



### Wastewater Treatment Plant Classification, Operator Certification and Contract Operator Registration Program Amended Regulations

#### **SUMMARY**

The State Water Resources Control Board (State Water Board) has revised its regulations in chapter 26 of division 3 of title 23 of the California Code of Regulations, regarding wastewater treatment plant classification, operator certification, and contractor operator registration for the Wastewater Treatment Plant Operator Certification Program. The regulations are effective on April 1, 2013.

#### **What's New?**

<b>Exemption of Class I WWTPs</b>	<ul style="list-style-type: none"> <li>An owner of a Class I WWTP may apply to the OOC for an exemption from reporting requirements if the WWTP could not, due to operator error, violate water quality objectives. (See <a href="#">Section 3677</a>) and <a href="#">Operator Certification Fee Schedule</a>)</li> </ul>
<b>Imposition of Administrative Civil Liability (ACL)</b>	<ul style="list-style-type: none"> <li>The State Water Board has the authority to impose ACL penalties administratively in accordance with article 2.5 (commencing with Section 13323) of chapter 5 and chapter 9 (commencing with Section 13625) of division 7 of the Water Code. (See <a href="#">Sections 3709 and 3719.11</a>)</li> </ul>
<b>Inclusion of privately owned wastewater treatment plants (WWTPs)</b>	<ul style="list-style-type: none"> <li>Within 60 days of the effective date, the owner of a privately owned WWTP must submit to the Office of Operator Certification (OOC) a completed plant classification form with additional required documents.</li> <li>No later than two (2) years from the effective date, all persons at a privately owned WWTP performing the duties of an operator must possess at least a Grade I certificate, a valid provisional operator certificate, or a valid operator-in-training (OIT) certificate.</li> <li>No later than two (2) years from the effective date, the owner of a privately owned WWTP must staff the WWTP with operators or appropriate grade levels. (See <a href="#">Section 3676 and 3680.1</a>)</li> </ul>
<b>Lone operator</b>	<ul style="list-style-type: none"> <li>A chief plant operator of a WWTP must receive approval from the OOC before assigning an operator as a lone operator. The chief plant operator must demonstrate that the owner has had difficulty, despite due diligence, hiring a certified operator of the appropriate grade to operate the WWTP. (See <a href="#">Section 3681</a>)</li> </ul>
<b>Provisional operator</b>	<ul style="list-style-type: none"> <li>An owner of a Class I WWTP may apply to the OOC to use a provisional operator. The owner must demonstrate that the owner has had difficulty hiring, despite due diligence, a certified operator to operate the WWTP. (See <a href="#">Section 3680.2, Article 5</a>, and <a href="#">Operator Certification Fee Schedule</a>)</li> </ul>

## What's changed?

<p><b>Application for Certification</b></p>	<ul style="list-style-type: none"> <li>• An applicant must submit a signed statement regarding whether a certifying body or court, for any act associated with performing duties at a facility that treats wastewater in a state other than California, in a territory, or on land under the jurisdiction of an Indian tribe, provided the duties are comparable to the duties of an operator or contract operator at a WWTP, has ever: taken final action to revoke or suspend the applicant's certification or registration; taken final action to discipline or impose ACL on the applicant or conducted an investigation regarding the applicant; or imposed civil or criminal liability upon the applicant.</li> <li>• An applicant who is currently employed as an operator must submit an original signed statement by the CPO verifying: the applicant's qualifying experience acquired at that WWTP; and a description of the duties that the applicant performs and/or will be performing at the WWTP. An applicant who is a CPO must submit an original signed statement by the owner. An applicant who is employed at a privately owned WWTP, which does not yet have a CPO, must submit an original signed statement by the owner. (See <a href="#">Section 3702</a>)</li> </ul>
<p><b>Application for Examination</b></p>	<ul style="list-style-type: none"> <li>• An applicant who is scheduled to take an examination and wants to request a change of testing location or have the application held until the next examination date must make the request at least 30 days before the examination. If the applicant fails to attend he next examination, the applicant may apply to take a subsequent examination by submitting a new examination application and the application fee for examination. (See <a href="#">Section 3700(d)</a>)</li> </ul>
<p><b>Definitions</b></p>	<ul style="list-style-type: none"> <li>• This section was revised to clarify various terms. (See <a href="#">Section 3671</a>)</li> </ul> <p style="text-align: center;"><b><i>Frequently Interpreted Definitions</i></b></p> <ul style="list-style-type: none"> <li>• <b>Associate's/Bachelor's degree</b> – “means a degree issued by a college or university accredited to award associate's/bachelor's degrees by the Western Association of Schools and Colleges or another accrediting organization recognized by the California Postsecondary Education Commission or the United States Department of Education.”</li> <li>• <b>Certifying Body</b> – “means a state other than California, a territory, or an Indian tribe or unit thereof, that certifies or registers any person performing duties at a facility that treats wastewater in a state other than California, in a territory, or on land under the jurisdiction or an Indian tribe, provided the duties are comparable to the duties of an operator or contract operator at a WWTP. ‘Certifying body’ includes entities designated by an Indian tribe to administer the tribe’s certification and/or contract registration program.”</li> <li>• <b>Chief Plant Operator</b> – “means any of the following: (1) the operator responsible for the overall operation of a WWTP including compliance with effluent limitations established in the WWTP’s waste discharge requirements and ensuring that OITs are supervised directly as required by section 3682; or (2) the provisional operator who is solely responsible for the operation of a Class I WWTP whose owner has received approval to use a provisional operator.”</li> <li>• <b>Designated operator-in-charge</b> – “means an operator appointed by the CPO pursuant to section 3680(b) to be responsible for the overall operation of a WWTP, including compliance with the applicable waste discharge requirements, when the CPO is unable to carry out the responsibilities of the position of ‘CPO’ as defined. The designated operator-in-charge shall report to the CPO.”</li> </ul>

**Definitions (cont.)**

- **Direct supervision** – “means the supervising operator shall oversee and inspect the work performed by the OIT and provide training to ensure the safe and proper execution of the OIT’s duties. Direct supervision shall be carried out by an operator at the same or higher grade level as the OIT. The supervising operator shall be present at the WWTP or otherwise available to consult with, and provide assistance to, the OIT in order to ensure the safe and proper execution of the OIT’s duties.”
- **Indian tribe** – “means an Indian tribe entity recognized by, and eligible to receive services from, the United States, and included in the list of the entities periodically published by the Bureau of Indian Affairs in the Federal Register.”
- **Management course** – “means a course that teaches supervision and management skills including oral communication, technical writing, public administration, business management, and finance. Operators may earn educational points for completion of management courses pursuant to section 3685(b).”
- **Operates** – “means actions or decisions to control the performance or outcome of one or more wastewater treatment processes. The term also includes the supervision of other operators acting or making decisions to control the performance or outcome of one or more wastewater treatment processes.”
- **Provisional operator** – “means a person who is solely responsible for the operation of a class I WWTP that has received written approval from the OOC to use a provisional operator in accordance with section 3680.2 and who possesses a valid, unexpired provisional operator certificate.
- **Qualifying experience** – “means experience acquired by an operator, provisional operator, or OIT while operating a WWTP as defined in the section. “Qualifying experience” includes experience acquired by a water treatment plant operator while operating a water recycling treatment plant in accordance with section 3670.1. The term may include the performance or minor maintenance related to the servicing, adjustment, or regulation of equipment necessary to maintain reliable operation of wastewater treatment processes.
- **Qualifying experience credit** – “means credit awarded in lieu of qualifying experience pursuant to section 3684. Qualifying experience credit is equivalent to qualifying experience and may be used to meet the experience requirements for operator certification pursuant to section 3687.”
- **Science course** – “means a course in mathematics, physics, engineering, chemistry, or biology. Operators may earn education points for completion of science courses pursuant to section 3685(a).”
- **Wastewater treatment course** – “means a course that teaches operators the skills to operate a wastewater treatment plant including water quality control, wastewater treatment, wastewater engineering, wastewater chemistry, and sanitation microbiology. Operators may earn educational points for completion of wastewater treatment courses pursuant to section 3685(a).”

<b>Definitions (cont.)</b>	<ul style="list-style-type: none"> <li>• <b>Wastewater treatment plant</b> – “means any of the following: (1) A facility owned by a state, local, or federal agency and used in the treatment or reclamation of sewage or industrial wastes; (2) A privately owned facility used in the treatment or reclamation of sewage or industrial wastes, and regulated by the Public Utilities Commission pursuant to sections 216 and 230.6 of, and chapter 4 (commencing with section 701) of part 1 of division 1, of the Public Utilities Code or; (3) A privately owned facility used primarily in the treatment or reclamation or sewage, and for which the State Water Board or Regional Water Board has issued waste discharge requirements. ‘Wastewater treatment plant’ includes water recycling treatment plants. The term ‘wastewater treatment plant’ does not include onsite sewage treatment systems as defined in section 13290 of the Water Code.”</li> </ul>
<b>Disciplinary Action, Appeal, and Petition Process</b>	<ul style="list-style-type: none"> <li>• Requests for reconsideration of a proposed disciplinary action letter issued by the Office of Enforcement (OE) must of be in writing and received by the Director of the OE within 45 days of the date of the proposed disciplinary action letter.</li> <li>• The Director of the OE shall review the evidence and make a Final OE Decision within 90 days of receipt of the request of reconsideration. (See <a href="#">Sections 3711 and 3712</a>)</li> </ul>
<b>Education and Experience Requirements</b>	<ul style="list-style-type: none"> <li>• The requirements apply to applicants for a new operator certificate, a renewed OIT certificate, or an examination. An operator holding a valid, unexpired certificate issued before the effective date does not need to meet the new requirements in order to renew a certificate. Additionally, an operator holding an expired certificate issued before the effective date does not need to meet the new requirements in order to reinstate a certificate. (See <a href="#">Section 3687</a>)</li> <li>• See the <a href="#">Operator Certification Requirements Table</a> for education and qualifying experience requirements for each “path.”</li> </ul>
<b>Educational Points</b>	<ul style="list-style-type: none"> <li>• Operators may receive educational points for completing wastewater treatment courses or science courses. At Grades III, IV, and V, operators may earn up to sixteen educational points for completing management courses. (See <a href="#">Section 3685(a) and (b)</a>.)</li> </ul>
<b>Examination Waiver</b>	<ul style="list-style-type: none"> <li>• Previously named “reciprocity,” the OOC will waive the examination requirement and fee if the applicant holds a valid, unexpired certificate issued by a certifying body for a position comparable to that of an operator at a WWTP, provided certain conditions are met. (See <a href="#">Section 3671, definition of “certifying body” and Section 3689</a>)</li> </ul>
<b>Fees</b>	<ul style="list-style-type: none"> <li>• The new fees take effect April 1, 2013. See the <a href="#">Operator Certification Fee Schedule</a> for detailed costs. This will allow the OOC to charge reasonable fees for processing and administering the associated costs for the Office of Operator Certification. This fee increase is necessary because the associated costs of the Operator Certification Program have increased significantly since the last fee increase in 2003. (See <a href="#">Section 3717</a>)</li> </ul>
<b>High School Equivalence</b>	<ul style="list-style-type: none"> <li>• Educational points <b>CANNOT</b> be substituted for uncompleted years of high school. (See <a href="#">Section 3686</a>)</li> <li>• An applicant who failed an examination and applies to retake the examination must submit a high school diploma or equivalence in order to meet the examination requirements.</li> </ul>
<b>Issuance of Certificates</b>	<ul style="list-style-type: none"> <li>• Operator certificates will be valid for two (2) years from the date of issue. (See <a href="#">Sections 3682.2, 3683.2, and 3702.3</a>)</li> </ul>

<p><b>Operator-in-Training (OIT)</b></p>	<ul style="list-style-type: none"> <li>• OIT applicants at any grade level must have completed the minimum amount of education requirements for certification as an operator at the grade level for which OIT grade level is requested. <b>(e.g., if an applicant applies for a Grade I OIT, the applicant must have a high school diploma or equivalent and six (6) educational points.)</b></li> <li>• A valid, unexpired Grade 1 through Grade V OIT certificate may be renewed repeatedly for additional two (2) years if the OIT has passes an examination at that grade level or higher and the OIT’s examination results have not expired; and the chief plant operator submits a plan for the qualifications for certification at the appropriate grade level. (See <a href="#">Article 4</a>)</li> </ul>
<p><b>Posting Certificates</b></p>	<ul style="list-style-type: none"> <li>• Operators, provisional operators, and OITs must display their valid certificates in an area accessible to the public at each WWTP where employed. (See <a href="#">Section 3703</a>)</li> </ul>
<p><b>Qualifying Experience Credit</b></p>	<ul style="list-style-type: none"> <li>• An applicant for operator certification who has acquired at least one year of full-time qualifying experience at a WWTP may receive qualifying experience credit, provided certain conditions are met. (See <a href="#">Section 3684</a>)</li> <li>• An applicant may receive a one-time credit for one (1) year of full-time qualifying experience if the applicant meets the conditions listed in Section 3684(a)(1).</li> <li>• An applicant may receive a one-time credit for one (1) year of full-time qualifying experience if the applicant has acquired 3,600 or more hours of experience in the areas listed in Section 3684(a)(2).</li> <li>• Educational points substituted for qualifying experience credit may not be used to satisfy education requirements in the Operator Certification Requirements Table in Section 3687 for certification or qualifying for an examination.</li> <li>• The OOC shall give qualifying experience credit for experience acquired at a facility that treats wastewater in a state other than California, in a territory, or on land under the jurisdiction of an Indian tribe, provided the duties are comparable to the duties of an operator at a WWTP and provided that during the time of employment, the applicant held a valid, unexpired certification of the appropriate grade level issued by a certifying body and the certification requirements are comparable to the requirements of the regulations.</li> <li>• Upon passing a written examination, each person applying for a certificate in accordance with Section 3680.1 who is employed at a privately owned WWTP shall be credited with a minimum of one (1) year of full-time qualifying experience.</li> <li>• An applicant may receive more than one (1) year of full-time qualifying experience credit if the applicant provides documentation of more than one (1) year of experience acquired while employed at a privately owned facility used primarily in the treatment or reclamation or sewage and for which the State Water Board or a Regional Water Quality Control Board (Regional Water Board) has issued waste discharge requirements, provided the duties are comparable to the duties of an operator at a WWTP and the owner verifies the experience.</li> </ul>

<b>Reporting Requirements for Operators</b>	<ul style="list-style-type: none"> <li>An operator, provisional operator, OIT, and contract operator must notify the OOC within 30 days of the date a certifying body or court, for any act associated with performing duties at a facility that treats wastewater in a state other than California, in a territory, or on land under the jurisdiction of an Indian tribe, provided the duties are comparable to the duties of an operator or contract operator at a WWTP, takes final action: to discipline the operator; to impose ACL; or to impose civil or criminal liability. (See <a href="#">Sections 3682.6, 3683.4, 3702.5, and 3719.10</a>)</li> </ul>
<b>Reporting requirements for Owners of WWTPs</b>	<ul style="list-style-type: none"> <li>Within 60 days of the effective date, the owner of any WWTP must submit to the OOC a signed statement from the chief plant operator acknowledging and accepting the responsibilities of the position of “chief plant operator.”</li> <li>Within 60 days of the effective date, the owner of any WWTP using sequencing batch reactor or extended aeration treatment for process control must submit to the OOC a completed plant classification form with additional required documents.</li> <li>The owner must notify the OOC in writing within 30 days of entering into or ending a contract with a contract operator. (See <a href="#">Section 3676</a>)</li> </ul>
<b>Unpaid Fees and ACL</b>	<ul style="list-style-type: none"> <li>The OOC will not issue, renew, reinstate, replace a certificate, or renew registration if the operator, provisional operator, OIT, or contact operator has not paid all fees and ACLs owed to the State Water Board. (See <a href="#">Sections 3702.7 and 3719.8</a>)</li> </ul>