

STATE WATER RESOURCES CONTROL BOARD
RESOLUTION NO. 92-19

AMENDMENTS OF REGULATIONS COVERING THE CERTIFICATION
OF WASTEWATER TREATMENT PLANT OPERATORS TO BE CODIFIED
IN CHAPTER 14 OF DIVISION 4 OF TITLE 23 OF THE
CALIFORNIA CODE OF REGULATIONS, SECTIONS 3670-3718

WHEREAS:

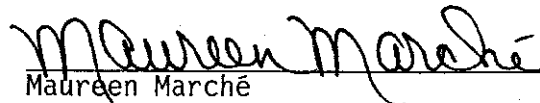
1. California law requires that administration of the wastewater treatment operator certification programs be entirely supported by fees.
2. Fee increases were needed to cover increased program costs.
3. Amendments to regulations governing the certification of operators would modify such regulations in five major respects:
 - a. The regulations have been substantially restructured and many portions rewritten. The effort has made the regulations easier to read and understand.
 - b. Fees have been increased to support a two-person office plus the equivalent of one person to write and grade certification examinations.
 - c. Agencies operating treatment plants will be required to notify the State Board of final disciplinary action taken against operators for improper performance of operations-related duties.
 - d. The proposed regulations will eliminate the requirement to complete on-the-job experience before taking certification examinations.
 - e. Except at the Grade I level, operators in training (OIT) will be required to pass the appropriate grade level certification examinations before assuming OIT duties.
4. A public hearing was held on January 22, 1992, ending a 45-day public comment period on the subject amendments.
5. Changes made to the amendments in response to public comments were noticed to commenters for a 15-day review period ending March 2, 1992.
6. The State Board's Advisory Committee on Operator Certification and Training participated in the development of the amended regulations and has recommended adoption.

THEREFORE BE IT RESOLVED:

That the State Board adopts the proposed regulations and authorizes the Executive Director to transmit the proposed regulations with the final statement of reasons and rulemaking to the Office of Administrative Law.

CERTIFICATION

The undersigned, Administrative Assistant to the Board, does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on March 19, 1992.



Maureen Marché

Administrative Assistant to the Board

STATE WATER RESOURCES CONTROL BOARD
OFFICE OF OPERATOR CERTIFICATION
P. O. BOX 944212
ACRAMENTO, CA 94244-2120
(916) 739-4300



TITLE 23, CALIFORNIA CODE OF REGULATIONS
DIVISION 4, CHAPTER 14,
SECTIONS 3670-3718

WASTEWATER TREATMENT PLANT
OPERATOR CERTIFICATION AND
PLANT CLASSIFICATION

TITLE 23. CALIFORNIA CODE OF REGULATIONS
Division 4, Chapter 14, Sections 3670 through 3718

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Article 1. General Provisions

3670. Purpose-

The primary purpose of the Municipal Wastewater Treatment Plant Classification and Operator Certification Program (see Water Code Section 13625 et seq.) is to protect public health and the environment by providing provide for the effective operation of wastewater treatment plants which are governmentally owned or operated through the certification of wastewater treatment plant operators.

Authority: Section 1058, Water Code

Reference: Water Code Chapter 9 and Section 13625, Water Code

3670.1 Certification Requirement

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.

Authority: Section 1058, Water Code

Reference: Section 13627, Water Code

3671. Definitions-

The following definitions shall apply to this subchapter chapter:

(a) "Activated sludge treatment" means a biological wastewater treatment process in which a mixture of wastewater and activated sludge is agitated and oxygenated. The activated sludge is subsequently separated from the treated wastewater (mixed liquor) and wasted or returned to the process as needed 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 public body government created by or pursuant to state law owning or operating which owns or operates a wastewater treatment plants. "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) "Aggrieved party" means a person who has suffered a specific loss or injury through some act or failure to act of the division.~~

(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 any a person seeking who files an application for an examination, certification, renewal, or reinstatement as a wastewater treatment plant operator or operator-in-training.

~~(e) "Assistant Supervisor" means an operator reporting to the supervisor at a higher level of responsibility than foreman.~~

(e) "Basic science courses" means college-level courses in the combined fields of mathematics, physics, chemistry, and biology.

(f) "Biological filtration treatment" (biofiltration) means the process of passing a liquid through the medium of a biological filter, thus permitting contact with attached zoogical films that absorb or adsorb fine suspended, colloidal, and dissolved solids and release end products of biochemical action 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 board" as used in this subsection subchapter means the five members of the State Water Resources Control Board.

~~(h) "Chemical treatment" means any process involving the addition of chemicals for flocculation or coagulation to obtain a desired result. This may include phosphorus reduction, solids reduction or reduction of organics. Not included are oxidizing agents used for bacterial control.~~

(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) "Division" means the division that unit of the State Bboard in which the Office of Operator Certification is located.

(j) "Extended Aeration Treatment" means a variation of the activated sludge treatment process where the average detention time of the waste in the aeration basin is 24 hours or greater

modification of the activated sludge treatment process which utilizes long aeration periods to promote aerobic digestion of the biomass.

~~(k) "Foreman" means a person in direct charge of operation or one phase of operation on any shift in a wastewater treatment plant.~~

~~(l)(k) "Maintenance" means those activities which will be credited toward operator experience under the certification program. Such Those activities are limited to the day-to-day servicing, adjustment or regulation of equipment which is performed by an operator and are necessary to maintain major process control activities reliable operation of major treatment processes.~~

~~(m)(l) "Office of Operator Certification" means that unit of the division which exercises the day-to-day functions of the division in administers the Municipal Wastewater Treatment Plant Classification and Operator Certification Program.~~

** ~~(n)(m) "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 involves process control is control of the process. "Operates" does not include maintenance functions not directly involved with major process control activities which are not necessarily for the reliable operation of major treatment processes.~~

~~(o)(n) "Operator" means any person who operates operating a municipal wastewater treatment plant and who occupies a position and performs duties for which the Office of Operator Certification requires an operator certificate.~~

~~(o) "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.~~

** ~~(p) "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.~~

~~(p)(q) "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.~~

~~(p)(q)(r) "Primary treatment" means a process designed to remove from the sewage wastewater a high percentage of suspended matter but little or no colloidal and dissolved matter wastewater~~

treatment process that allows those substances in wastewater that readily settle or float to be separated from the water being treated.

~~(e)~~ (s) "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.

~~(a)~~ (t) "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.

** ~~(g) (t) "Stabilization pond treatment" means processing in a type of oxidation pond in which biological oxidation of organic matter is effected by natural or artificially accelerated transfer of oxygen to the water from air.~~

~~(r) "Supervisor"* means any person who has direct responsibility for the operation of a municipal wastewater treatment plant or who supervises any operators of such a plant, whether or not in attendance at all times at the plant.~~

(u) "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.

~~(s) (v) "Tertiary treatment" (advanced waste treatment) means substantial treatment beyond secondary treatment, which may include filtration, coagulation and nutrient removal, but excluding disinfection.~~

(w) "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.

~~*These designations do not necessarily coincide with job titles.~~

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

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

3675. Classification of Wastewater Treatment Plants-

(a) The division shall classify all ~~municipal~~ wastewater treatment plants according to the following criteria:

Class	Treatment Process	Design Flow (MGD <u>in million gallons per day</u>)
I	Stabilization 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 them operation more difficult to operate than usual, or if 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 if;
- (3) they use an approved method of wastewater treatment which is not included in the above this section.

Note: Authority cited: Section 1058 and 13626, Water Code
 Reference: Section 13626, Water Code

3676.

Submission of Data for Wastewater Treatment Plant Classification. Reporting Requirements by Agencies to the Division

(a) Within 30 calendar days after a plant begins operating, each agency shall submit to the division within 30 days after a plant goes on line a description of the plant's treatment processes, a design flow of the plant, an organizational chart, and job descriptions and duty rosters for the 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 significant change in any of the above 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.

Note: Authority cited: Sections 1058 and 13626, Water Code
Reference: Section 13626, Water Code

Article 3. Levels of Competence for Operation of Wastewater Treatment Plants

3680. Levels of Competence.

Persons classified as supervisors shall possess the same grade certificate as the class of plant operated. Assistant supervisors and foremen shall possess a grade certificate no more than one grade lower than the class of plant operated except in Class V plants a foreman shall possess at least a Grade III certificate. All operators shall possess at least a Grade I certificate or an operator-in-training certificate. In Class IV and V plants 50 percent of the operators shall possess at least a Grade II certificate or an operator-in-training certificate and the remaining 50 percent shall possess at least a Grade I

~~certificate or an operator-in-training certificate.~~

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

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 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 Grade III certificates and supervisors shall possess at least Grade IV certificates.

(c) Operators - Each operator shall possess at least a Grade I certificate or an operator-in-training certificate. In Class IV and V plants, 50 percent of the operators shall possess at least Grade II certificates or operator-in-training certificates at the Grade II or higher level.

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

~~Article 4. Certification of Wastewater Treatment Plant Operators~~

~~3685. Application for Certification.~~

~~(a) No person will be certified unless that person meets the training, education and experience requirements contained in Section 3700 and passes a written examination specified by the division.~~

~~(b) An applicant desiring to be certified shall send to the division by the final filing date set forth in the examination information and schedule a completed application, on a form furnished by the division with the necessary fees. Applications postmarked after the final filing date will be held over and processed for the next scheduled examination. A completed application has each section of the application completed, educational points claimed supported by a copy of a college transcript or certificate of completion for courses related to wastewater treatment, signature of both the supervisor (where~~

applicable) and the applicant, and the application fee set forth in Section 3687 attached.

~~(c) The division shall review the application and supporting documents, determine the eligibility of the applicant and notify the applicant of the applicant's status. Division evaluation of experience will be based upon work performed without respect to job titles.~~

~~(d) (1) The division shall notify applicants in writing within thirty days of receipt of an application that the application is complete and approved or disapproved for the examination for which it was filed or that the application is deficient. Such notice, if it indicates a deficiency will state the specific information which is required to complete the application.~~

~~(2) The division's median, minimum, and maximum times for processing applications from September 1983-September 1985 have been:~~

Median	20 days
Minimum	1 day
Maximum	187 days

~~(e) A minimum of two examinations shall be given each year.~~

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

Reference: Sections 13627-13629, Water Code; and Section 15376, Government Code.

~~3686. Operator in Training.~~

~~An agency may employ a person (operator in training) to act in the capacity of any grade of certified operator who has less than three years of qualifying experience in operation of a wastewater treatment plant without the required certification for that grade provided that there is a reasonable chance for that person to qualify for that grade within three years from that person's appointment to the operator in training position. The duties of an operator in training may be similar to those of a certified operator. The operator in training must work under the direct supervision of a certified operator. The operator in training must meet requirements and pass an examination for the grade operator required no later than three (3) years after the first examination given by the division after that person's placement in the operator in training position. At the time of such placement the agency shall notify the division of the (1) name of the operator in training, and (2) name and certificate number of the supervising operator. The supervising operator must have the same grade certificate or higher than the certificate level the operator in training must attain. The operator in training certificate may not be renewed.~~

~~Upon notification that a person is eligible under this section, and upon receipt of the fee as specified in Section 3687, the division shall issue an appropriate operator in training~~

~~certificate.~~

~~Note: Authority cited: Sections 1058 and 13627, Water Code.
Reference: Section 13625, Water Code.~~

~~3687. Fees.~~

- ~~(a) All fees are nonrefundable.~~
- ~~(b) The total cumulative fee for certification at each level shall be:
 - ~~(1) For Grades I, II, and III -- \$75.00~~
 - ~~(2) For Grades IV and V -- \$90.00~~~~
- ~~(c) This fee is payable in separate increments as follows:
 - ~~(1) A \$20.00 fee shall accompany all applications for certification.~~
 - ~~(2) After approval of applications by the division, fees shall be submitted as follows to take examinations:
 - ~~(A) For Grades I, II, and III -- \$25.00~~
 - ~~(B) For Grades IV and V -- \$30.00~~~~
 - ~~(3) After successful completion of examinations, a fee shall be submitted as follows for initial certification and every two years thereafter for the renewal of the certification:
 - ~~(A) For Grades I, II, and III -- \$30.00~~
 - ~~(B) For Grades IV and V -- \$40.00~~~~
 - ~~(d) A late fee of \$10.00 in addition to the regular renewal fee will be required to reinstate any certificate which has lapsed for failure to pay a renewal fee by the date due. A renewal form and fee must be submitted within one year of the date originally due in order to reinstate any certificate under this section.~~
 - ~~(e) After an application for reciprocal certification is approved, a \$55.00 fee shall be submitted for initial certification in Grades I, II, and III and a \$70.00 fee shall be submitted for initial certification in Grades IV or V.~~~~

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

~~3688. Issuance and Renewal of Certificates.~~

- ~~(a) Certificates shall be issued following successful completion of an examination and receipt of the initial certification fee. Such fee must be submitted within 90 days of notification of successful completion of an examination.~~
- ~~(b) Biennial renewal (including payment of a renewal fee) of all certificates is required. No examination is required for renewal except that no certificate shall be renewed without examination if a person fails to renew the certificate within one year following the date of expiration.~~
- ~~(c) The division shall notify applicants within 40 days after they have taken an examination whether they have successfully completed such examination.~~
- ~~(d) The division's median, minimum and maximum times for~~

~~processing examinations from September 1983 to September 1985 have been:~~

~~Median ————— 26 days
Minimum ————— 11 days
Maximum ————— 75 days~~

~~Note: Authority cited: Sections 1058 and 13628, Water Code.
Reference: Section 13628, Water Code, and Section 15376,
Government Code.~~

~~3689. ——— Posting of Certificate.~~

~~Certified operators shall display their certificates with renewal card attached at the wastewater treatment facility where employed.~~

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

~~3690. ——— Reciprocity with Other States.~~

~~Certificates may be issued, without examination, for a comparable classification to any person who holds a certificate in another state, if the requirements of that state are comparable to California's requirements, and if reciprocal privileges are granted by that state to an operator certified in California. In no case will a certificate be issued unless the applicant has taken a written examination in another state.~~

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

~~3691. ——— Certificate Revocation.~~

~~The board may revoke or refuse to renew the certificate of an operator, following a hearing before the board or its designated representative, if it is found that the operator has practiced fraud or deception, or has submitted false or misleading information on the operator's application, that reasonable care, judgment, or the application of the operator's knowledge or ability was not used in the performance of the operator's duties; or that the operator is unable to perform the operator's duties properly or that the operator has willfully or negligently caused or allowed the technical provisions of the appropriate waste discharge requirements or NPDES permit to be violated.~~

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

~~3692. ——— Protests and Appeals.~~

~~The division shall establish lists of those applicants who have successfully completed the examination for each grade of certification no later than 15 days after the results of all examinations are known. The lists shall be available upon request from the division.~~

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

~~3692.1. — Limitation on Time for Appeal.~~

~~An aggrieved party who wishes to protest any discretionary decision made by the Office of Operator Certification or any violation of the time periods set forth in Sections 3685 and 3688 may ask for a review of the decision by the division staff. Such protest must be mailed to the division in writing within 30 days of the announcement of examination results or notification of an Office of Operator Certification decision or violation of the time periods set forth in Sections 3685 and 3688. All requests must be accompanied by all evidence the aggrieved party wishes to be considered by the division and by the state board in any subsequent review.~~

~~Note: Authority cited: Section 1058, Water Code. Reference: Sections 13627 and 13628, Water Code; and Section 15378, Government Code.~~

~~3692.2 — Action by Division.~~

~~After review of such evidence, the division staff shall make a recommendation to the chief of the division. The chief of the division shall review the evidence and the staff recommendation and shall make a final division decision. Such decision shall be in writing, labeled as the final decision of the division and shall inform the aggrieved party that said decision is final and conclusive unless, within 30 days from the date of receipt of the decision, the aggrieved party petitions the state board for review.~~

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

~~3692.3 — Petition for Review by State Board.~~

~~(a) A petition for review by the state board shall contain the following:~~

- ~~(1) Name and address of petitioner.~~
- ~~(2) The specific final decision of the division which the state board is requested to review.~~
- ~~(3) The date when petitioner received the division's final decision.~~
- ~~(4) The manner in which the petitioner is aggrieved.~~
- ~~(5) The specific action by the state board which petitioner requests.~~
- ~~(6) A statement of the evidence presented to the division prior to the final decision.~~

~~(b) The petitioner may request a hearing for the purpose of presenting evidence not considered by the division for presenting oral arguments or both. Any request to present evidence not provided to the division must include a statement as to why such evidence could not have been presented to the division.~~

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

~~3692.4 — Defective Petitions.~~

~~Upon receipt by the state board of a petition which does not comply with Section 3692.3 of this part, the state board will notify the petitioner in what respect the petition is defective and the time within which an amended petition may be filed. If a properly amended petition is not received by the state board within the time allowed, the petition shall be dismissed unless good cause is shown for an extension of time.~~

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

~~3692.5. — Recommendation by Chief of the Division.~~

~~A copy of the petition and any accompanying statement(s) shall be sent to the chief of the division. The chief of the division shall file a response with the state board within 20 days of receipt thereof.~~

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

~~3692.6 — Action by State Board.~~

~~(a) The state board may:~~

~~(1) Refuse to review the final decision of the division if the petition is untimely.~~

~~(2) After review of the petition and the chief of the division's response:~~

~~(A) Deny the petition upon a finding that the final decision of the division was proper;~~

~~(B) Set aside or modify the division's final decision; or~~

~~(C) Direct the division to take appropriate action.~~

~~(b) Before taking final action, the state board may, in its discretion, hold a hearing for the purpose of oral argument or receipt of additional evidence or both, or the state board may provide for an informal meeting between the petitioner, the division, and a member of the state board and such other persons as the state board deems suitable for the purpose of attempting to resolve the dispute between the petitioner and the division.~~

~~(c) If a hearing is held, the state board shall give reasonable notice of the time and place of the hearing and of the issues to be considered to the petitioner, the division and such other persons as the state board deems appropriate. The hearing shall be conducted in a manner deemed most suitable for securing all relevant evidence without unnecessary delay.~~

~~(d) If the state board finds that the division has not met the time limits specified in Sections 3685 and 3688 for processing applications and examinations and has not shown good cause for exceeding such time limits, it shall direct the division to reimburse all filing fees paid by the applicant.~~

~~(1) The division shall be deemed to have good cause for~~

~~exceeding the time limits specified where:~~

~~(A) The number of certificates to be processed exceeds by 15 percent the number processed in the same calendar quarter the preceding year.~~

~~(B) The division must rely on another public or private entity for all or part of the processing and the delay is caused by the other entity.~~

~~(C) The delay is caused by an act or omission of the applicant.~~

~~Note: Authority cited: Section 1058, Water Code. Reference: Sections 13627 and 13628, Water Code, and Section 15376, Government Code.~~

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 they have the education necessary for the certificate in accordance with the provisions Subsection (c) of this section, and provided 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.

** Experience: One year of full-time experience in the operation 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 full-time experience in the operation performing the functions of a wastewater treatment plant operator; OR,

** (B) Experience: One and one-half years of full-time experience in the operation 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 full-time experience in the operation 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 full-time experience in the operation performing the functions of a wastewater treatment plant operator; OR,

** (C) Experience: Three years of full-time experience in the operation 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 units of basic science courses; AND,

** Experience: Two years of full-time experience in the operation 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 full-time experience in the operation 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 full-time experience in the operation performing the functions of a wastewater treatment plant operator; OR,

** (D) Experience: Four years of full-time experience in the operation 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 full-time experience in the operation 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 units of basic science courses; AND,

** Experience: Five years of full-time experience in the operation 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 full-time experience in the operation 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 full-time experience in the operation performing the functions of a wastewater treatment plant operator; OR,

** (E) Experience: Six years of full-time experience in the operation performing the functions of a wastewater treatment plant operator while certified as a Grade IV operator.

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

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 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).

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

Authority: Sections 1058 and 13627, Water Code
Reference: Section 13625, Water Code

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.

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

~~Article 5. Experience and Educational Requirements for Certification~~

~~3700. Certification of Eligibility.~~

~~Eligibility for certification shall be based on the following qualifications for each grade of wastewater treatment plant operator.~~

~~(a) Grade I:~~

~~(1) One year of full-time employment in actual operation and maintenance of a wastewater treatment plant and six educational points. Education may not be substituted for experience.~~

~~(2) Applicants will be required to pass a written examination to demonstrate their knowledge in these specific areas: general knowledge of the basic principles and methods of wastewater treatment and specific knowledge of the procedures involved in operating and maintaining stabilization ponds and primary treatment plants.~~

~~(b) Grade II:~~

~~(1) High school education or equivalent satisfactory to the division, two years of full-time experience in actual operation and maintenance of a wastewater treatment plant and six educational points, or~~

~~(2) One and one-half years of actual operation and maintenance experience while in possession of a Grade I certificate.~~

~~(3) Applicants shall be required to pass a written examination to demonstrate their knowledge in these specific areas: basic knowledge of record keeping, interpretation and reporting specific knowledge about functions of plant components, normal performance characteristics for commonly used primary and secondary treatment processes, chlorination, routine service and care of equipment, routine tests for evaluation of plant performance and plant and personnel safety procedures.~~

~~(c) Grade III:~~

~~(1) An AA degree including 15 semester units of basic science from a community college or two years at a college or university including 15 semester units of basic science and two years of experience in the operation and maintenance of a wastewater treatment plant, or~~

~~(2) High school education or equivalent satisfactory to the division, four years of experience in the operation and maintenance of a wastewater treatment plant and a minimum of 16 educational points, or~~

~~(3) Three years of actual operation and maintenance experience while in the possession of a Grade II certificate.~~

~~(4) Applicants shall be required to pass a written examination to demonstrate their knowledge of these specific areas: specific knowledge of design applications, operations, control, calculations involved in treating waste by primary treatment and biofiltration methods, various modifications of the activated sludge process and basic knowledge of the principles of tertiary treatment. With the addition of supervision and management skills, these same areas of knowledge shall be tested in examinations for Grades IV and V but the degree of difficulty shall increase with each successive grade.~~

~~(d) Grade IV:~~

~~(1) A Bachelor's degree with a major related to the wastewater treatment field and two years of actual operation and maintenance experience in wastewater treatment satisfactory to the division, or~~

~~(2) An AA degree including 15 semester units of basic science from a community college or two years at a college or university including 15 semester units of basic science and four years of experience in the operation and maintenance of a wastewater treatment plant, or~~

~~(3) Graduation from high school or equivalent satisfactory to the division and six years of experience in the operation and maintenance of a wastewater treatment plant, and a minimum of 32 educational points, or~~

~~(4) Four years of actual operation and maintenance experience while in the possession of a Grade III certificate.~~

~~(5) Applicants will be required to pass a written examination to demonstrate their knowledge in those areas listed in number 4 under Grade III above.~~

~~(e) Grade V:~~

~~(1) A license as a professional engineer in the State of California in a field acceptable to the division and four years of actual operation and maintenance experience in wastewater~~

~~treatment satisfactory to the division, or~~

~~(2) A Bachelor's degree with a major related to the wastewater treatment field and five years of actual operation and maintenance experience in wastewater treatment satisfactory to the division, or~~

~~(3) An AA degree including 15 semester units of basic science from a community college or two years at a college or university including 15 semester units of basic science and six years of experience in the operation and maintenance of a wastewater treatment plant, or~~

~~(4) Graduation from high school or equivalent satisfactory to the division and ten years of experience in the operation and maintenance of a wastewater treatment plant, and a minimum of 48 educational points, or~~

~~(5) Six years of actual operation and maintenance experience while in possession of a Grade IV certificate.~~

~~(6) Applicants shall be required to pass a written examination to demonstrate their knowledge in those areas listed in number 4, under Grade III above.~~

~~Note: Authority cited: Section 1058 and 13627, Water Code.
Reference: Section 13627, Water Code.~~

~~3701. Experience Equivalence.~~

~~(a) Applicants who have at least one year of qualifying experience in a wastewater treatment plant may substitute two or more years in the operation of a municipal water treatment plant for one year of experience as a wastewater treatment plant operator. This substitution may only be made if the water treatment plant includes two or more of the following processes: coagulation, sedimentation, aeration, filtration, oxidation, or chlorination.~~

~~(b) Except for the requirements under Section 3700(a) and 3700(d)(1), 16 educational points may be substituted for one year of experience. Educational points substituted for the experience required to qualify for a grade may not be reused to substitute for experience required to qualify for any other grade.~~

~~(c) Experience shall not be substituted for educational points.~~

~~(d) Credit for education shall be allowed as follows:~~

~~(1) Accredited college courses directly related to wastewater treatment for which registration as a student and regular classroom attendance is required will be assigned educational points on the basis that one three-semester unit course will be equivalent to eight educational points. Accredited courses with more or less units or with credit given in quarter units will be assigned educational points on a proportional basis. (2) All other courses will be assigned educational points based on Continuing Education Units (CEU). (One CEU is equivalent to ten classroom contact hours.) One acceptable CEU shall be equal to one educational point. An acceptable CEU shall be earned in a subject which the division~~

~~has determined is directly related to wastewater treatment. Indirectly related subject matter shall be evaluated as one-half credit.~~

~~Note: Authority cited: Section 1058 and 13627, Water Code.
Reference: Section 13625, Water Code.~~

~~3702. High School Equivalence~~

~~High school equivalence may be obtained by substituting six educational points for each uncompleted year of school through grade 12 or by passing an approved GED test.~~

~~Note: Authority cited: Sections 1058 and 13627, Water Code.
Reference: Section 13627, Water 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 education;
- (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.

Date of Examination

Final Filing Date

October 3, 1992

August 1, 1992

April 3, 1993

February 1, 1993

October 2, 1993

August 1, 1993

April 9, 1994
October 1, 1994
April 1, 1995
October 7, 1995
April 13, 1996
October 5, 1996
April 5, 1997
October 4, 1997
April 4, 1998
October 3, 1998
April 10, 1999
October 2, 1999
April 1, 2000
October 7, 2000
April 7, 2001
October 6, 2001

February 1, 1994
August 1, 1994
February 1, 1995
August 1, 1995
February 1, 1996
August 1, 1996
February 1, 1997
August 1, 1997
February 1, 1998
August 1, 1998
February 1, 1999
August 1, 1999
February 1, 2000
August 1, 2000
February 1, 2001
August 1, 2001

(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 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 - Application information which is deficient and which has not been corrected and returned to the division within 15 calendar days of the date of the notice of deficiency will not be processed; the applicant will 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

Authority: Sections 1058 and 13628, Water Code
Reference: Sections 13627, 13628, and 13629, Water Code and Section 15376, Government Code

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; and basic principles of tertiary treatment processes.
- (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 to an unauthorized person 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 for grades II through V are valid for four years from June 30 or December 31 following the examination (whichever date is sooner). Examination results for Grade I are valid for two years from June 30 or December 31 following the examination (whichever is sooner).

Authority: Sections 1058 and 13628, Water Code

Reference: Sections 13627, 13628, and 13629, Water Code and Section 15376, Government Code

3702. Application for Certification

(a) If an applicant is qualified for certification at the time of the examination, no application for certification is required.

However, if an applicant must gain experience after 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;
- (7) the certification fee prescribed by Article 8.

Authority: Sections 1058 and 13628, Water Code
Reference: Sections 13628, Water Code and Section 15376, Government Code

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; and,
- (3) The issue date of the certificate;
- (4) The state board seal;
- (5) The name, "State Water Resources Control Board";
- (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 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.

Authority: Sections 1058 and 13628, Water Code
Reference: Sections 13628, Water Code and Section 15376, Government Code

3702.2. Application for Renewal Card

- (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 operator certificate holder at his or her address of record. Failure to receive a notice of renewal does not relieve the operator 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) a statement signed by the applicant that he or she has not violated any of the provisions of these regulations including operating a wastewater treatment plant at a grade for which he or she was not certified; and,
 - (4) the renewal fee prescribed by Article 8.
- ** (d) Submittal - An operator 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 operator's certificate holder's renewal card.
- ** (e) Division review - Within 15 calendar days of receipt of an application for renewal, the division shall notify the operator certificate holder if the application is deficient. If there is a deficiency, the division shall inform the operator 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 renewal card if the application and fee are postmarked by the expiration date of the certificate.

Authority: Sections 1058 and 13628, Water Code
Reference: Sections 13628, Water Code and Section 15376,
Government Code

3702.3. Issuance of Renewal Card

A renewal card shall be issued at the same time as an operator certificate and shall indicate the first expiration date of the certificate. Thereafter, a renewal card 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 card or inform the applicant of the reason the card will not be issued.
- (b) The renewal card 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 card shall contain, but not be limited to the following:
 - ** (1) The operator's 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 operator 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.

Authority: Sections 1058 and 13628, Water Code
Reference: Sections 13628, Water Code and Section 15376, Government Code

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.

Authority: Sections 1058 and 13628, Water Code
Reference: Section 13628, Water Code and Section 15376, Government Code

3703. Posting Certificates

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

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

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 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.

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

~~Article 6. — Advisory Committee~~

~~3705. Advisory Committee.~~

~~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 September 1, 1981 shall continue as members of the advisory committee, and their terms shall expire as follows: One representative from a statewide organization representing local sanitation agencies, one representative from a statewide organization representing municipal 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, on June 30, 1984 and the other five members on June 30, 1983. Thereafter all members shall serve for a period of two years at which time committee members shall be eligible for reappointment. The committee shall meet when necessary to review all proposed regulations and make recommendations to the state board prior to adoption of any regulations or changes therein and approve any course for operator training.~~

~~Note: Authority cited: Section 1058 and 13631, Water Code.
Reference: Chapter 9 (commencing with Section 13625), division 7, Water Code.~~

Article 6. Operators-in-Training

** 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.

Authority: Section 1058 and 13627, Water Code
Reference: Section 13635, Water Code

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 30 or December 31 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.

Authority: Sections 1058 and 13628, Water Code.
Reference: Sections 13627-13629, Water Code; and Section 15376, Government Code.

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 and are not renewable. 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.

Authority: Sections 1058 and 13627, Water Code
Reference: Section 13625, Water Code

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

3710. Grounds for Discipline

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:

(a) willfully or negligently violating, causing, or allowing the violation of these regulations;

(b) willfully or negligently failing to directly supervise an operator-in-training under the certified operator's supervision;

(c) 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;

(d) submitting false or misleading information on any document provided to the division including applications for examination, certification, or renewal;

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

(f) using fraud or deception in the course of employment as an operator;

(g) 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;

(h) 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.

Authority: Sections 1058 and 13627, Water Code

Reference: Sections 13260, 13627, and 185, Water Code; Title IV, 33 USC, Section 402 (Clean Water Act)

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 division recommendation. Appellants must include with their requests, all documents and evidence to be considered by division staff in its review of the appeal.

Authority: Section 1058, Water Code

Reference: Section 13627 and 13628, Water Code

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.

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

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 the notice of the chief's determination.

(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.

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

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.

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

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.

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

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 3715. 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 the delay is caused by the other entity.

(3) the delay is caused by a delay or omission of the applicant.

Authority: Section 1058, Water Code

Reference: Sections 13627 and 13628, Water Code and Sections 15374 - 15378, Government Code

Article 8. Fees

3717. Operator and Operator-in-Training Fees

Following are fees for operator and operator-in-training applicants:

(a) Application fees are:

<u>Grade I:</u>	<u>\$25</u>
<u>Grade II:</u>	<u>30</u>
<u>Grade III:</u>	<u>40</u>
<u>Grade IV:</u>	<u>45</u>
<u>Grade V:</u>	<u>45</u>

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

(b) Examination fees are:

<u>Grade I:</u>	<u>\$ 25</u>
<u>Grade II:</u>	<u>30</u>
<u>Grade III:</u>	<u>75</u>
<u>Grade IV:</u>	<u>100</u>
<u>Grade V:</u>	<u>100</u>

(c) Certification fees are:

<u>Grade I:</u>	<u>\$ 50</u>
<u>Grade II:</u>	<u>70</u>
<u>Grade III:</u>	<u>90</u>
<u>Grade IV:</u>	<u>100</u>
<u>Grade V:</u>	<u>100</u>

(d) Renewal fees are:

<u>Grade I:</u>	<u>\$ 50</u>
<u>Grade II:</u>	<u>70</u>
<u>Grade III:</u>	<u>90</u>
<u>Grade IV:</u>	<u>100</u>
<u>Grade V:</u>	<u>100</u>

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

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

(g) 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.

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

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.

Authority: Sections 1058 and 13631, Water Code

Reference: Sections 13631, 13632, and 13633, Water Code