB 2890) Effective January 1, 2017.)

§ 106910. Rules, regulations, and certification standards

The state board may adopt rules, regulations, and certification standards necessary to carry out the provisions of this article, pursuant to Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The rules, regulations, and standards shall include, but not be limited to, the following:

- (a) The classification of water treatment plants taking into consideration the plant size, character of the water being treated, type and degree of treatment, complexity of operation, and other physical conditions affecting the operation of the water treatment plant.
- (b) The classification of distribution systems of community water systems and nontransient noncommunity water systems taking into consideration the complexity and size of the system.
- (c) Criteria and standards establishing the level of skill, knowledge, education, and experience necessary to operate successfully specific classes of water treatment plants so as to protect public health.
- (d) Criteria and standards establishing the level of skill, knowledge, and experience necessary to operate successfully specific classes of water distribution systems so as to protect the public health.
- (e) (1) Criteria and standards for water treatment operator certificate and water distribution operator certificate renewal, including continuing education requirements.

(2) The state board shall not renew any person's water treatment operator certificate or water distribution operator certificate if that person does not meet all requirements for certificate renewal.
- (f) Criteria and standards for reinstatement of a water treatment operator certificate or water distribution operator certificate when the certificate has lapsed.
- (g) Criteria and standards for the availability of designated water treatment operator certificate holders for each operating shift.

(Amended by Stats. 2016, Ch. 305, Sec. 16. (AB 2890) Effective January 1, 2017.)

PART 12. DRINKING WATER
Chapter 4. California Safe Drinking Water Act

Article 1. Pure and Safe Drinking Water

§ 116275. Definitions

As used in this chapter:

- (a) "Contaminant" means any physical, chemical, biological, or radiological substance or matter in water.
- (b) "Department" means the state board.
- (c) "Primary drinking water standards" means:
 - (1) Maximum levels of contaminants that, in the judgment of the state board, may have an adverse effect on the health of persons.
 - (2) Specific treatment techniques adopted by the state board in lieu of maximum contaminant levels pursuant to subdivision (j) of Section 116365.
 - (3) The monitoring and reporting requirements as specified in regulations adopted by the state board that pertain to maximum contaminant levels.
- (d) "Secondary drinking water standards" means standards that specify maximum contaminant levels that, in the judgment of the state board, are necessary to protect the public welfare. Secondary drinking water standards may apply to any contaminant in drinking water that may adversely affect the odor or appearance of the water and may cause a substantial number of persons served by the public water system to discontinue its use, or that may otherwise adversely affect the public welfare. Regulations establishing secondary drinking water standards may vary according to geographic and other circumstances and may apply to any contaminant in drinking water that adversely affects the taste, odor, or appearance of the water when the standards are necessary to ensure a supply of pure, wholesome, and potable water.
- (e) "Human consumption" means the use of water for drinking, bathing or showering, hand washing, oral hygiene, or cooking, including, but not limited to, preparing food and washing dishes.
- (f) "Maximum contaminant level" means the maximum permissible level of a contaminant in water.

- (g) "Person" means an individual, corporation, company, association, partnership, limited liability company, municipality, public utility, or other public body or institution.
- (h) "Public water system" means a system for the provision of water for human consumption through pipes or other constructed conveyances that has 15 or more service connections or regularly serves at least 25 individuals daily at least 60 days out of the year. A public water system includes the following:
 - (1) Any collection, treatment, storage, and distribution facilities under control of the operator of the system that are used primarily in connection with the system.
 - (2) Any collection or pretreatment storage facilities not under the control of the operator that are used primarily in connection with the system.
 - (3) Any water system that treats water on behalf of one or more public water systems for the purpose of rendering it safe for human consumption.
- (i) "Community water system" means a public water system that serves at least 15 service connections used by yearlong residents or regularly serves at least 25 yearlong residents of the area served by the system.
- (j) "Noncommunity water system" means a public water system that is not a community water system.
- (k) "Nontransient noncommunity water system" means a public water system that is not a community water system and that regularly serves at least 25 of the same persons over six months per year.
- (l) "Local health officer" means a local health officer appointed pursuant to Section 101000 or a local comprehensive health agency designated by the board of supervisors pursuant to Section 101275 to carry out the drinking water program.
- (m) "Significant rise in the bacterial count of water" means a rise in the bacterial count of water that the state board determines, by regulation, represents an immediate danger to the health of water users.
- (n) "State small water system" means a system for the provision of piped water to the public for human consumption that serves at least five, but not more than 14, service connections and does not regularly serve drinking water to more than an average of 25 individuals daily for more than 60 days out of the year.
- (o) "Transient noncommunity water system" means a noncommunity water system that does not regularly serve at least 25 of the same persons over six months per year.

- (p) “User” means a person using water for domestic purposes. User does not include a person processing, selling, or serving water or operating a public water system.
- (q) “Waterworks standards” means regulations adopted by the state board entitled “California Waterworks Standards” (Chapter 16 (commencing with Section 64551) of Division 4 of Title 22 of the California Code of Regulations).
- (r) “Local primacy agency” means a local health officer that has applied for and received primacy delegation pursuant to Section 116330.
- (s) “Service connection” means the point of connection between the customer’s piping or constructed conveyance, and the water system’s meter, service pipe, or constructed conveyance. A connection to a system that delivers water by a constructed conveyance other than a pipe shall not be considered a connection in determining if the system is a public water system if any of the following apply:
 - (1) The water is used exclusively for purposes other than residential uses, consisting of drinking, bathing, and cooking, or other similar uses.
 - (2) The state board determines that alternative water to achieve the equivalent level of public health protection provided by the applicable primary drinking water regulation is provided for residential or similar uses for drinking and cooking.
 - (3) The state board determines that the water provided for residential or similar uses for drinking, cooking, and bathing is centrally treated or treated at the point of entry by the provider, a passthrough entity, or the user to achieve the equivalent level of protection provided by the applicable primary drinking water regulations.
- (t) “Resident” means a person who physically occupies, whether by ownership, rental, lease, or other means, the same dwelling for at least 60 days of the year.
- (u) “Water treatment operator” means a person who has met the requirements for a specific water treatment operator grade pursuant to Section 106875.
- (v) “Water distribution operator” means a person who has met the requirements for a specific water distribution operator grade pursuant to Section 106875.
- (w) “Water treatment plant” means a group or assemblage of structures, equipment, and processes that treats, blends, or conditions the water supply of a public water system.
- (x) “Water distribution system” means any combination of pipes, tanks, pumps, and other physical features that deliver water from the source or water treatment plant to the consumer.

- (y) "Public health goal" means a goal established by the Office of Environmental Health Hazard Assessment pursuant to subdivision (c) of Section 116365.
- (z) "Small community water system" means a community water system that serves no more than 3,300 service connections or a yearlong population of no more than 10,000 persons.
- (aa) "Disadvantaged community" means the entire service area of a community water system, or a community therein, in which the median household income is less than 80 percent of the statewide annual median household income level.
- (ab) "State board" means the State Water Resources Control Board.
- (ac) "Deputy director" means the deputy director appointed by the state board pursuant to subdivision (k) of Section 116271.

(Amended by Stats. 2019, Ch. 120, Sec. 4. (SB 200) Effective July 24, 2019.)

Article 7. Requirements and Compliance

§ 116555. Duties of Public Water System Owners and Community Water System or Nontransient Requirements

- (a) Any person who owns a public water system shall ensure that the system does all of the following:
 - (1) Complies with primary and secondary drinking water standards.
 - (2) Will not be subject to backflow under normal operating conditions.
 - (3) Provides a reliable and adequate supply of pure, wholesome, healthful, and potable water.
 - (4) Employs or utilizes only water treatment operators that have been certified by the state board at the appropriate grade.
 - (5) Complies with the operator certification program established pursuant to Article 3 (commencing with Section 106875) of Chapter 4 of Part 1.
- (b) Any person who owns a community water system or a nontransient noncommunity water system shall do all of the following:

- (1) Employ or utilize only water distribution system operators who have been certified by the state board at the appropriate grade for positions in responsible charge of the distribution system.
- (2) Place the direct supervision of the water system, including water treatment plants, water distribution systems, or both under the responsible charge of an operator or operators holding a valid certification equal to or greater than the classification of the treatment plant and the distribution system.

(Amended by Stats. 2017, Ch. 561, Sec. 133. (AB 1516) Effective January 1, 2018.)

CALIFORNIA CODE OF REGULATIONS
TITLE 22. SOCIAL SECURITY
DIVISION 4. ENVIRONMENTAL HEALTH
CHAPTER 13. OPERATOR CERTIFICATION

Article 1. Definitions

§ 63750.10. Accredited Academic Institution

“Accredited academic institution” means an academic institution accredited by the Western Association of Schools and Colleges or an accrediting organization recognized by the Council of Post Secondary Education.

Authority cited: Sections 100275 and 106910, Health and Safety Code.

Reference: Section 106910, Health and Safety Code.

§ 63750.15. Certificate

“Certificate” means a certificate of competency issued by the Department stating that the operator has met the requirements for a specific operator classification of the certification program.

Authority cited: Sections 100275 and 106910, Health and Safety Code.

Reference: Sections 106885 and 106910, Health and Safety Code.

§ 63750.20. Certified Distribution Operator

“Certified distribution operator” means a distribution operator who possesses a valid certificate issued pursuant to this chapter.

Authority cited: Sections 100275 and 106910, Health and Safety Code.

Reference: Sections 106885 and 106910, Health and Safety Code.

§ 63750.25. Chief Operator

“Chief operator” means the person who has overall responsibility for the day-to-day, hands-on, operation of a water treatment facility or the person who has overall responsibility for the day-to-day, hands-on, operation of a distribution system.

Authority cited: Sections 100275 and 106910, Health and Safety Code. Reference: Section 106910, Health and Safety Code.

§ 63750.30 Comprehensive Operator Training Program

“Comprehensive Operator Training Program” means an on-the-job training program that allows an operator to gain proficiency in all systems and processes related to a water treatment facility.

Authority cited: Sections 100275 and 106910, Health and Safety Code.

Reference: Section 106910, Health and Safety Code.

§ 63750.35. Contact Hour

“Contact hour” means not less than 50 minutes of specialized training or a continuing education course.

Authority cited: Sections 100275 and 106910, Health and Safety Code.

Reference: Sections 106900 and 106910, Health and Safety Code.

§ 63750.40. Continuing Education Course

“Continuing education course” means a presentation that transmits information related to the operation of a treatment facility and/or distribution system.

Authority cited: Sections 100275 and 106910, Health and Safety Code.

Reference: Sections 106900 and 106910, Health and Safety Code.

§ 63750.45. Distribution Operator

“Distribution operator” means any person who maintains or operates any portion of a distribution system.

Authority cited: Sections 100275 and 106910, Health and Safety Code.

Reference: Sections 106885 and 106910, Health and Safety Code.

§ 63750.50. Distribution System

“Distribution system” means any combination of pipes, tanks, pumps, etc., which delivers drinking water from a source or treatment facility to the consumer and includes:

- (a) Disinfection facilities for which no *Giardia* or virus reduction is required pursuant to section 64654(a).
- (b) The composite of all distribution systems of a public water system.

Authority cited: Sections 100275 and 106910, Health and Safety Code.

Reference: Sections 106885 and 106910, Health and Safety Code.

§ 63750.55. GED

“GED” means a general equivalency diploma.

Authority cited: Sections 100275 and 106910, Health and Safety Code.

Reference: Section 106910, Health and Safety Code.

§ 63750.60. Interim Distribution Operator Certificate

“Interim Distribution Operator Certificate” means a certificate issued by the Department pursuant to section 63810.

Authority cited: Sections 100275 and 106910, Health and Safety Code.

Reference: Sections 106895 and 106910, Health and Safety Code.

§ 63750.65. Operator Experience

“Operator experience” means the daily performance of activities consisting of the control or oversight of any process or operation at a water treatment facility or in a distribution system that may affect the quality or quantity of water.

Authority cited: Sections 100275 and 106910, Health and Safety Code. Reference: Section 106910, Health and Safety Code.

§ 63750.70. Shift Operator

“Shift operator” means a person in direct charge of the operation of a water treatment facility or distribution system for a specified period of the day.

Authority cited: Sections 100275 and 106910, Health and Safety Code.

Reference: Section 106910, Health and Safety Code.

§ 63750.75. Specialized Training

“Specialized training” means college level courses providing at least 36 contact hours of training each in drinking water or waste water quality, drinking water or waste water treatment, drinking water distribution, or drinking water or waste water facility operation, offered by an accredited academic institution or an organization either accredited by the International Association of Continuing Education Training (IACET) or an authorized provider of IACET, or courses completed and deemed acceptable by the Department prior to January 1, 2001 for the purpose of operator certification.

Authority cited: Sections 100275 and 106910, Health and Safety Code.

Reference: Sections 106900 and 106910, Health and Safety Code.

§ 63750.80. State Water Board

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

Authority cited: Section 106910, Health and Safety Code.

Reference: Section 106910, Health and Safety Code.

§ 63750.85. Water Treatment Facility

“Water treatment facility” means a group or assemblage of structures, equipment, and processes that treat or condition a water supply, affecting the physical, chemical, or bacteriological quality of water distributed or otherwise offered to the public for domestic use by a public water system as defined in Health and Safety Code section 116275. Facilities consisting of only disinfection for which no *Giardia* or virus reduction is required pursuant to section 64654(a) and which are under the control of a certified distribution operator are not included as water treatment facilities.

Authority cited: Sections 100275 and 106910, Health and Safety Code.

Reference: Section 106910, Health and Safety Code.

Article 2. Operator Certification Grades

§ 63765. Water Treatment Facility Staff Certification Requirements

(a) Except as provided in (c), chief and shift operators shall possess valid operator certificates pursuant to Table 63765-A.

Table 63765-A – Minimum Certification Requirements for Chief and Shift Operators

Treatment Facility Classification	Minimum Certification of Chief Operator	Minimum Certification of Shift Operator
T1	T1	T1
T2	T2	T1
T3	T3	T2
T4	T4	T3
T5	T5	T3

(b) Treatment operators not designated by the water supplier as chief or shift operator pursuant to section 64413.5 shall be certified but may hold certificates of any grade.

(c) Until January 1, 2003, a shift and/or chief operator may continue to be employed in that capacity provided that the operator:

- (1) Is in compliance with the certification requirements that were in effect on December 31, 2000, and
 - (2) Has been in continuous employment since December 31, 2000 in a water treatment facility that has not modified its treatment process resulting in a change in classification.
- (d) Operators who possessed treatment operator certificates valid as of December 31, 2000 shall be deemed to hold certificates pursuant to Table 63765-B.

Table 63765-B -- Certificate Grade Equivalents

Operator Certification Grades December 31, 2000	Operator Certification Grades January 1, 2001
I	T1
II	T2
III	T3
IV	T4
V	T5

Authority cited: Sections 100275 and 106910, Health and Safety Code.

Reference: Sections 106875, 106880, 106885 and 116555, Health and Safety Code.

§ 63770. Distribution System Staff Certification Requirements

- (a) Chief and shift operators shall possess valid operator certificates pursuant to Table 63770-A.

Table 63770-A -- Minimum Certification Requirements for Chief and Shift Operators

Distribution System Classification	Minimum Certification of Chief Operator	Minimum Certification of Shift Operator
D1	D1	D1
D2	D2	D1
D3	D3	D2
D4	D4	D3
D5	D5	D3

- (b) Water systems shall utilize only certified distribution operators to make decisions addressing the following operational activities:

- (1) Install, tap, re-line, disinfect, test and connect water mains and appurtenances.

- (2) Shutdown, repair, disinfect and test broken water mains.
 - (3) Oversee the flushing, cleaning, and pigging of existing water mains.
 - (4) Pull, reset, rehabilitate, disinfect and test domestic water wells.
 - (5) Stand-by emergency response duties for after hours distribution system operational emergencies.
 - (6) Drain, clean, disinfect, and maintain distribution reservoirs.
- (c) Water systems shall utilize either certified distribution operators or treatment operators that have been trained to make decisions addressing the following operational activities:
- (1) Operate pumps and related flow and pressure control and storage facilities manually or by using a system control and data acquisition (SCADA) system.
 - (2) Maintain and/or adjust system flow and pressure requirements, control flows to meet consumer demands including fire flow demands and minimum pressure requirements.
- (d) Water systems shall utilize either certified distribution operators or treatment operators to make decisions addressing the following operational activities:
- (1) Determine and control proper chemical dosage rates for wellhead disinfection and distribution residual maintenance.
 - (2) Investigate water quality problems in the distribution system.

Authority cited: Sections 100275 and 106910, Health and Safety Code.

Reference: Sections 106875, 106880, 106885 and 116555, Health and Safety Code.

Article 3. Operator Examination Criteria and Applications

§ 63775. Eligibility Criteria for Taking a Water Treatment Operator Examination

- (a) An applicant who has had a certificate revoked, and not reinstated, for any reason other than failure to meet renewal requirements pursuant to §63840 shall not be eligible for water treatment operator examination at any grade level.
- (b) In order to be eligible for taking the T1 operator exam, an applicant shall have a high school diploma or GED. The following experience and/or training may be

substituted for a high school diploma or GED:

- (1) Successful completion of the “Basic Small Water System Operations” course provided by the Department, or
- (2) One year as an operator of a facility that required an understanding of chemical feeds, hydraulic systems, and pumps.

(c) In order to be eligible for taking the T2 operator exam, an applicant shall have:

- (1) A high school diploma or GED. The following experience and/or training may be substituted for a high school diploma or GED:
 - (A) Successful completion of the “Basic Small Water System Operations” course provided by the Department, or
 - (B) One year as an operator of a facility that required an understanding of chemical feeds, hydraulic systems, and pumps.
- (2) Successfully completed at least one course of specialized training covering the fundamentals of drinking water treatment.

(d) In order to be eligible for taking the T3 operator exam, an applicant shall have:

- (1) A high school diploma or GED.
- (2) Successfully completed a total of at least two courses of specialized training that includes at least one course covering the fundamentals of drinking water treatment.

(e) In order to be eligible for taking the T4 operator exam, an applicant shall have:

- (1) A valid Grade T3 operator certificate.
- (2) Successfully completed at least three courses of specialized training that includes at least two courses in drinking water treatment.

(f) In order to be eligible for taking the T5 operator exam, an applicant shall have:

- (1) A valid Grade T4 operator certificate.
- (2) Successfully completed at least four courses of specialized training that

- (g) Specialized training courses used to fulfill the requirements of this Section may also be used to fulfill the requirements of section 63780.

Authority cited: Sections 100275 and 106910, Health and Safety Code. Reference: Sections 106875, 106900, 106910 and 116555, Health and Safety Code.

§ 63780. Eligibility Criteria for Taking a Distribution Operator Examination

- (a) An applicant who has had a certificate revoked, and not reinstated, for any reason other than failure to meet renewal requirements pursuant to §63840 shall not be eligible for distribution operator examination at any grade level.
- (b) In order to be eligible for taking the D1 operator exam, an applicant shall have a high school diploma or GED. The following experience and/or training may be substituted for a high school diploma or GED:
 - (1) Successful completion of the “Basic Small Water System Operations” course provided by the Department, or
 - (2) One year as an operator of a facility that required an understanding of a piping system that included pumps, valves, and storage tanks.
- (c) In order to be eligible for taking the D2 operator exam, an applicant shall have:
 - (1) A high school diploma or GED. The following experience and/or training may be substituted for a high school diploma or GED:
 - (A) Successful completion of the “Basic Small Water System Operations” course provided by the Department, or
 - (B) One year as an operator of a facility that required an understanding of a piping system that included pumps, valves, and storage tanks.
 - (2) Successfully completed a total of at least one course of specialized training in water supply principles.
- (d) In order to be eligible for taking the D3 operator exam, an applicant shall have:
 - (1) A valid Grade D2 or interim Grade D3 or higher operator certificate.
 - (2) Successfully completed a total of at least two courses of specialized training that includes at least one course in water supply principles.
- (e) In order to be eligible for taking the D4 operator exam, an applicant shall have:

- (1) A valid Grade D3 or interim Grade D4 or higher operator certificate.
 - (2) Successfully completed at least three courses of specialized training that includes at least two courses in water supply principles.
- (f) In order to be eligible for taking the D5 operator exam, an applicant shall have:
- (1) A valid Grade D4 or interim Grade D5 operator certificate.
 - (2) Successfully completed at least four courses of specialized training that includes at least two courses in water supply principles.
- (g) Specialized training courses used to fulfill the requirements of this section may also be used to fulfill the requirements of section 63775.

Authority cited: Sections 100275 and 106910, Health and Safety Code.

Reference: Sections 106875, 106900, 106910 and 116555, Health and Safety Code.

§ 63785. Examination Application Content and Submittal

- (a) A complete application for examination shall include the following information:
- (1) The applicant's full name, social security number (pursuant to the authority found in sections 100275 and 106910 of the Health and Safety Code and as required by section 17520 of the Family Code, providing the social security number is mandatory. The social security number will be used for purposes of identification), date of birth, certificate number of any operator certificates ever held, mailing address, work telephone number, and home telephone number.
 - (2) The date of the examination for which the applicant is applying.
 - (3) The examination fee, pursuant to section 63850.
 - (4) For T1, T2, D1, and D2 applicants one of the following:
 - (A) A copy of the applicant's high school diploma or the name and location of the high school and date of graduation; or
 - (B) A copy of the applicant's GED; or
 - (C) A certificate of completion for the "Basic Small Water System Operations" course provided by the Department; or

- (D) The name, address, and phone number of each employer, the length of time employed, and the nature of the work performed that satisfies the requirements of section 63775(b)(2) or (c)(1)(B) or 63780(b)(2) or (c)(1)(B).
- (5) For T3 and D3 applicants, a copy of the applicant's high school diploma, or the name and location of the high school and date of graduation, or a copy of the applicant's GED.
- (6) Copies of transcripts or certificates of completion of specialized training courses, as provided by the educational institution, claimed to meet the requirements of section 63775 or 63780.

Authority cited: Sections 100275 and 106910, Health and Safety Code; and Section 17520, Family Code.

Reference: Section 1798.17, Civil Code; and Sections 106875, 106880, 106890, 106900 and 106910, Health and Safety Code.

§ 63790. Filing Deadline and Requirement for Identification at Examination

- (a) For admission to an examination, a completed application shall be postmarked by the final filing date established by the Department.
- (b) An examinee shall present their driver's license, photo identification (ID) card issued by the Department of Motor Vehicles, or passport upon entry to the exam.

Authority cited: Sections 106910, 131052 and 131200, Health and Safety Code.

Reference: Sections 106875, 106880 and 106910, Health and Safety Code.

§ 63795. Examination Applications Resubmittals and Reexaminations

- (a) Applications for examination that the Department determines are incomplete pursuant to section 63785 or do not meet the qualification requirements pursuant to section 63775 or 63780 may be amended within 12 months of the original submittal date for reconsideration without payment of an additional examination fee.
- (b) Examinees may apply to retake the exam provided they submit an application that includes the following:
 - (1) Applicant name, social security number (pursuant to the authority found in sections 100275 and 106910 of the Health and Safety Code and as required by section 17520 of the Family Code, providing the social security number is mandatory. The social security number will be used for purposes of identification),

current mailing address, grade for which applying, certificate number if currently certified, date of original application, and date of most recent exam taken.

(2) Payment of the reexamination fee pursuant to section 63850.

Authority cited: Sections 100275 and 106910, Health and Safety Code; and Section 17520, Family Code.

Reference: Section 1798.17, Civil Code; and Sections 106875, 106880, 106890, 106900 and 106910, Health and Safety Code.

Article 4. Operator Certification Criteria and Applications

§ 63800. Eligibility Criteria for Water Treatment Operator Certification

- (a) In order to be eligible for certification as a T1 operator, an applicant shall have passed a Grade T1 operator examination within the three years prior to submitting the application for certification.
- (b) In order to be eligible for certification as a T2 operator, an applicant shall have passed a Grade T2 or T3 operator certificate examination within the three years prior to submitting the application for certification.
- (c) In order to be eligible for certification as a T3 operator, an applicant shall have passed a Grade T3 operator examination within the three years prior to submitting the application for certification, and shall have completed the following:
 - (1) At least one year of operator experience working as a certified T2 operator for a T2 facility or higher, or a facility that, prior to January 1, 2001, would have met the criteria for classification as a T2 facility or higher pursuant to section 64413.1.
 - (2) At least one additional year of operator experience working as a certified treatment operator.
- (d) In order to be eligible for certification as a T4 operator, an applicant shall have passed a Grade T4 operator examination within the three years prior to submitting the application for certification, and shall have completed the following:
 - (1) At least one year of operator experience working as a shift or chief operator, while holding a valid T3 operator certificate, at a T3 facility or higher, or a facility that, prior to January 1, 2001, would have met the criteria for classification as a T3 facility or higher pursuant to section 64413.1, and
 - (2) At least three additional years of operator experience working as a certified

treatment operator.

- (e) In order to be eligible for certification as a T5 operator, an applicant shall have passed a Grade T5 operator examination within the three years prior to submitting the application for certification, and shall have completed the following:
 - (1) At least two years of operator experience working as a shift or chief operator, while holding a valid T4 operator certificate, at a T4 facility or higher, or a facility that, prior to January 1, 2001, would have met the criteria for classification as a T4 facility or higher pursuant to section 64413.1, and
 - (2) At least three additional years of operator experience working as a certified treatment operator.
- (f) A degree earned at an accredited academic institution may be used to fulfill experience requirements in (c)(2), (d)(2), and (e)(2) as follows:
 - (1) An Associate degree or certificate in water or wastewater technology that includes at least 15 units of physical, chemical, or biological science may be used to fulfill 1 year of operator experience.
 - (2) A Bachelors degree in engineering or in physical, chemical, or biological sciences may be used to fulfill 1.5 years of operator experience.
 - (3) A Masters degree in engineering or in physical, chemical, or biological sciences may be used to fulfill 2 years of operator experience.
- (g) A certified operator may substitute on a day-for-day basis the experience requirements in (c)(2) with experience gained while working with lead responsibility for water quality related projects or research.
- (h) If the applicant has a bachelor of science or a master of science degree, completion of a comprehensive operator training program may be used to fulfill the operator experience requirements in (c)(1) and (d)(1). Completion of the training shall be verified in writing by the chief operator. The comprehensive operator training program shall be at least 6 months in duration and shall cover the following elements:
 - (1) California Safe Drinking Water Act and regulations promulgated pursuant thereto.
 - (2) Water treatment calculations.
 - (3) SCADA operation.

- (4) Handling of laboratory chemicals used for drinking water analyses.
- (5) Laboratory analyses conducted by operators.
- (6) Safety training.
- (7) Distribution system operation.
- (8) Treatment chemical dosing and monitoring.
- (9) Disinfectant dosing and monitoring.
- (10) Treatment processes and controls.
- (i) Experience gained as a certified waste water treatment plant operator, pursuant to California Water Code sections 13625 through 13633, may be used to fulfill up to two years of the operator experience requirements in (c)(2), (d)(2), and (e)(2). Each two months of experience as a waste water treatment plant operator shall be considered equivalent to one month of water treatment facility operator experience.

Authority cited: Sections 100275 and 106910, Health and Safety Code. Reference: Sections 106875, 106900, 106910 and 116555, Health and Safety Code.

§ 63805. Eligibility Criteria for Distribution Operator Certification

- (a) In order to be eligible for certification as a D1 operator, an applicant shall have passed a Grade D1 operator examination within the three years prior to submitting the application for certification.
- (b) In order to be eligible for certification as a D2 operator, an applicant shall have passed a Grade D2 operator examination within the three years prior to submitting the application for certification.
- (c) In order to be eligible for certification as a D3 operator, an applicant shall have passed a Grade D3 operator examination within the three years prior to submitting the application for certification, and shall have completed the following:
 - (1) At least one year of operator experience working as a certified D2 operator, interim D3 or higher operator, or temporary D3 operator for a D2 system or higher, or a system that, prior to January 1, 2001, would have met the criteria for classification as a D2 system or higher pursuant to section 64413.3.
 - (2) At least one additional year of operator experience working as a distribution

operator.

- (d) In order to be eligible for certification as a D4 operator, an applicant shall have passed a Grade D4 operator examination within the three years prior to submitting the application for certification, and shall have completed the following:
 - (1) At least one year of operator experience working as a certified D3, interim D4 or higher operator, or temporary D4 operator for a D3 system or higher, or a system that, prior to January 1, 2001, would have met the criteria for classification as a D3 facility or higher pursuant to section 64413.3, and
 - (2) At least three additional years of operator experience working as a distribution operator.
- (e) In order to be eligible for certification as a D5 operator, an applicant shall have passed a Grade D5 operator examination within the three years prior to submitting the application for certification, and shall have completed the following:
 - (1) At least two years of operator experience working as a certified D4, interim D5 operator, or temporary D5 operator for a D4 or D5 system, or a system that, prior to January 1, 2001, would have met the criteria for classification as a D4 or D5 system pursuant to section 64413.3, and
 - (2) At least three additional years of operator experience working as a distribution operator.
- (f) A degree earned at an accredited academic institution may be used to fulfill experience requirements in (c)(2), (d)(2), and (e)(2) as follows:
 - (1) An Associate degree, or certificate, in water or wastewater technology or distribution that includes at least 15 units of physical, chemical, or biological science may be used to fulfill 1 year of operator experience.
 - (2) A Bachelors degree in engineering or in physical, chemical, or biological sciences may be used to fulfill 1.5 years of operator experience.
 - (3) A Masters degree in engineering or in physical, chemical, or biological sciences may be used to fulfill 2 years of operator experience.
- (g) A certified operator may substitute on a day-for-day basis the experience requirements in (c)(2) with experience gained while working with lead responsibility for water quality or quantity related projects or research.

Authority cited: Sections 100275 and 106910, Health and Safety Code.

Reference: Sections 106875, 106900, 106910 and 116555, Health and Safety Code.

§ 63810. Interim Certification of Distribution Operators

- (a) A distribution operator in a position responsible for making decisions identified in section 63770 (b), (c), or (d) on December 31, 2000, shall be eligible for interim certification provided that the employing water supplier, as defined in section 64402.20, submits an application which shall include for each employee:
 - (1) The employee's full name, social security number (pursuant to the authority found in sections 100275 and 106910 of the Health and Safety Code and as required by section 17520 of the Family Code, providing the social security number is mandatory. The social security number will be used for purposes of identification), date of birth, certificate number of any operator certificates ever held, mailing address, work telephone number, and home telephone number.
 - (2) The grade at which the operator will be certified.
 - (3) The certification fee specified in Table 63850-C.
- (b) Interim distribution operator certificates shall be effective as of January 1, 2001, and shall expire on January 1, 2004. Such certificates may be renewed only once for an additional 3 years and only if the water system has not received any notice of violation, citation, or order from the Department or EPA since January 1, 2001, unless the public water system can demonstrate to the satisfaction of the Department that the violation was not the result of actions taken or not taken by the operator(s). After January 1, 2007, all interim operator certificates shall be invalid.
- (c) In order to renew an interim certificate, a water supplier shall submit a renewal application between July 1, 2003 and September 1, 2003. The renewal application shall include the following:
 - (1) The operator's name, social security number (pursuant to the authority found in sections 100275 and 106910 of the Health and Safety Code and as required by section 17520 of the Family Code, providing the social security number is mandatory. The social security number will be used for purposes of identification), current mailing address, certificate grade, and certificate number.
 - (2) Payment of the renewal fee specified in section 63850(e).

(3) Documentation of continuing education contact hours as required by section 63840.

Authority cited: Sections 100275 and 106910, Health and Safety Code; and Section 17520, Family Code.

Reference: Section 1798.17, Civil Code; and Sections 106885, 106895, 106900, 106910 and 116555, Health and Safety Code.

§ 63815. CNAWWA Distribution Operator Certification

(a) Distribution operators holding a valid California-Nevada section of the American Water Works Association (CNAWWA) distribution operator certificate on December 31, 2000, shall be deemed to have a distribution operator certification valid through December 31, 2001, pursuant to Table 63815-A.

Table 63815-A -- CNAWWA - California State Operator Grade Equivalents

CNAWWA Grade	California State Grade
1	D2
2	D3
3	D4
4	D5

(b) In order to renew a certification deemed valid pursuant to subsection(a), an operator shall submit a renewal application by September 1, 2001.

(c) The renewal application shall include the following:

(1) The applicant's name, social security number (pursuant to the authority found in sections 100275 and 106910 of the Health and Safety Code and as required by section 17520 of the Family Code, providing the social security number is mandatory. The social security number will be used for purposes of identification), date of birth, current mailing address, work telephone number, home telephone number, certificate number of any operator certificates ever held, CNAWWA grade, and a copy of the CNAWWA certificate.

(2) Payment of the appropriate renewal fee specified in section 63850(f).

(d) The initial renewal of a certificate deemed valid pursuant to subsection(a) shall be valid for a two-year period.

Authority cited: Sections 100275 and 106910, Health and Safety Code; and Section 17520, Family Code.

Reference: Section 1798.17, Civil Code; and Sections 106885, 106890, 106896 106900 and 106910, Health and Safety Code.

§ 63820. Temporary Distribution Operator Certification

- (a) Distribution operators who have received notice of qualification for examination shall be deemed to have a temporary distribution operator certification at the grade for which they have been qualified for examination. All temporary certifications will expire January 1, 2004 and shall not be renewable.

Authority cited: Sections 100275 and 106910, Health and Safety Code.

Reference: Sections 106885 and 106910, Health and Safety Code.

§ 63825. Restricted Operator Certification

- (a) A T1, T2, D1, or D2 restricted operator certificate may be issued without a written examination if the following conditions are met:

- (1) The water supplier, as defined in section 64402.20, serves a disadvantaged community as defined in section 63000.25; and
- (2) The Department has issued a citation or order to the water supplier for noncompliance with section 64413.5 or 64413.7, or Health and Safety Code section 116555(a)(4), (5), or (b); and
- (3) The water supplier submits an application pursuant to section 63830 and pays the application and examination fee specified in section 63850; and
- (4) The operator meets the criteria for taking the T1, T2, D1, or D2 exam and passes a performance test administered by the Department that measures his or her knowledge and ability to operate the specific treatment facility and/or distribution system without jeopardizing public health or safety.

- (b) The restricted operator certificate shall be valid for three years. The certificate may be renewed if the water supplier continues to serve a disadvantaged community and submits an application pursuant to section 63840 and the operator has met the continuing education requirements as specified in subsection 63840(c).

- (c) The restricted operator certificate is not transferable.

Authority cited: Sections 100275 and 106910, Health and Safety Code.

Reference: Sections 106875, 106880, 106885, 106890, 106910 and 116555, Health and Safety Code.

§ 63830. Certification Application Content and Submittal

(a) A complete application for operator certification shall contain the following:

- (1) The applicant's full name, social security number (pursuant to the authority found in sections 100275 and 106910 of the Health and Safety Code and as required by section 17520 of the Family Code, providing the social security number is mandatory. The social security number will be used for purposes of identification), date of birth, certificate number of any operator certificates ever held, mailing address, work telephone number, and home telephone number.
- (2) Payment of certification fee pursuant to section 63850.
- (3) For any experience being claimed to meet the experience requirements in section 63800 or 63805, the name, address, and phone number of each employer, the length of time employed, and the nature of the work performed.
- (4) Employer verification of the experience being claimed in paragraph (3) with the signature of the chief operator or supervisor of each employer.
- (5) Copies of college transcripts if claiming any of the credits pursuant to sections 63800(f), 63800(h) and 63805(f).
- (6) Copies of transcripts or certificates of completion of specialized training courses claimed to meet minimum requirements.

Authority cited: Sections 100275 and 106910, Health and Safety Code; and Section 17520, Family Code.

Reference: Section 1798.17, Civil Code; and Sections 106875, 106885, 106890, 106900, 106910 and 116555, Health and Safety Code.

§ 63835. Certification Application Resubmittal

An applicant, whose application for certification failed to meet the requirements of this Article or Article 5, as determined by the Department, may reapply within 12 months of the original submittal date without payment of an additional certification or renewal fee.

Authority cited: Sections 106910, 131052 and 131200, Health and Safety Code.

Reference: Sections 106875, 106880 and 106910, Health and Safety Code.

Article 5. Certification Renewals, Delinquent Renewals and Fees

§ 63840. Certification Renewals

(a) All certified operators shall notify the Department within 60 days of any change in

address or name during the period of their certification.

- (b) Any person wishing to maintain a valid operator certificate shall submit an application for renewal at least 120 days, but no more than 180 days, prior to expiration of the certification. The following items constitute a complete application for renewal:
- (1) The applicant's name, social security number (pursuant to the authority found in sections 100275 and 106910 of the Health and Safety Code and as required by section 17520 of the Family Code, providing the social security number is mandatory. The social security number will be used for purposes of identification), current mailing address, grade, and certificate number.
 - (2) Payment of the renewal fee specified in Section 63850(c), (d), (e), or (f).
 - (3) A list of successfully completed continuing education courses as required by subsection (c). The following information shall be provided for each course:
 - (A) Title,
 - (B) name of the instructor,
 - (C) location,
 - (D) date(s), and
 - (E) number of contact hours.
- (c) To be eligible for certificate renewal, certified operators possessing certificates that expire after December 31, 2003, shall have completed continuing education contact hours since the previous renewal or issuance of the certificate pursuant to Table 63840-A. No more than 25% of the contact hours shall be courses in operator safety.

Table 63840-A. Required Continuing Education Contact Hours for Certificate Renewal

Water Treatment Operators	Contact Hours Required
Grade T1	12
Grade T2	16
Grade T3	24
Grade T4	36
Grade T5	36
Distribution Operators	

Grade D1	12
Grade D2	16
Grade D3	24
Grade D4	36
Grade D5	36

- (1) Operators possessing both distribution and treatment certificates may apply continuing education credits to both certificates.
- (2) Specialized training that is used to satisfy the requirements of section 63775 or 63780 may be used to satisfy the continuing education requirements of Table 63840-A if obtained since the previous renewal or issuance of the certificate.
- (d) Except as provided in section 63815, each certificate renewed pursuant to (b) shall be valid for a period of three years.

Authority cited: Sections 100275 and 106910, Health and Safety Code; and Section 17520, Family Code.

Reference: Section 1798.17, Civil Code; and Sections 106875, 106885, 106890, 106900 and 106910, Health and Safety Code.

§ 63845. Reinstatement

- (a) A certificate that has been revoked only for lack of payment may be reinstated within 1 year if all fees and penalties specified in section 63850 are paid and the renewal application is complete.
- (b) A certificate that has been revoked for failure to complete the continuing education contact hours required in Table 63840-A may be reinstated within six months if all requirements specified in Table 63840-A are met and penalties specified in section 63850 are paid and the renewal application is complete. Contact hours obtained for reinstatement shall not be used to satisfy the requirements of the next renewal period.
- (c) A certificate that has been revoked for more than one year shall not be renewed.
- (d) The expiration date of a certificate that has been renewed pursuant to this section shall remain the same as if the previous certificate had been renewed prior to the expiration date.

Authority cited: Sections 100275 and 106910, Health and Safety Code. Reference: Sections 106875, 106876, 106890, 106900 and 106910, Health and Safety Code.

§ 63850. Fees

- (a) All fees submitted to the State Water Board pursuant to this section are nonrefundable.
- (b) Application fees for an examination are set forth below in Table 63850-A:

Table 63850-A. Operator Examination Fee Schedule

Grade	Examination Fee	Reexamination Fee
D1 or T1	\$50	\$30
D2 or T2	\$65	\$45
D3 or T3	\$100	\$70
D4 or T4	\$130	\$95
D5 or T5	\$155	\$120

- (c) Except as provided in subdivision (d), certification fees are set forth below in Table 63850-B:

Table 63850-B. Fee Schedule for Operators With a Single Certificate

Grade	Certification Fee	Triennial Renewal Fee
D1 or T1	\$70	\$70
D2 or T2	\$80	\$80
D3 or T3	\$120	\$120
D4 or T4	\$140	\$140
D5 or T5	\$140	\$140

- (d) Notwithstanding subdivision (c), the certification fees for those operators who are applying for, or hold, two or more valid, unexpired certifications issued by the State Water Board as a water treatment operator, distribution operator, or wastewater treatment plant operator are set forth below in Table 63850-C:

Table 63850-C. Fee Schedule for Operators With Multiple Certificates

Grade	Certification Fee per Certificate	Triennial Renewal Fee per Certificate
D1 or T1	\$55	\$55
D2 or T2	\$60	\$60
D3 or T3	\$90	\$90
D4 or T4	\$105	\$105
D5 or T5	\$105	\$105

- (e) A penalty fee of \$50 shall be paid for renewals submitted or resubmitted after the renewal due date but at least 45 days prior to the expiration date. A penalty fee of \$100 shall be paid for renewals submitted or resubmitted less than 45 days prior to the expiration date but within 1 year after the expiration date.
- (f) A certificate replacement fee of \$25 shall be paid by any certificate holder requesting to have a lost, stolen, or destroyed certificate replaced.

Authority Cited: Sections 106890 and 106910, Health and Safety Code.

Reference: Sections 106890 and 106910, Health and Safety Code.

**United States Environmental Protection Agency Final Guidelines for the
Certification and Recertification of the Operators of Community and Nontransient
Noncommunity Public Water Systems**
(64 Fed. Reg. 5916-5921 (Feb. 5, 1999))¹

I. Introduction

These guidelines were developed to meet Section 1419(a) of the Safe Drinking Water Act (SDWA) Amendments of 1996 (Pub. L. 104–182). This section directs the United States Environmental Protection Agency (EPA) to develop guidelines specifying minimum standards for certification and recertification of operators of community and nontransient noncommunity public water systems and to publish final guidelines by February 6, 1999. States have two years after publication to adopt and be implementing an operator certification program that meets the requirements of these guidelines. After that date, unless a State has adopted and is implementing an approved program, the Administrator must withhold 20 percent of the funds a State is otherwise entitled to receive in its Drinking Water State Revolving Fund (DWSRF) capitalization grants under section 1452 of SDWA.

II. Operator Certification Guidelines

A. Public Health Objectives

The public health objectives of the guidelines are to ensure that: · Customers of any public water system be provided with an adequate supply of safe, potable drinking water.

- Consumers are confident that their water is safe to drink.
- Public water system operators are trained and certified and that they have knowledge and understanding of the public health reasons for drinking water standards.

Ongoing training is necessary to the public health objectives of this program.

B. Antibacksliding

Because these guidelines represent only minimum standards, it is expected that States whose current operator certification program requirements go beyond or exceed these minimum standards not lower their operator certification program requirements. EPA will not approve the operator certification program of any State that reduces its standards below the level that existed 12 months prior to the effective date of these guidelines unless the reduction can be justified by the State and is approved by EPA.

¹ See also Final Additions to the Final Guidelines for the Certification and Recertification of the Operators of Community and Nontransient Noncommunity Public Water Systems; Final Allocation Methodology for Funding to States for the Operator Certification Expense Reimbursement Grants Program (66 Fed. Reg. 19939 – 19952 (Apr. 18, 2001)) and the EPA Operator Certification Guidelines Implementation Guidance, EPA 816-R-00-022 (January 2000).

C. Baseline Standards

Each State operator certification program must include as a minimum the essential elements of the nine baseline standards described below. Essential elements to avoid DWSRF withholding are introduced by words such as “the States must.” For each essential element, the State must describe how its operator certification program complies with the requirement. Additionally, several of the baseline standards include highly recommended elements that are intended to complement, improve, and expand the parameters of essential elements of an operator certification program. These highly recommended elements are introduced by words such as “the States should.”

1. Authorization

As evidenced by an Attorney General’s certification, or certification from delegated counsel, the State must have the legal authority to implement the program requiring the certification of operators of all community and nontransient noncommunity water systems and to require that the systems comply with the appropriate requirements of the program.

2. Classification of Systems, Facilities, and Operators

A State’s program must meet the following requirements:

- It must classify all community and nontransient noncommunity water systems based on indicators of potential health risk, which for example may include: (a) complexity, size, source water for treatment facilities, and (b) complexity, size for distribution systems. It must develop specific operator certification and renewal requirements for each level of
- classification.
- It must require owners of all community and nontransient noncommunity water systems to place the direct supervision of their water system, including each treatment
- facility and/or distribution system, under the responsible charge of an operator(s) holding a valid certification equal to or greater than the classification of the treatment facility and/or
- distribution system.
- It must require, at a minimum, that the operator(s) in responsible charge or equivalent must hold a valid certification equal to or greater than the classification of their water system, including each treatment facility and distribution system, as determined by the State.
- It must require that all operating personnel making process control/ system integrity decisions about water quality or quantity that affect public health be certified.
- It must require that a designated certified operator be available for each operating shift.

3. Operator Qualifications

States must require the following for an operator to become certified:

- Take and pass an exam that demonstrates that the operator has the necessary skills, knowledge, ability and judgement as appropriate for the classification. All exam questions must be validated.
- Have a high school diploma or a general equivalency diploma (GED). States may allow experience and/or relevant training to be substituted for a high school diploma or GED. Education, training, or experience that is used to meet this requirement for any class of certification may not be used to meet the experience requirement.
- Have the defined minimum amount of on-the-job experience for each appropriate level of certification. The amount of experience required increases with each classification level. Post high school education may be substituted for experience. Credit may be given for experience in a related field (e.g., wastewater). Experience that is used to meet the experience requirement for any class of certification may not be used to meet the education requirement.

Grandparenting

EPA recognizes that there are many competent small system operators that may not meet the initial requirements to become certified. EPA believes that States may need a transition period to allow these operators to continue to operate the system through “grandparenting”. It is recommended that grandparenting determinations be based on factors such as system compliance history, operator experience and knowledge, system complexity, and lack of treatment.

If States choose to include a grandparenting provision in their programs, they must include the following requirements:

- Grandparenting is permitted only to existing operator(s) in responsible charge of existing systems which, because of State law changes to meet these guidelines, must for the first time have a certified operator.
- The system owner must apply for grandparenting for the operator(s) in responsible charge within two years of the effective date of the State’s regulation.
- The certification for the grandparented operator must be site specific and non-transferable to other operators.
- After an operator is grandparented, he or she must, within some time period specified by the State, meet all requirements to obtain certification renewal, including the payment of any necessary fees, acquiring necessary training to meet the renewal requirements, and demonstrating the skills, knowledge, ability and judgement for that classification.
- If the classification of the plant or distribution system changes to a higher level, then the grandparented certification will no longer be valid.
- If a grandparented operator chooses to work for a different water system, he or she must meet the initial certification requirements for that system.

4. Enforcement

The State agency with primary enforcement responsibility for the Public Water System Supervision (PWSS) Program must have regulations that meet the requirements of these guidelines and require community water systems and nontransient noncommunity water

systems to comply with State operator certification requirements. In nonprimacy States, the Governor must determine which State Agency will have this responsibility. States must have appropriate enforcement capabilities, for example: administrative orders, bilateral compliance agreements, criminal or civil administrative penalties, and/or stipulated penalties.

States must have the ability to revoke operator certifications.

States must also have the ability to suspend operator certifications or take other appropriate enforcement action for operator misconduct. Examples of operator misconduct may include: fraud, falsification of application, falsification of operating records, gross negligence in operation, incompetence, and/or failure to use reasonable care or judgement in the performance of duties.

5. Certification Renewal

A State's program must meet the following requirements:

- The State must establish training requirements for renewal based on the level of certification held by the operator.
- States must require all operators including grandparented operators to acquire necessary amounts and types of State approved training. States may determine other requirements as deemed necessary.
- States must have a fixed cycle of renewal not to exceed three years.
- The State must require an individual to recertify if the individual fails to renew or qualify for renewal within two years of the date that the certificate expired.
- States must pay special attention to identify specific renewal requirements for grandparented operators to ensure that they possess the knowledge, skills, ability and judgement to properly operate the system. This must be done by one or more of the following approaches or by an alternative approach approved by EPA.
- States may specify renewal requirements for grandparented operators on a case-by-case basis, taking into consideration factors such as a system's compliance history and operator experience and knowledge. For systems that have a history of being out of compliance, any certification renewal decision should consider whether noncompliance is the result of actions or inactions by the system's owner or the system's operator.
- States may require specific training requirements for certification renewal at the first renewal cycle for grandparented operators. This training should include all of the information covered by the initial certification exam for the system classification level for which the operator was grandparented even though an initial certification exam may not be required for certification renewal.
- States may require operators with grandparented certificates to meet all of the initial certification requirements for the classification level for which the operator was grandparented, and thereby obtain certification within a reasonable time period specified by the State.

6. Resources Needed To Implement the Program

States must provide sufficient resources to adequately fund and sustain the operator certification program (components include, but are not limited to: staff, data management,

testing, enforcement, administration, and training approval). EPA recommends that States establish a dedicated fund that is self-sufficient.

7. Recertification

The States must have a process for recertification of individuals whose certification has expired for a period exceeding two years. This process must include: review of the individual's experience and training, and reexamination. An individual is not certified with an expired certificate. The State may develop more stringent requirements for recertification for individuals whose certificates have expired, been revoked, or been suspended.

8. Stakeholder Involvement

Stakeholder involvement is important to the public health objectives of the program. It helps to ensure the relevancy and validity of the program, and the confidence of all interested parties.

States must include ongoing stakeholder involvement in the revision and operations of State operator certification programs. Public comment on rule revisions is not adequate stakeholder involvement. A stakeholder board or advisory committee is strongly recommended.

Examples of stakeholders may include: operators, environmental/public health groups, the general public, consumer groups, technical assistance providers, utility managers, trainers, etc.

9. Program Review

States must perform reviews of their operator certification programs. EPA recommends that States perform periodic internal reviews and occasional external/peer reviews. Examples of items to review include: regulations, exam items for relevancy and validity, compliance, enforcement, budget and staffing, training relevancy, training needs through examination performance, and data management system.

III. Program Submittal Process

A. Submittal Schedule and Withholding Process

1. New Programs

[Reserved]

2. Equivalent Programs

[Reserved]

B. Submittal Contents

The submittal of operator certification programs to EPA by States must include the following:

1. Initial Submittal

The submittal of operator certification programs to EPA by States must include the following:

- The State Attorney General's certification, or certification from delegated counsel, that the State has the legal authority to implement the program requiring the certification of operators of all community and nontransient noncommunity water systems and to require that the systems comply with the appropriate requirements of the program;
- A full description and explanation of how the State's operator certification program complies with or is substantially equivalent to the requirements of these guidelines; and
- A copy of the State operator certification regulations.

2. Subsequent Years

- All annual program submittals subsequent to the initial submittal must include documentation and evaluation of ongoing program implementation; and
- A new State Attorney General's certification, or certification from delegated counsel, if changes were made to the regulations or statutes and a copy of the revised regulations or statutes.

IV. Definitions

Administrator—Means the Administrator of the United States Environmental Protection Agency.

Available—Based on system size, complexity, and source water quality, a certified operator must be on site or able to be contacted as needed to initiate the appropriate action in a timely manner.

Community Water System (CWS)—A public water system providing water to at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

Distribution System—Any combination of pipes, tanks, pumps, etc. which delivers water from the source(s) and/or treatment facility(ies) to the consumer.

Distribution System Complexity—

Examples include: pressure zones, booster stations, storage tanks, fire protection, chlorination, non-residential consumers, cross connection potential, and/or demand variations.

Distribution System Size—Examples include: population served, number of service connections, size of pipes, total distance of pipe, and quantity of water distributed.

Grandparenting—The exemption for the existing operator(s) in responsible charge, as of the effective date of the State's regulation, from meeting the initial education and/or examination requirements for the class of certification the system has been assigned.

Nontransient Noncommunity (NTNC) Water Systems—Is a public water system that is not a community water system and that regularly serves at least 25 of the same persons over six months per year. Common types of NTNC water systems are those serving schools, day care centers, factories, restaurants, and hospitals.

Operating Shift—That period of time during which operator decisions that affect public health are necessary for proper operation of the system.

Primacy—Primary responsibility for administration and enforcement of the primary drinking water regulations and related requirements applicable to public water systems within a State.

Responsible Charge—The Operator(s) in Responsible Charge is defined as the person(s) designated by the owner to be the certified operator(s) who makes decisions regarding the daily operational activities of a public water system, water treatment facility and/or

distribution system, that will directly impact the quality and/or quantity of drinking water.

Source Water—Examples include: type (surface water, groundwater, groundwater under the influence of surface water, purchased water), quality (variability), and/or protection (e.g., wellhead protection).

Treatment Facility—Any place(s) where a community water system or nontransient non-community water system alters the physical or chemical characteristics of the drinking water. Chlorination may be considered as a function of a distribution system.

Treatment Facility Complexity— Examples include: difficulty in controlling water quality, potential effect to the consumer and/or safety of the operator.

Treatment Facility Size (capacity)— Examples include: population served, number of service connections, and/or plant flow.

Validated Exam—An exam that is independently reviewed by subject matter experts to ensure that the exam is based on a job analysis and related to the classification of the system or facility.

V. Acronyms

CWS—Community Water System

DWSRF—Drinking Water State Revolving Fund

EPA—United States Environmental Protection Agency

GED—General Equivalency Diploma

NDWAC—National Drinking Water Advisory Council

NTNCWS or NTNC—Nontransient Noncommunity Water System

PWSS—Program Public Water System Supervision Program

SDWA—Safe Drinking Water Act