

**Title 23. Waters**  
**Division 3. State Water Resources Control Board**  
**and Regional Water Quality Control Boards**  
**Chapter 26. Classification of Wastewater Treatment Plants**  
**and Operator Certification**

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**Title 23. Waters**  
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**and Regional Water Quality Control Boards**  
**Chapter 26. classification of Wastewater Treatment Plants**  
**and Operator Certification**

**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 and water recycling treatment plants through the certification of wastewater treatment plant operators.

**§ 3670.1. Certification Requirements for Operation of Wastewater Treatment Plants.**

No person shall operate a wastewater treatment plant within the meaning of these regulations unless that person has been certified by the division as a wastewater treatment plant operator or operator-in-training at a grade appropriate for the class of plant being operated.

**§ 3670.2. Certification Requirement for Operation of Water Recycling Treatment Plants.**

- (a) Except as provided in subsection (b) below, no person shall operate a water recycling treatment plant unless that person has been certified by the division as a wastewater treatment plant operator or operator-in-training at a grade appropriate for the class of plant being operated.
- (b) A person certified by the Department of Health Services as a water treatment plant operator may operate a water recycling treatment plant at a grade appropriate for the class of plant operated.
- (c) The State Board may refuse to approve use of a certificate issued by the Department of Health Services or suspend or revoke its approval of the use of the certificate if the operator commits any of the prohibited acts described in Article 7 (commencing with section 3710) of Chapter 26 of Division 3 of the California Code of Regulations.

**§ 3671. Definitions.**

The following definitions shall apply to this chapter:

- (a) “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 a sedimentation process either for further use in the process or for disposal.

- (b) “Agency” or “municipality” means any government agency created by federal law or any city, town, county, district, or other government created by or pursuant to state law which owns or operates a wastewater treatment plant. “Agency” also includes any privately-owned organization which owns or operates a wastewater treatment plant 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) “Appellant” means a person who appeals a decision made by the Office of Operator Certification or division Chief regarding denial of an application, the results of an examination, or disciplinary action taken.
- (d) “Applicant” means a person who files an application for an examination, certification, renewal, or reinstatement as a wastewater treatment plant operator or operator-in-training.
- (e) “Basic science courses” means college-level courses in the combined fields of mathematics, physics, chemistry, and biology.
- (f) “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 and which are attached to stationary support media as the wastewater is caused to trickle 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.
- (g) “Board” or “State Water Board” as used in this chapter means the five members of the State Water Resources Control Board.
- (h) “Chief Plant Operator” means a supervisor who is certified as an operator and who is responsible for the overall operation of a wastewater treatment plant.
- (i) “Contract operator” means any person or entity who enters a promissory agreement to operate a wastewater treatment plant.
- (j) “Direct supervision” means the oversight and inspection of the work performance of an operator-in-training by the supervisor, without an intervening person, to ensure the safe and proper execution of the duties of the operator-in-training.
- (k) “Division” means that unit of the division of the board in which the Office of Operator Certification is located.
- (l) “Extended aeration treatment” means a modification of the activated sludge treatment process which utilizes long aeration periods to promote aerobic digestion of the biomass.
- (m) “Maintenance” means those activities which will be credited toward operator experience under the certification program. Those activities are limited to the day-to-day servicing, adjustment or regulation of equipment which are performed by an operator and are necessary to maintain reliable operation of major treatment processes.
- (n) “Office of Operator Certification” means that unit of the division which administers the Wastewater Treatment Plant Classification and Operator Certification Program.

- (o) “Operates” means the performance of day-to-day activities primarily consisting of the control of any process which may affect the quality of the discharge of a wastewater treatment plant. “Operates” may include performance of day-to-day maintenance work so long as the primary function of the operator is control of the process. “Operates” does not include maintenance functions which are not necessary for the reliable operation of major treatment processes.
- (p) “Operator” means any person operating a wastewater treatment plant and who occupies a position and performs duties for which the Office of Operator Certification requires an operator certificate.
- (q) “Operator-in-training” means any person who operates a wastewater treatment plant under the direct supervision of a certified operator while gaining experience to qualify for an operator certificate.
- (r) “Pond treatment” means processing in a pond in which biological oxidation of organic matter is effected by natural or artificially accelerated transfer of oxygen to the water.
- (s) “Preliminary treatment” means a process or processes to remove or reduce in size solids which could damage equipment or reduce effectiveness of other treatment processes.
- (t) “Primary treatment” means a wastewater treatment process that allows those substances in wastewater that readily settle or float to be separated from the water being treated.
- (u) “Secondary treatment” means treatment 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.
- (v) “Shift supervisor” means a certified operator who oversees and directs the operation or a phase of operation of a wastewater treatment plant during a specific work period and who reports to a supervisor or a chief plant operator.
- (w) “Supervisor” means a certified operator who oversees and directs the operation of a wastewater treatment plant, who inspects the performance of other operators of a wastewater treatment plant, and who reports to the chief plant operator.
- (x) “Tertiary treatment” (advanced waste treatment) means treatment beyond secondary treatment, which may include filtration, coagulation and nutrient removal, but excluding disinfection.
- (y) “Wastewater treatment plant” means either of the following:
  - (1) Any facility owned by a state, local, or federal agency and used in the treatment or reclamation of sewage and industrial wastes.
  - (2) Any privately-owned facility used in the treatment or reclamation of sewage and 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.
- (z) “Water recycling treatment plant” means a treatment plant that receives and further treats secondary and/or tertiary effluent from a wastewater treatment plant.

## Article 2. Classification of Wastewater Treatment Plants and Agency Reporting Requirements

### *§ 3675. Classification of Wastewater and Water Recycling Treatment Plants.*

- (a) The division shall classify all wastewater treatment plants, including water recycling treatment plants, according to the following criteria:

<u>Class</u>	<u>Treatment Process</u>	<u>Design Flow</u> (in million gallons per day)
I	Pond.....	All
	Primary.....	1.0 or less
II	Primary.....	Greater than 1.0 through 5.0
	Biofiltration.....	1.0 or less
	Extended Aeration.....	All
III	Primary.....	Greater than 5.0 through 20.0
	Biofiltration.....	Greater than 1.0 through 10.0
	Activated Sludge.....	5.0 or less
	Tertiary.....	1.0 or less
IV	Primary.....	Greater than 20.0
	Biofiltration.....	Greater than 10.0 through 30.0
	Activated Sludge.....	Greater than 5.0 through 20.0
	Tertiary.....	Greater than 1.0 through 10.0
V	Biofiltration.....	Greater than 30.0
	Activated Sludge.....	Greater than 20.0
	Tertiary.....	Greater than 10.0

- (b) Plants may be classified in a group different than indicated in this section if:
- (1) they have characteristics which make operation more difficult than the operation of other similar plants of the same flow range; or,
  - (2) the conditions of flow or the use of the receiving waters require an unusually high degree of plant operational control; or,
  - (3) they use an approved method of wastewater treatment which is not included in this section.

### *§ 3676. Reporting Requirements by Agencies to the Division.*

- (a) Within 30 calendar days after a plant begins operating, each agency shall submit to the division a description of the plant's treatment processes, a design flow of the plant, an organization chart, and job descriptions and duty rosters for plant personnel.
- (b) Each agency shall notify the division in writing within 30 calendar days of a change in the employment of the person designated as chief plant operator and any change in the reportable items in subsection (a) above which may affect the classification of the wastewater treatment plant.

- (c) Each agency shall notify the division in writing within 30 calendar days of any final disciplinary action resulting in suspension, demotion, or discharge of a certified operator or operator-in-training if the disciplinary action is the result of the operator's commission of any of the acts which are grounds for discipline listed in Section 3710. The notice shall identify the name of the operator or operator-in-training, the specific violations and the disciplinary action taken.
- (d) Reports regarding final disciplinary action received from agencies shall be retained in state board files for a period of three years unless the state board takes disciplinary action. If the state board takes disciplinary action, reports submitted by agencies shall remain in state board files for ten years.

### **Article 3. Grades of Operator Certification for the Operation of Wastewater Treatment Plants**

#### ***§ 3680. Grades of Operator Certification.***

- (a) Chief Plant Operators - For all plant classes, each chief plant operator shall possess a valid operator certificate of a grade at least equivalent to the class of plant operated.
- (b) Supervisors and Shift Supervisors
  - (1) In Class II, III, and IV plants, supervisors and shift supervisors shall possess valid operator certificates no more than one grade lower than the class of plant operated.
  - (2) In Class V plants, shift supervisors shall possess at least valid Grade III certificates and supervisors shall possess at least Grade IV certificates.
- (c) Operators - Each operator shall possess at least a valid Grade I certificate or a valid operator-in-training certificate. In Class IV and V plants, 50 percent of the operators shall possess at least valid Grade II certificates or valid operator-in-training certificates at the Grade II or higher level.

### **Article 4. Minimum Qualifications**

#### ***§ 3683. Education and Experience Requirements.***

- (a) No person shall be issued a certificate unless that person passes a written examination specified by these regulations and meets the education and experience requirements prescribed by this article.
- (b) Persons may apply to take an operator certification examination if:
  - (1) they have completed the education necessary for the certificate prior to the final filing date for the examination, in accordance with the provisions of subsection (c) of this section; and,
  - (2) there is sufficient time to gain the experience necessary to qualify for the certificate for which they are applying within four years of June 30 or December 31 (whichever is sooner) following an examination for Grades II, III, IV, and V and within two years of June 30 or December 31 (whichever is sooner) following an examination for Grade I.
- (c) Eligibility for certification shall be based on the following qualifications for each grade of wastewater treatment plant operator. Educational points shall be credited pursuant to the provisions of Section 3685.

(1) Grade I:

Education: Six educational points; AND,

Experience: One year of experience performing the functions of a wastewater treatment plant operator

(2) Grade II:

(A) Education: Graduation from high school or equivalent as specified in Section 3686 and six educational points; AND,

Experience: Two years of experience performing the functions of a wastewater treatment plant operator; OR,

(B) Experience: One and one-half years of experience performing the functions of a wastewater treatment plant operator while certified as a Grade I operator.

(3) Grade III:

(A) Education: An associate degree or completion of 60 semester units at a college or university, either of which includes 15 semester units of basic science courses; AND,

Experience: Two years of experience performing the functions of a wastewater treatment plant operator; OR,

(B) Education: Graduation from high school or equivalent as specified in Section 3686 and 16 educational points; AND,

Experience: Four years of experience performing the functions of a wastewater treatment plant operator; OR,

(C) Experience: Three years of experience performing the functions of a wastewater treatment plant operator while certified as a Grade II operator.

(4) Grade IV:

(A) Education: A bachelor's degree with a major related to wastewater treatment and which includes a minimum of 30 semester units of basic science courses; AND,

Experience: Two years of experience performing the functions of a wastewater treatment plant operator; OR,

(B) Education: An associate degree or completion of 60 semester units at a college or university, either of which includes 15 semester units of basic science courses; AND,

Experience: Four years of experience performing the functions of a wastewater treatment plant operator; OR,

(C) Education: Graduation from high school or equivalent as specified in Section 3686 and 32 educational points; AND,

Experience: Six years of experience performing the functions of a wastewater treatment plant operator; OR,



(D) Experience: Four years of experience performing the functions of a wastewater treatment plant operator while certified as a Grade III operator.

(5) Grade V:

(A) Credential: A valid license as a civil or chemical engineer issued by the California Department of Consumer Affairs, Board of Registration for Professional Engineers and Land Surveyors; AND,

Experience: Four years of experience performing the functions of a wastewater treatment plant operator; OR,

(B) Education: A bachelor's degree with a major related to wastewater treatment and which includes a minimum of 30 semester units of basic science courses; AND,

Experience: Five years of experience performing the functions of a wastewater treatment plant operator; OR,

(C) Education: An associate degree or completion of 60 semester units at a college or university, either of which includes 15 semester units of basic science courses; AND,

Experience: Six years of experience performing the functions of a wastewater treatment plant operator; OR,

(D) Education: Graduation from high school or equivalent as specified in Section 3686 and 48 educational points; AND,

Experience: Ten years of experience performing the functions of a wastewater treatment plant operator; OR,

(E) Experience: Six years of experience performing the functions of a wastewater treatment plant operator while certified as a Grade IV operator.

**§ 3684. Experience Credits.**

- (a) Applicants may be credited with one year of experience if they have had two or more years of full-time experience in the operation of a water treatment plant regulated by the California Department of Health Services or by a government agency in another state and while in possession of a valid water treatment plant operator certificate, if:
- (1) the water treatment plant where the experience was gained uses two or more of the following processes: coagulation, sedimentation, aeration, filtration, oxidation. or disinfection; and,
  - (2) at the time of their application for certification, they have had one year of full-time experience in the operation of a wastewater treatment plant.
- (b) Applicants, who have one year of experience in the operation of a wastewater treatment plant may substitute 16 educational points for one year of experience. Those educational points used to substitute for experience at one grade may not be used again to substitute for experience at another grade. The substitution may not be made by applicants qualifying under the provisions of Sections 3683 (c) (1) and 3683 (c) (4) (A).

**§ 3685. Educational Points.**

- (a) Pursuant to the provisions of this article, applicants may be required to obtain educational points to qualify for certification. Educational points may be earned as follows:
- (1) One completed three-unit semester course which is directly related to wastewater treatment and which is part of the curriculum of an accredited college or university is equal to eight educational points. Completed courses which result in more or less than three units or which are quarter units rather than semester units will be credited with educational points on a proportional basis.
  - (2) All other courses will be assigned educational points at the rate of one educational point per 10 hours of completed classroom instruction. Subjects which are directly related to wastewater treatment shall be assigned full credit for educational points. Subjects which are indirectly related shall be given one half credit.
  - (3) One Continuing Education Unit which is directly related to wastewater treatment is equal to one educational point.
- (b) Applicants may not substitute experience for educational points.

**§ 3686. High School Equivalence.**

High school equivalence may be obtained by substituting six educational points for each uncompleted year of high school through grade 12 or by passing an approved General Educational Development test, or by obtaining a Certificate of Proficiency issued by the State Board of Education in accordance with Section 48412 of the Education Code.

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

**§ 3700. Application for Examination.**

- (a) Content - An application for examination shall contain, but not be limited to the following information:
- (1) the applicant's full name, mailing address, work telephone number, and date of birth;
  - (2) information regarding former employment, current operator status, other operator certificates held in California or other states, engineering registrations held, and education and experience gained;
  - (3) if employed as an operator, the original signature of the chief plant operator, verifying the applicant's experience as an operator;
  - (4) the applicant's original signature;
  - (5) copies of college transcripts, grade cards, or certificates of completion for courses related to wastewater treatment to verify completion of education requirements;
  - (6) any additional information, evidence, statements, or documents to support the application for examination as requested by the division; and,

(7) the application fee and examination fee as prescribed by Article 8.

- (b) Submittal - Applications for examination shall be postmarked by the final filing date as specified in this subsection. Applications postmarked after the final filing date shall be held over and processed for the next scheduled examination.

<u>Date of Examination</u>	<u>Final Filing Date</u>
April 10, 1999	February 1, 1999
October 2, 1999	August 1, 1999
April 1, 2000	February 1, 2000
October 7, 2000	August 1, 2000
April 7, 2001	February 1, 2001
October 6, 2001	August 1, 2001
April 6, 2002	February 1, 2002
October 5, 2002	August 1, 2002
April 5, 2003	February 1, 2003
October 4, 2003	August 1, 2003
April 3, 2004	February 1, 2004
October 2, 2004	August 1, 2004

- (c) Division review - The division shall review applications and supporting documents to determine eligibility for examination.

Unless otherwise specified by this chapter, division evaluation of experience gained in California will be based on work performed while employed in a position which requires operator certification in California. Evaluation of experience gained outside California will be based on work performed while employed in a position comparable to one which requires operator certification in California. Division evaluation of experience will be based on the actual work performed by the applicant without respect to job titles assigned by the employing agencies.

- (d) Notice - The division shall notify applicants in writing within 30 calendar days of receipt of an application whether it is complete or deficient. If there is a deficiency, the division shall identify the deficiency and inform the applicant in writing of the specific information required.
- (e) Deficient applications - Applications which do not contain proof of completion of education requirements and the correct application and examination fees shall be considered deficient applications. Deficient applications shall not be processed for the current examination. The applicant shall be required to reapply to take a subsequent examination.
- (f) Processing times - the division's median, minimum, and maximum processing times for applications for examination between September 1989 and September 1991 were:

Median - 30 days  
Minimum - 3 days  
Maximum - 112 days

### **§ 3701. Examinations.**

- (a) Written examinations for each wastewater treatment plant operator grade shall contain questions to determine applicants' knowledge of wastewater treatment plant operation. Mathematical problems related to process control and evaluation will be included. Each higher grade examination will require progressively more detailed knowledge of the subject matter.

(b) Content by grade

- (1) Grade I examinations shall contain questions regarding knowledge of basic safety practices and hazards related to the operation of wastewater treatment plants; 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 the classification of wastewater treatment plants and operator certification.
- (2) Grade II examinations shall contain questions regarding knowledge of those 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 plant performance; and basic supervision responsibilities.
- (3) Grade III examinations shall contain questions regarding knowledge of those components of the Grade I and II examinations as prescribed in (1) and (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 contain questions regarding knowledge of those components of the Grade I, II, and III examinations as prescribed in (1), (2), and (3) above; limitations, controls, and performance calculations for tertiary treatment processes; wastewater treatment requirements and practices for water reclamation and reuse; supervision and management responsibilities including energy management, safety program development and control, and operator training and budget development and control.
- (5) Grade V examinations shall contain questions regarding knowledge of those components of the Grades I, II, III, and IV examinations as prescribed in (1), (2), (3), and (4) above.

(c) Frequency - A minimum of two examinations shall be given each year.

(d) Dishonest conduct - An applicant who engages in dishonest conduct during an examination shall have his or her examination materials confiscated, shall not have the examination graded, and shall be denied the opportunity to take the next scheduled examination. The application and examination fees paid by the applicant shall not be refunded. The applicant also may be subject to administrative sanctions pursuant to Article 7 and Section 13627 of the Water Code.

(e) Confidentiality of examination questions - Examination questions are confidential. Any person who copies questions or removes all or part of any examination from the examination room or who conveys or exposes all or part of any examination for an unauthorized use may be denied certification pursuant to the provisions of Article 7. The applicant also may be subject to administrative sanctions pursuant to Article 7 and Section 13627 of the Water Code.

(f) Notification of results - Within 90 calendar days after an examination, the division shall notify applicants in writing whether they have passed or failed the examination.

- (1) If an applicant fails the examination, he or she may be eligible to take a subsequent examination upon request and upon submitting an application and examination fee prescribed by Article 8. The request for re-examination must be postmarked by the final filing date set forth in Section 3700.

- (2) An applicant who passes the examination and who had completed the education and experience requirements before taking the examination shall be instructed in the notice of examination results to remit the applicable certification fee. Within 30 calendar days of receiving the certification fee, the division shall issue the operator certificate.
- (3) An applicant who passes the examination before completing the experience requirements shall apply for certification upon completing the requirements in accordance with the provisions of Section 3702.
- (g) Expiration of examination results - Examination results are valid for four years from June 30 or December 31 following the examination (whichever date is sooner).

***§ 3702. Application for Certification.***

- (a) If an applicant is qualified for certification at the time of the examination, and has documented such qualification in the application for examination, no application for certification is required. However, if an applicant must gain experience after the final filing date for the examination before being eligible for certification, an application for certification is required in accordance with the provisions of this section.
- (b) An application for certification shall include but not be limited to:
  - (1) the applicant's full name, mailing address, work telephone number, and date of birth;
  - (2) all employment, education, and experience information not reported on the application for examination, including current employment and current operator status;
  - (3) the date when the applicant passed the examination;
  - (4) information regarding current employment and current operator status;
  - (5) the applicant's original signature;
  - (6) if employed at a wastewater treatment plant, the chief plant operator's original signature; AND,
  - (7) the certification fee prescribed by Article 8.

***§ 3702.1. Issuance of Certificates.***

- (a) Operator certificates issued by the division shall contain, but not be limited to the following:
  - (1) The operator's name and grade;
  - (2) The certificate number;
  - (3) The issue date of the certificate;
  - (4) The State Water Board seal;
  - (5) The name, "State Water Resources Control Board"; AND,
  - (6) The signature of a board member or board member designee.

- (b) Upon successful completion of the application and examination process and within 30 calendar days of payment of the certification fee prescribed by Article 8, the board shall issue an operator certificate or operator-in-training certificate.
- (c) The issue date of a certificate shall be the date of receipt of an application for examination and certification which meets the requirements of these regulations.
- (d) The division may refuse to issue a certificate if it has determined that the applicant has committed any act which is grounds for disciplinary action as specified in section 3710.

### ***§ 3702.2. Application for Certificate Renewal.***

- (a) Renewal dates - Except as specified in Subsection 3709 (d), operator certificates are renewable every two years. Certificates issued for applications with a postmark between May 1 and October 31 shall have a renewal date of June 30. Certificates issued for applications with a postmark between November 1 and April 30 shall have a renewal date of December 31.
- (b) Division notice - At least 60 calendar days prior to expiration of an operator certificate, the division shall provide written notification of the expiration date to the certificate holder at his or her address of record. Failure to receive a notice of renewal does not relieve the certificate holder from the responsibility of renewing a certificate on or before the expiration date.
- (c) Content - An application for renewal shall include, but not be limited to:
  - (1) the applicant's name, mailing address, grade, certificate number, and classification or title;
  - (2) if employed by a wastewater treatment plant as an operator, the name, telephone number, and mailing address of the wastewater treatment plant where employed and the name of the supervisor;
  - (3) the renewal fee prescribed by Article 8.
- (d) Submittal - A certificate holder who wishes to renew a certificate shall submit to the division a completed application as specified in subsection (c) of this section. The application shall be postmarked no later than the expiration date on the certificate.
- (e) Division review - Within 15 calendar days of receipt of an application for renewal, the division shall notify the certificate holder if the application is deficient. If there is a deficiency, the division shall inform the certificate holder by telephone or letter of the specific information necessary to complete the application for renewal. Deficiencies will not prevent the Office of Operator Certification from issuing a new certificate if the application and fee are postmarked by the expiration date of the certificate.

### ***§ 3702.3. Issuance of Renewal Certificate.***

An operator certificate shall indicate the first expiration date of the certificate. Thereafter, a renewal certificate shall be issued in accordance with the provisions of Section 3702.2 and this section.

- (a) Within 30 calendar days of receipt of a completed application for renewal, the division shall issue a renewal certificate or inform the applicant of the reason the certificate will not be issued.
- (b) The renewal certificate shall not be issued until any unpaid fees have been paid.

- (c) The division may refuse to renew a certificate if it has determined that the applicant has operated a wastewater treatment plant while the operator certificate was expired or at a grade for which the applicant was not certified or that the applicant has committed any act which is grounds for disciplinary action.
- (d) A renewal certificate shall contain, but not be limited to the following:
  - (1) The certificate holder's name and address;
  - (2) The certificate number and grade;
  - (3) The expiration date of the certificate.

#### ***§ 3702.4. Reinstatement.***

- (a) An expired operator certificate may be reinstated within one year following the expiration of the certificate, provided the holder of the expired certificate applies for renewal and reinstatement as prescribed by Subsection (b) of this section. A certificate which has been expired for more than one year shall not be reinstated. If the applicant wishes to become certified again, he or she must meet all requirements for an initial operator certificate.
- (b) The application for reinstatement shall be considered complete when it includes the renewal and reinstatement fees prescribed by Article 8 and all the information required to renew the certificate as prescribed by Section 3702.2.
- (c) The division may refuse to reinstate a certificate if it has determined that the applicant has operated a wastewater treatment plant while his or her certificate was expired or at a grade for which he or she was not certified or has committed any act which is grounds for disciplinary action.
- (d) The expiration date of a reinstated certificate shall remain the same as if the certificate had not expired.

#### ***§ 3702.5. Replacement.***

A certificate which has been lost, stolen, or destroyed may be replaced by the division provided the operator or operator-in-training submits a signed statement explaining the circumstances of the loss, theft or destruction of the certificate. A replacement fee prescribed by Article 8 must be submitted with the signed statement.

#### ***§ 3703. Posting Certificates.***

Certified operators and operators-in-training shall display their valid certificates at the wastewater treatment plant where employed.

#### ***§ 3704. Reciprocity with Other States.***

- (a) The division may issue Grades I and II operator certificates by reciprocity in accordance with the procedures set forth in Article 5. No examination or examination fee will be required of persons who hold comparable certifications in other states, provided:
  - (1) the experience and education requirements of that state are comparable to the division's requirements;
  - (2) the applicant has passed a written examination within the preceding four years in another state that is comparable to the examination given by the division;

- (3) reciprocal privileges are granted by the other state to operators certified by the division;
  - (4) the applicant completes an application for operator certification and meets the minimum qualifications for certification in California; AND,
  - (5) the applicant pays the application, certification, and reciprocity fees prescribed by Article 8.
- (b) The division may refuse to issue an operator's certificate by reciprocity if it has determined that the applicant's certificate to operate a wastewater treatment plant has been revoked or suspended in another state, or if the applicant has been otherwise disciplined in another state for any of the violations set forth in Section 3710.

***§ 3707. Employment of an Operator-in-Training.***

An agency may employ a person to act in the capacity of any grade of certified operator, provided the person is certified as an operator-in-training, is under the direct supervision of a certified operator of the same or higher grade, and is performing the duties of the grade of operator for which the certificate was issued.

***§ 3708. Application for Operator-in-Training Examination and Certification.***

- (a) Persons may apply for examination and operator-in-training certification in accordance with the procedures set forth in Article 5.
- (b) Applicants for Grade I operator-in-training certification may, but are not required to, pass the Grade I examination prior to issuance of the Grade I operator-in-training certificate.
- (c) Persons may apply for operator-in-training certification at the Grades II, III, IV, and V levels if they:
  - (1) meet the minimum education requirements and could meet the minimum experience requirements for the grade for which they are applying as prescribed in Article 4 within four years of June 1 or December 1 following the examination (whichever date is sooner); and,
  - (2) pass the examination at the grade for which they are applying; and,
  - (3) make application for examination and operator-in-training certification in accordance with the procedures set forth in Sections 3700, 3701, and 3702 of Article 5; and,
  - (4) supply the name and telephone number of the supervising operator.
- (d) Applications for operator-in-training certification at any grade must be signed by the chief plant operator of the plant where the operator-in-training is to be employed.

**Article 6. Operators-in-Training**

***§ 3709. Issuance, Renewal, and Replacement of Operator-in-Training Certificates.***

- (a) Operator-in-training certificates shall be issued in the name of the applicant to the mailing address of the employing wastewater treatment plant. Operator-in-training certificates are valid only while the operator is employed at the plant for which the certificate was issued. The expiration date of the operator-in-training certificate shall not exceed the expiration date of the applicant's examination results.



- (b) Operator-in-training certificates issued by the division shall contain but not be limited to the following:
  - (1) The name and grade of the operator-in-training;
  - (2) The issue date of the certificate; and,
  - (3) The name of the wastewater treatment plant at which the operator-in-training is to be employed.
- (c) Operator-in-training certificates shall be issued, renewed, reinstated, and replaced in accordance with the provisions of Article 5 unless otherwise specified in this article.
- (d) Operator-in-training certificates at the Grade I level are valid for up to two years. If the Grade I operator passes the Grade I examination before the expiration of the Grade I operator-in-training certificate, that certificate may be renewed one time for two years. If the Grade I operator-in-training does not pass the Grade I examination before the expiration of the Grade I operator-in-training certificate, the Grade I operator-in-training certificate shall not be renewed. Operator-in-training certificates at the Grades II, III, IV, and V levels are valid for up to two years and may be renewed once pursuant to the provisions of Section 3702.2.
- (e) A person certified as an operator-in-training at any grade must complete the education and experience requirements and obtain an operator certificate at that grade or higher before being eligible to apply for an operator-in-training certificate at a higher grade.

## **Article 7. Prohibited Acts, Disciplinary Action, and Appeal Process**

### ***§ 3710. Grounds for Discipline.***

- (a) A certified operator or operator-in-training may be subject to administrative sanctions including reprimand or denial, suspension, probation, or revocation of a certificate pursuant to Section 13627 of the Water Code for performing, or allowing or causing another to perform, any of the following acts:
  - (1) willfully or negligently violating, causing, or allowing violation of these regulations;
  - (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 the grade necessary for the position or whose certificate has expired;
  - (3) submitting false or misleading information on any document provided to the division including applications for examination, certification, or renewal;
  - (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;
  - (6) failing to use care or good judgment in the course of employment as an operator or failing to apply knowledge or ability in the performance of duties;
  - (7) willfully or negligently causing or violating or allowing the violation of appropriate waste discharge requirements as prescribed by Article 4 of Chapter 4 of Division 7 of the Water Code, or the violation of Section 402 of the Clean Water Act which contains the provisions of the National Pollutant Discharge Elimination System permit.

- (b) A chief plant operator may be subject to disciplinary actions specified in subsection (a) for willfully or negligently failing to ensure that an operator-in-training is directly supervised as required by section 3707.

**§ 3711. Appeals.**

Applicants or certificate holders may appeal discretionary decisions made by the Office of Operator Certification regarding denial of an application, the results of an examination, or disciplinary action taken. Appeals must be in writing and postmarked within 30 calendar days of receipt of the Office of Operator Certification decision. Appellants must include with their requests, all documents and evidence to be considered by division staff in its review of the appeal.

**§ 3712. Action by Division.**

After consideration of an appeal and within 30 calendar days of receipt of the appeal, division staff shall make a recommendation to the division chief. The division chief shall review the evidence and the division recommendation and shall make a determination within 30 calendar days of receipt of the recommendation. The determination shall be in writing, labeled as the division chief's determination, and shall inform the appellant that the determination is final and conclusive unless the appellant petitions the board for review in accordance with the provisions of Section 3713.

**§ 3713. Petition for Review by Board.**

- (a) An appellant who wishes to appeal the division chief's determination may petition the board for a review. The petition must be in writing and postmarked no later than 30 calendar days after the date of receipt of the determination by the appellant.
- (b) A petition for review by the board shall contain:
  - (1) the name and address of the appellant;
  - (2) the appellant's argument against the Office of Operator Certification decision and the division chief's determination;
  - (3) the specific action which the appellant seeks from the board.
- (c) The appellant may make a written request for a hearing for the purpose of presenting evidence not considered by the division or for presenting oral arguments or both. Any request to present evidence not provided to the division must include a statement as to why the evidence was not presented to the division.

**§ 3714. Defective Petitions.**

Within 30 calendar days of receipt by the board of a petition which does not comply with the provisions of Section 3713, the board shall notify the appellant in writing in what respect the petition is defective and that an amended petition must be postmarked within 30 calendar days of receipt of notice of the deficiency. If a properly amended petition is not postmarked within 30 calendar days, the petition shall be dismissed unless the appellant can show good cause for an extension of time.

**§ 3715. Action by Board.**

- (a) After consideration of the appellant's petition and the division chief's determination, the board shall:

- (1) refuse to consider the petition if it does not meet the requirements of Sections 3713 and 3714; or,
  - (2) deny the appellant's petition upon a finding that the division chief's determination was proper; or,
  - (3) set aside or modify the division chief's determination; or,
  - (4) direct the division to take other appropriate action.
- (b) Before taking final action, the board may, in its discretion, hold a hearing for the purpose of oral argument or receipt of additional evidence or both, or the board may provide for an informal meeting between the appellant, division staff, and one or more members of the board and other persons as the board deems suitable for the purpose of attempting to resolve the dispute between the appellant and the division.
  - (c) If a hearing is scheduled, the board shall mail a notice to the appellant indicating the date, time, and place of the hearing and of the issues to be considered. The hearing shall be conducted in a manner deemed most suitable for securing all relevant evidence without unnecessary delay.

***§ 3716. Appeal of Division Processing Times.***

- (a) The Office of Operator Certification shall process applications for examination and certification within the time limits prescribed by this chapter. Persons whose applications for examination or certification have not been processed within the time limits prescribed by these regulations, may appeal to the board for a refund of fees in accordance with the provisions of Section 3711. If the board finds that the time limits have not been met, and the Office of Operator Certification has not shown good cause why the time limits have not been met, the board shall direct the Office of Operator Certification to reimburse all fees paid by the appellant in connection with the pending application for examination or certification.
- (b) The Office of Operator Certification shall have good cause for exceeding the time limits when:
  - (1) the number of applications to be processed exceeds by 15 percent the number processed in the same calendar quarter of the preceding year.
  - (2) the Office of Operator Certification must rely on another public or private entity for all or part of the processing and delay is caused by the other entity.
  - (3) the delay is caused by a delay or omission of the applicant.

**Article 8. Fees**

***§ 3717. Operator and Operator-In-Training Fees.***

Except as provided by Section 3716, application fees are nonrefundable.

- (a) Application fee for certification as an operator-in-training:

Grade I:	\$ 95
Grade II:	\$130
Grade III:	\$170
Grade IV:	\$190
Grade V:	\$190

(b) Application fee for an examination:

Grade I:	\$40
Grade II:	\$50
Grade III:	\$70
Grade IV:	\$80
Grade V:	\$80

(c) Examination fees are:

Grade I:	\$ 40
Grade II:	\$ 50
Grade III:	\$125
Grade IV:	\$170
Grade V:	\$170

(d) Operator certification fees are:

Grade I:	\$ 95
Grade II:	\$130
Grade III:	\$170
Grade IV:	\$190
Grade V:	\$190

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

Grade I:	\$ 95
Grade II:	\$130
Grade III:	\$170
Grade IV:	\$190
Grade V:	\$190

(f) Reinstatement fee - The reinstatement fee for all grades is \$50.

(g) Replacement fee - The fee for replacing a lost, damaged or destroyed certificate is \$20.

(h) Reciprocal fee - In addition to the application and certification fees, applicants for reciprocal certification shall pay a fee of \$50 to cover the cost of verifying and evaluating out-of-state experience and reviewing out-of-state examinations.

## **Article 9. Advisory Committee**

### ***§ 3718. Advisory Committee Membership and Responsibilities.***

(a) The advisory committee appointed pursuant to Section 13631 of the Water Code shall consist of nine members. The members of the committee in office on January 1, 1992 shall continue as members of the advisory committee, and their terms shall expire as follows:

- (1) On June 30, 1992, one representative from a statewide organization representing local sanitation agencies; one representative from a statewide organization representing wastewater treatment plant operators and supervisors; one representative from a university or state college; and, one representative from an organized labor union which represents wastewater treatment plant operators.

- (2) On June 30, 1994, the remaining five members whose terms are scheduled to expire on June 30, 1993.
- (b) Thereafter, all members shall serve for a period of four years at which time they shall be eligible for reappointment.
- (c) The committee shall meet when necessary to review all proposed regulations and make recommendations to the board prior to adoption of any regulations or changes therein and approve any course for operator training.

## **Article 10. Wastewater Treatment Plant Contract Operators**

### ***§ 3719. Registration Requirement.***

No person or entity shall enter a contract to operate a wastewater treatment plant unless that person or entity has been registered by the division as a contract operator. The registration authorizes the contract operator to operate one or more wastewater treatment plants. All wastewater treatment plant operators employed by the contract operator must be certified according to the provisions of this chapter.

### ***§ 3719.10. Term of Registration.***

Contract operator registrations shall be valid for a period of one year from the date of issue.

### ***§ 3719.11. Application for Registration.***

- (a) Application Content - An application for registration as a contract operator shall include but not be limited to:
  - (1) the name, street address, and telephone number of the person or entity contracting to operate the wastewater treatment plant(s);
  - (2) the name, address, and telephone number, if known, of the wastewater treatment plant(s) to be operated and the duration of each contract;
  - (3) the name and grade of each wastewater treatment plant operator employed at the plant(s);
  - (4) the name and grade of the chief plant operator for each wastewater treatment plant to be operated;
  - (5) the original signature of the person authorized by the contract operator to enter the contract;
  - (6) the registration fee as prescribed by section 3719.19.
- (b) Application submittal - For persons operating wastewater treatment plants on or before the effective date of these regulations, applications for registration shall be postmarked within 60 calendar days after the effective date of the regulations. If a contract to operate a wastewater treatment plant is entered into after the effective date of these regulations and the contract operator is not already registered, the application for registration shall be submitted and the registration issued before contract operations begin.
- (c) Division review of application and notice to applicant - The division shall review applications for registration and shall notify applicants in writing within 30 calendar days of receipt whether the application is deficient. If there is a deficiency, the division shall inform the applicant by telephone or letter of the specific information required to complete the application.

**§ 3719.12. Issuance/content of Certificate of Registration.**

- (a) Content of certificate of registration - The certificate of registration issued by the division shall be in the form of a wall certificate and shall contain, but not be limited to:
  - (1) the applicant's name, business address, and registration number;
  - (2) the issue and expiration date of the registration;
  - (3) the State Water Board seal; AND,
  - (4) the signature of a State Water Board member or member designee.
- (b) Issuance of certificate of registration - Unless otherwise specified in subsection (c), within 30 calendar days of receipt of a complete and approved application for registration, the division shall issue a contract operator certificate of registration. The division shall also issue one wall certificate to the contract operator for each wastewater treatment plant operated. The certificate shall include the name of the wastewater treatment plant to be operated in addition to the items in subsection (a) (1) through (4) above. Certificates are not transferable.
- (c) Refusal to issue a certificate of registration - The division may refuse to issue a certificate of registration if it has determined that the applicant has committed any act which is grounds for disciplinary action as specified in section 3710 of Article 7 or section 3719.17 of this article.

**§ 3719.13. Renewal of Registration.**

- (a) Division notice of renewal date - At least 60 calendar days prior to the expiration of a contract operator registration, the division shall provide written notification of the expiration date to the registration holder at his or her address of record. Failure to receive a notice of renewal does not relieve the registration holder from the responsibility of renewing a registration on or before the expiration date.
- (b) Content of renewal application - An application for renewal of a contract operator registration shall include, but not be limited to:
  - (1) the name, business address, telephone number, and registration number of the person or entity contracting to operate the wastewater treatment plant(s);
  - (2) the name, address, and telephone number of all wastewater treatment plants operated and the duration of each contract;
  - (3) the name and grade of each wastewater treatment plant operator employed at the plant(s);
  - (4) the name and grade of the chief plant operator for each wastewater treatment plant to be operated;
  - (5) the original signature of the person authorized by the contract operator to enter the contract; AND,
  - (6) the renewal fee as prescribed by section 3719.19.

- (c) Renewal application submittal - A registration holder who wishes to renew a registration shall submit to the division a completed application as specified in subsection (b). The application for renewal shall be postmarked no later than 30 calendar days before the expiration of the registration. If the application for renewal is postmarked later than 30 calendar days before expiration, the registration holder shall pay a late fee in an amount prescribed by section 3719.19.
- (d) Division review of renewal application and notice to applicant - The division shall review the renewal application and shall notify the registration holder within 30 calendar days whether the application is deficient. If there is a deficiency, the division shall inform the registration holder by telephone or letter of the specific information necessary to complete the application for renewal.

**§ 3719.14. Issuance/Content of Renewed Certification of Registration.**

- (a) Content of renewed certificate of registration - A renewed contract operator registration shall be in the form of a wall certificate and shall contain, but not be limited to:
  - (1) the registration holder's name, business address, and registration number;
  - (2) the original issue date and next expiration date of the registration;
  - (3) the State Water Board seal; AND,
  - (4) the signature of a State Water Board member or member designee.
- (b) Issuance of renewed certificate of registration - Within 30 calendar days of the receipt of a complete and approved renewal application, the division shall issue a certificate of registration or inform the applicant of the reason the certificate will not be issued. The division shall also issue one wall certificate to the contract operator for each wastewater treatment plant operated. The certificate shall include the name of the wastewater treatment plant operated in addition to the items in subsection (a) (1) through (4) above.
- (c) Refusal to renew registration - The registration shall not be renewed until any unpaid fees or fines have been paid. The division may refuse to renew a registration if it has determined that the applicant has operated a wastewater treatment plant while the registration was expired or has committed any act which is grounds for disciplinary action pursuant to section 3710 of Article 7 or section 3719.17 of this article.

**§ 3719.15. Replacement of Certificate of Registration.**

A certificate of registration which has been lost, stolen, or destroyed may be replaced by the division. The replacement fee as prescribed by section 3719.19 must be submitted with a request for replacement.

**§ 3719.16. Posting the Certificate of Registration.**

A valid, unexpired certificate of registration shall be displayed and clearly visible at each wastewater treatment plant where the registration holder has a contract to provide services.

**§ 3719.17. Prohibited Acts and Disciplinary Action.**

Grounds for discipline - The State Water Board may refuse to grant, or may suspend or revoke, any registration for good cause, including, but not limited to any of the following reasons:

- (a) willfully or negligently violating, causing, or allowing the violation of Articles 1 through 10 of Chapter 26;

- (b) without regard to intent or negligence, operating or allowing the operation of a wastewater treatment plant by a person who is not certified at the grade necessary for the position or whose certificate has expired;
- (c) operating a wastewater treatment plant without a valid and current registration;
- (d) submitting false or misleading information on any document provided to the division including applications for registration or registration renewal;
- (e) using fraud or deception in the course of contracting to operate a wastewater treatment plant including, but not limited to, submitting false or misleading documents to the owner(s) of the wastewater treatment plant under contract;
- (f) failing to use care or good judgment while operating a wastewater treatment plant;
- (g) willfully or negligently causing or violating or allowing the violation of appropriate waste discharge requirements as prescribed by Article 4 of Chapter 4 of Division 7 of the Water Code, or the violation of Section 402 of the Clean Water Act which contains the provisions of the National Pollutant Discharge Elimination System permit.

**§ 3719.18. Appeals.**

Applicants or registration holders may appeal discretionary decisions made by the division regarding denial of an application for registration, registration renewal, or disciplinary action taken.

Appeals shall be processed in accordance with the provisions of sections 3712 through 3716 of Article 7.

**§ 3719.19. Wastewater Treatment Plant Contract Operator Registration Fees.**

Contract operator fees are as follows:

- (a) Initial Registration Fee - The initial contract operator registration fee is \$100. For each operator employed by the contract operator in California, a fee of \$25 shall also be paid by the contract operator up to a maximum of \$500 in combined contract operator registration fees and employee registration fees.
- (b) Renewal Fee - The annual renewal fee is \$100 plus \$25 for each person employed by the contract operator in California up to a maximum of \$500 in combined contract operator fees and employee registration fees.
- (c) Late fee - Each contract operator who fails to have a renewal application postmarked at least 30 days before expiration shall pay a late fee of \$50 in addition to the renewal fee.
- (d) Replacement Fee - The fee for replacing lost, damaged, or destroyed certificates is \$30.