

**STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 2024-0021**

ADOPTING AMENDMENTS TO THE WASTEWATER OPERATOR CERTIFICATION  
PROGRAM FEES IN CALIFORNIA CODE OF REGULATIONS, TITLE 23, DIVISION 3,  
CHAPTER 26 (COMMENCING WITH SECTION 3670)

WHEREAS:

1. The State Water Resources Control Board (State Water Board) is responsible for the administration of the Wastewater Operator Certification Program (WWOCP) under chapter 9 of division 7 of the Water Code.
2. The State Water Board adopted California Code of Regulations, title 23, division 3, chapter 26 (commencing with section 3670) to implement chapter 9 of the Water Code (WWOCP Regulations).
3. Subdivision (e) of Water Code section 13628 requires the State Water Board to review its fees each fiscal year to ensure that the fees collected provide sufficient revenue to recover the costs of the WWOCP and to compensate for past over-collection or under-collection of revenue.
4. Subdivision (e) of Water Code section 13628 also authorizes the State Water Board to adopt amendments to the WWOCP fees through the emergency rulemaking process and the emergency regulation will remain in effect until it is revised by the State Water Board.
5. The State Water Board finds it appropriate to amend the WWOCP fees in sections 3677.1, 3677.5, 3717, and 3719.16 of the WWOCP Regulations to increase the fees to ensure the collection of adequate revenue and ensure a prudent fund reserve.
6. The WWOCP Operator Certification Advisory Committee met on June 5, 2024 to review and make recommendations on the proposed regulatory action in accordance with Water Code section 13633.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Adopts amendments to California Code of Regulations, title 23, division 3, chapter 26, sections 3677.1, 3677.5, 3717, and 3719.16 (Attachment A) as emergency regulations;
2. Authorizes the Executive Director or designee to transmit the emergency regulations to the Office of Administrative Law (OAL) for approval and filing with the Secretary of State; and
3. Authorizes the Executive Director or designee to make any non-substantive revisions to the emergency regulations to address any concerns of the OAL.

### CERTIFICATION

The undersigned Clerk 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 July 16, 2024.

AYE: Chair E. Joaquin Esquivel  
Vice Chair Dorene D'Adamo  
Board Member Sean Maguire  
Board Member Laurel Firestone  
Board Member Nichole Morgan

NAY: None

ABSENT: None

ABSTAIN: None



Courtney Tyler  
Clerk to the Board

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

# **PROPOSED AMENDMENTS**

**July 2024  
State Water Resources Control Board  
Division of Financial Assistance**

**TITLE 23. WATERS**  
**DIVISION 3. STATE WATER RESOURCES CONTROL BOARD AND REGIONAL**  
**WATER QUALITY CONTROL BOARDS**  
**CHAPTER 26. WASTEWATER TREATMENT PLANT CLASSIFICATION, OPERATOR**  
**CERTIFICATION, AND CONTRACT OPERATOR REGISTRATION**

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

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

- (a) An application for exemption shall contain sufficient information to demonstrate that the wastewater treatment plant meets the criteria prescribed in section 3677, and shall include:
- (1) the name, mailing and business addresses, and telephone number of the owner of the wastewater treatment plant;
  - (2) the name, business address, and telephone number of the wastewater treatment plant;
  - (3) an employee organization chart;
  - (4) the original signature of the owner of the wastewater treatment plant or the owner's authorized representative;
  - (5) the name of the Regional Water Board overseeing the wastewater treatment plant and a copy of the current waste discharge requirements issued by the State Water Board or Regional Water Board;
  - (6) a description and schematic of the wastewater treatment plant showing all wastewater treatment and solids handling processes including a flow diagram showing design flows and present flows for all wastewater treatment processes and a solids balance diagram for the solids handling processes;
  - (7) an evaluation of the operations of the wastewater treatment plant signed and stamped by a California registered professional chemical, civil, or mechanical engineer. The engineer shall identify potential operator errors, evaluate the potential effects of the identified operator errors on the operation of the wastewater treatment plant, and determine whether the operator errors could cause the wastewater treatment plant to violate water quality objectives; and

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

(b) A non-refundable application fee of \$1,080 shall accompany each application for exemption.

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

Authority cited: Sections 1058 and 13625.1, Water Code.

Reference: Section 13625.1, Water Code.

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

(a) An application for exemption renewal shall include all of the information required for an application for exemption in section 3677.1(a) and a \$405 application for exemption renewal fee.

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

(2) If the renewal application is not received by the Office of Operator Certification at least 30 days before the expiration of the exemption, the owner of the wastewater treatment plant shall pay a late fee of \$135 in addition to the renewal fee.

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

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

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

Authority cited: Sections 1058 and 13625.1, Water Code.

Reference: Section 13625.1, Water Code.

### **Article 10. Fees**

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

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

(b) Application fees for an examination are:

Operator Examination Application Fee Schedule

Grade	Application Fee	Re-examination Application Fee
I	\$95	\$47
II	\$122	\$61
III	\$176	\$88
IV	\$189	\$95
V	\$189	\$95

(c) Examination fees are:

Operator Examination Fee Schedule

Grade	Examination Fee
I	\$68
II	\$88
III	\$223
IV	\$304
V	\$304

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

Fee Schedule for Operators and Operators-in-Trainings With a Single Certificate

Grade	Certification Fee	Triennial Renewal Fee
I	\$169	\$203
II	\$230	\$203
III	\$304	\$203
IV	\$344	\$203
V	\$344	\$203

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

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

Grade	Certification Fee per Certificate	Triennial Renewal Fee per Certificate
I	\$128	\$149
II	\$169	\$149
III	\$230	\$149
IV	\$257	\$149
V	\$257	\$149

- (f) The reinstatement fee for all grades levels is \$135.
- (g) The fee for replacing a lost, stolen, damaged, or destroyed certificate is \$68.
- (h) Applicants for an examination waiver shall pay an examination waiver fee of \$135 in addition to the certification fee.

Authority cited: Sections 1058 and 13628, Water Code.

Reference: Sections 13627 and 13628, Water Code.

### **Article 12. Wastewater Treatment Plant Contract Operators**

#### § 3719.16. Wastewater Treatment Plant Contract Operator Registration Fees

- (a) The initial contract operator registration fee is \$473. For each operator employed in California by the contract operator, the contract operator shall pay a fee of \$101 up to a maximum of \$2,025 in combined contract operator registration fees and employee registration fees.
- (b) The annual renewal fee is \$473 plus \$101 for each operator employed in California by the contract operator up to a maximum of \$2,025 in combined contract operator registration renewal fees and employee registration fees.
- (c) If the renewal application is not received by the Office of Operator Certification at least 30 days before the expiration of the contract operator registration, the contract operator shall pay a late fee of \$135 in addition to the renewal fee.
- (d) The fee for replacing a lost, stolen, damaged, or destroyed contract operator registration or contract operator credential or for issuing an additional contract operator credential pursuant to section 3719.6 is \$68.

Authority cited: Sections 1058 and 13627.3, Water Code.

Reference: Section 13627.3, Water Code.

**3160 Wastewater Operator Certification Fund Condition**  
(amounts listed in thousands)

	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20	FY 2020/21	FY 2021/22	FY 2022/23
Revenue	\$1,265	\$1,008	\$703	\$682	\$571	\$630	\$608
Expenditures	\$1,037	\$1,046	\$1,212	\$969	\$985	\$1,388	\$1,212
Difference	\$228	(\$38)	(\$509)	(\$287)	(\$414)	(\$758)	(\$604)
% Difference	21.99%	-3.63%	-41.99%	-29.62%	-42.03%	-54.61%	-49.84%
Fund Balance							\$1,041

	FY 2023/24 Estimate	TOTALS	35% Fee Increase		35% Fee Increase		35% Fee Increase	
			FY 2024/25 Estimate	TOTALS	FY 2025/26 Estimate	TOTALS	FY 2026/27 Estimate	TOTALS
<b>Revenue</b>								
Fees	\$679		\$917		\$1,237		\$1,671	
<b>Subtotal</b>		\$679		\$917		\$1,237		\$1,671
<b>Expenditures</b>								
Personnel Services	\$858		\$1,150		\$1,150		\$1,150	
Supplemental Pension Assessment	\$21		\$16		\$16		\$16	
Pro Rata	\$88		\$65		\$65		\$65	
Contract – Computer Based Testing	\$150		\$150		\$150		\$150	
<b>Subtotal</b>		\$1,117		\$1,381		\$1,381		\$1,381
<b>Difference</b>		(\$438)		(\$464)		(\$144)		\$290
<b>Difference %</b>		-39.21%		-33.6%		-10.43%		20.99%



## Wastewater Operator Certification Program Fee Schedules

Fee Projections: 35% Fee Increase  
(rounded to the nearest whole dollar)

Operator Examinations			Operator Re-Examination	
(Application Processing and Examination Fees Combined)				
Grade	Current	Proposed	Current	Proposed
I	\$120	<b>\$162</b>	\$85	<b>\$115</b>
II	\$155	<b>\$209</b>	\$110	<b>\$149</b>
III	\$295	<b>\$398</b>	\$230	<b>\$311</b>
IV	\$365	<b>\$493</b>	\$295	<b>\$398</b>
V	\$365	<b>\$493</b>	\$295	<b>\$398</b>

Operator Certification Operators With a Single Certificate			Operator Certification Operators With a Multiple Certificates	
Operators and Operators-in-Training				
Grade	Current	Proposed	Current	Proposed
I	\$125	<b>\$169</b>	\$95	<b>\$128</b>
II	\$170	<b>\$230</b>	\$125	<b>\$169</b>
III	\$225	<b>\$304</b>	\$170	<b>\$230</b>
IV	\$255	<b>\$344</b>	\$190	<b>\$257</b>
V	\$255	<b>\$344</b>	\$190	<b>\$257</b>

Operator Certification Triennial Renewal Operators With a Single Certificate			Operator Certification Triennial Renewal Operators With a Multiple Certificates	
Operators and Operators-in-Training				
Grade	Current	Proposed	Current	Proposed
All Grades	\$150	<b>\$203</b>	\$110	<b>\$149</b>

Provisional Operator		
	Current	Proposed
Certification	\$125	No change, the WWOCP has never received a request.
Operator Owner Request	\$1,000	

<b>Contract Operator</b>		
	<b>Current</b>	<b>Proposed</b>
<b>Initial Registration Fee/ Annual Renewal Fee</b>	\$350	<b>\$473</b>
<b>Credential Fee/ Annual Renewal Fee (per operator employed)</b>	\$75	<b>\$101</b>
<b>MAXIMUM – in combined registration and employee registration fees (initial or renewal)</b>	\$1,500	<b>\$2,025</b>

<b>Exemption for Class I Wastewater Treatment Plants</b>		
	<b>Current</b>	<b>Proposed</b>
<b>Application Fee</b>	\$800	<b>\$1,080</b>
<b>Annual Renewal Fee</b>	\$300	<b>\$405</b>

<b>Misc. Fees</b>		
	<b>Current</b>	<b>Proposed</b>
<b>Replacement Fees (lost/stolen/damaged/destroyed)</b>	\$50	<b>\$68</b>
<b>Certification Reinstatement (all grades)</b>	\$100	<b>\$135</b>
<b>Renewal Late Fee</b>	\$100	<b>\$135</b>
<b>Examination Waiver (in addition to certification fee)</b>	\$100	<b>\$135</b>