

ASSEMBLY BILL

No. 2890

Introduced by Committee on Environmental Safety and Toxic Materials (Assembly Members Alejo (Chair), Gonzalez, McCarty, and Ting)

February 29, 2016

An act to amend Sections 106875, 106880, 106885, 106890, 106892, 106900, 106910, 116275, and 116555 of, to amend, renumber, and add Section 106876 of, to add Sections 106878, 106879, and 106898 to, to repeal Sections 106895 and 106896 of, and to repeal and add Section 106897 of, the Health and Safety Code, and to amend Sections 13625, 13626, 13627, 13627.1, 13627.2, 13627.3, 13628, 13628.5, 13629, and 13632 of, to add Section 13627.6 to, and to repeal Section 13627.5 of, the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 2890, as introduced, Committee on Environmental Safety and Toxic Materials. Drinking water and wastewater operator certification programs.

(1) Existing law requires the State Water Resources Control Board to examine and certify persons as to their qualifications to supervise or operate water treatment plants and water distribution systems. Existing law requires the certification to indicate the classification of water treatment plant or water distribution system that the person is qualified to supervise or operate.

This bill would require the board to appoint an advisory committee to assist it in carrying out its responsibilities to examine and certify people to operate water treatment plants and water distribution systems.

This bill would require the advisory committee to review all proposed regulations and make recommendations to the board.

Existing law provides for water treatment operators-in-training, meaning people who do not yet meet the experience requirements for a specific water treatment operator grade.

This bill would eliminate the category of a water treatment operator-in-training.

Existing law authorizes the board to suspend, revoke, or refuse to grant or renew any water treatment operator certificate or water treatment operator-in-training certificate to operate or supervise the operation of a water treatment plant or to place on probation or reprimand the certificate holder upon any reasonable grounds.

This bill would include willful or negligent acts that cause or allow the violation of certain laws as reasonable grounds for those purposes and would specify the rules for a board hearing prior to suspension or revocation of a valid operator certificate. This bill would provide that a person who submits to the board false or misleading information on an application or examination for a water treatment operator certificate or water distribution operator certificate may be liable civilly in an amount not to exceed \$5,000 for each violation. This bill would make a person who operates or is in responsible charge and allows the employment of a person who operates a water treatment plant or water distribution system that does not hold a valid, unexpired certificate of the appropriate grade guilty of a misdemeanor and would provide that civil liability may be imposed in an amount not to exceed \$100 for each day of violation. By expanding the definition of a crime, this bill would impose a state-mandated local program.

Existing law requires the board to establish fee schedules for the issuance, replacement, reinstatement, continuing education, and renewal of certificates to provide revenues that do not exceed the amount necessary, but are sufficient, to recover all costs incurred in the administration of these certification provisions. Existing law establishes the Drinking Water Operator Certification Special Account in the State Treasury and provides that fees collected by the board to recover the costs of the certification provisions are to be deposited in the account.

This bill would specify that the moneys in the account are available, upon appropriation by the Legislature. This bill would require the board to adopt, by emergency regulations, a schedule of fees to recover costs incurred for the purposes of these certification provisions, as prescribed.

This bill would require the board to review and revise the fees, as necessary, each fiscal year.

Existing law requires the board to evaluate the water distribution operator certification program of the California-Nevada Section of the American Water Works Association and issue an appropriate water distribution operator certificate for those certified operators that have satisfied the provisions regulating water distribution system operators. Existing law requires the board to recognize as valid and sufficient certificates issued by certification programs of other states, as specified.

This bill would repeal these provisions and instead would require the board to issue a water treatment operator certificate and water distribution operator certificate by reciprocity to any person holding a valid, unexpired, comparable certification issued by another state, the United States, or a unit thereof.

(2) Existing law requires the State Water Resources Control Board to classify types of wastewater treatment plants for the purpose of determining the levels of competence necessary to operate them. Existing law requires supervisors and operators of wastewater treatment plants to possess a certificate of appropriate grade. Existing law authorizes the board to exempt from these requirements certain facilities.

This bill would require a person who operates a nonexempt wastewater treatment plant to possess a valid, unexpired wastewater certificate or water treatment operator certificate of the appropriate grade. The bill would require the board to prescribe the procedures and requirements for designation of a chief plant operator and the duties of a chief plant operator.

Existing law authorizes the board to suspend, revoke, or refuse to grant or renew any certificate issued by the board to operate a wastewater treatment plant or to place on probation or reprimand the certificate holder upon any reasonable grounds.

This bill would include willful or negligent acts that cause or allow the violation of the Porter-Cologne Water Quality Control Act as reasonable grounds for these purposes.

Under existing law, any person who submits to the board false or misleading information on an application for a certificate to operate a wastewater treatment plant or on an application for registration may be liable civilly in an amount not to exceed \$5,000 for each violation.

This bill would add that any person who submits to the board false or misleading information on an application for an examination for a wastewater certificate may be liable civilly in that amount.

Under existing law, operating, owning, or allowing the employment of a person who operates a wastewater treatment plant that does not hold a valid, unexpired certificate of the appropriate grade is a misdemeanor and civil liability may be imposed in an amount not to exceed \$100 for each day of violation.

This bill would make a person who operates a wastewater treatment plant without a wastewater certificate or a water recycling treatment plant without a wastewater certificate or water treatment operator certificate, as prescribed, guilty of a misdemeanor and provides that civil liability may be imposed. This bill would make employing such a person subject to the same penalties. By expanding the definition of a crime, this bill would impose a state-mandated local program.

Existing law requires certificates to be renewed biennially.

This bill would require a wastewater certificate issued or renewed on or after January 1, 2017, to be renewed triennially.

Existing law authorizes the board to impose fees to cover the costs of the wastewater treatment plant operator certification program, and requires the fees to be deposited in the Wastewater Operator Certification Fund. Existing law authorizes the board to expend the moneys in the fund, upon appropriation by the Legislature, for purposes of administering the program.

This bill would require the board to establish a fee schedule to provide revenues that do not exceed the amount necessary, but are sufficient, to recover all the costs of the program. This bill would require the board to adopt, by emergency regulations, a schedule of fees to recover costs incurred for the purposes of this program, as prescribed. This bill would require the board to review and revise the fees, as necessary, each fiscal year.

Existing law requires any operator employed at certain privately owned facilities used primarily in the treatment or reclamation of sewage to pass any written examination administered by the board and to be credited with one year of experience for purposes of operator certification. Existing law authorizes the board to charge a reasonable fee for administering these provisions.

This bill would eliminate these provisions.

Existing law authorizes the board to approve courses of instruction at higher educational institutions that will qualify operators for each grade of certification and approve courses of instruction given by professional associations, nonprofit private agencies, or public agencies that are deemed equivalent.

This bill would eliminate the requirement that the private agencies be nonprofit.

Existing law requires the board to appoint an advisory committee to assist it in carrying out its wastewater treatment plant classification and operator certification responsibilities. Existing law provides that the advisory committee consists of 10 persons, one of whom is a professional engineer specializing in sanitary engineering.

This bill would replace the professional engineer with a person employed as an operator at a water recycling treatment plant.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 106875 of the Health and Safety Code
2 is amended to read:

3 106875. (a) ~~The department~~ *state board* shall examine and
4 certify persons as to their qualifications to ~~supervise or~~ operate
5 water treatment plants. The certification shall indicate the
6 classification of water treatment plant that the person is qualified
7 to ~~supervise or~~ operate.

8 (b) ~~The department~~ *state board* shall examine and certify
9 persons as to their qualifications to ~~supervise or~~ operate a water
10 distribution system. The certification shall indicate the
11 classification of distribution system that the person is qualified to
12 ~~supervise or~~ operate.

13 SEC. 2. Section 106876 of the Health and Safety Code is
14 amended and renumbered to read:

15 ~~106876.~~

16 106877. (a) ~~The department~~ *state board* may suspend, revoke,
17 or refuse to grant or renew any water treatment operator certificate
18 ~~or water treatment operator-in-training certificate~~ to operate ~~or~~
19 ~~supervise the operation of~~ a water treatment plant or may place on
20 probation or reprimand the certificate holder upon any reasonable
21 grounds, including, but not limited to, any of the following:

- 1 (1) The submission of false or misleading information on an
 2 application for a *water treatment operator* certificate or ~~engaging~~
 3 ~~in dishonest conduct during an examination. an examination for~~
 4 *a water treatment operator certificate.*
- 5 (2) The use of fraud or deception in the course of operating or
 6 ~~supervising the operation of~~ a water treatment plant or a water
 7 recycling treatment plant.
- 8 (3) The failure to use reasonable care or judgment in the
 9 ~~operation or supervision of the operation of~~ a water treatment plant
 10 or a water recycling treatment plant.
- 11 (4) The inability to perform operating duties properly in a water
 12 treatment plant or a water recycling treatment plant.
- 13 ~~(5) The failure to meet all requirements for certificate renewal.~~
- 14 (5) *Engaging in dishonest conduct during an examination for*
 15 *a water treatment operator certificate.*
- 16 (6) The conduct of willful or negligent acts that cause or allow
 17 the violation of the *federal Safe Drinking Water Act* (Subchapter
 18 XII (commencing with Section 300f) of Chapter 6A of Title 42 of
 19 the United States Code) ~~Code~~, *the California Safe Drinking Water*
 20 *Act* (Chapter 4 (commencing with Section 116270) of Part 12), or
 21 the regulations and standards adopted pursuant to ~~that either~~ act.
- 22 (7) Willfully or negligently violating or causing or allowing
 23 the violation of waste discharge requirements or permits issued
 24 pursuant to the ~~Federal Water Pollution Control~~ *Clean Water Act*
 25 (33 U.S.C. Sec. 1251 et seq.) ~~or the Porter-Cologne Water Quality~~
 26 *Control Act* (Division 7 (commencing with Section 13000) of the
 27 *Water Code*) while operating a water recycling treatment plant.
- 28 (b) The ~~department~~ *state board* may suspend, revoke, or refuse
 29 to grant or renew any water distribution operator certificate to
 30 operate or ~~supervise the operation of~~ a water distribution system
 31 or may place on probation or reprimand the certificate holder upon
 32 any reasonable grounds, including, but not limited to, any of the
 33 following:
- 34 (1) The submission of false or misleading information on an
 35 application for a *water distribution operator* certificate or ~~engaging~~
 36 ~~in dishonest conduct during an examination. an examination for~~
 37 *a water distribution operator certificate.*
- 38 (2) The use of fraud or deception in the course of operating or
 39 ~~supervising the operation of~~ a water distribution system.

1 (3) The failure to use reasonable care of judgment in the
2 operation or supervision of the operation of a water distribution
3 system.

4 (4) The inability to perform operating duties properly in a water
5 distribution system.

6 ~~(5) The failure to meet all requirements for certificate renewal.~~

7 (5) *Engaging in dishonest conduct during an examination for*
8 *a water distribution operator certificate.*

9 (6) The conduct of willful or negligent acts that cause or allow
10 the violation of the federal Safe Drinking Water Act (Subchapter
11 XII (commencing with Section 300f) of Chapter 6A of Title 42 of
12 the United States Code), *the California Safe Drinking Water*
13 *Act (Chapter 4 (commencing with Section 116270) of Part 12)*, or
14 the regulations and standards adopted pursuant to ~~that~~ *either* act.

15 (c) Prior to *suspension or* revocation of a valid operator
16 certificate, the ~~department~~ *state board* shall provide the certificate
17 holder with an opportunity for a hearing before the ~~department~~
18 *state board, in accordance with rules adopted pursuant to Section*
19 *185 of the Water Code.*

20 (d) ~~For purposes of this section, “water recycling treatment~~
21 ~~plant” means a treatment plant that receives and further treats~~
22 ~~secondary and/or tertiary effluent from a wastewater treatment~~
23 ~~plant.~~

24 SEC. 3. Section 106876 is added to the Health and Safety Code,
25 to read:

26 106876. As used in this article, unless the context otherwise
27 requires, the following definitions apply:

28 (a) “Community water system” has the same meaning as defined
29 in Section 116275.

30 (b) “Local primacy agency” has the same meaning as defined
31 in Section 116275.

32 (c) “Nontransient noncommunity water system” has the same
33 meaning as defined in Section 116275.

34 (d) “Operates a water distribution system” means actions or
35 decisions to control the quality or quantity of drinking water in a
36 water distribution system and includes both of the following:

37 (1) Supervision of other persons operating a water distribution
38 system.

1 (2) Any activity designated by the state board, in its regulations
2 to implement this article, as an activity that may only be performed
3 by a person with a water distribution operator certificate.

4 (e) “Operates a water treatment plant” means actions or
5 decisions to control the performance of one or more drinking water
6 treatment processes and includes both of the following:

7 (1) Supervision of other persons operating a water treatment
8 plant.

9 (2) Any activity designated by the state board, in its regulations
10 to implement this article, as an activity that may only be performed
11 by a person with a water treatment operator certificate.

12 (f) “Wastewater certificate” has the same meaning as defined
13 in Section 13625 of the Water Code.

14 (g) “Wastewater treatment plant” has the same meaning as
15 defined in Section 13625 of the Water Code.

16 (h) “Water distribution operator certificate” means a certificate
17 of competency issued by the state board stating that a person has
18 met the requirements to be certified to operate a water distribution
19 system for a specified grade level.

20 (i) “Water distribution system” has the same meaning as defined
21 in Section 116275.

22 (j) “Water recycling treatment plant” has the same meaning as
23 defined in Section 13625 of the Water Code.

24 (k) “Water treatment operator certificate” means a certificate
25 of competency issued by the state board stating that a person has
26 met the requirements to be certified to operate a water treatment
27 plant for a specified grade level.

28 (l) “Water treatment plant” has the same meaning as defined in
29 Section 116275.

30 (m) “Water treatment process” means a process that improves
31 the physical, chemical, biological, or radiological quality of water
32 in order to render the water acceptable for use as drinking water
33 and includes all of the following:

34 (1) Aeration.

35 (2) Blending.

36 (3) Chemical addition.

37 (4) Contaminant removal.

38 (5) Conventional treatment.

39 (6) Demineralization.

40 (7) Disinfection.

- 1 (8) Filtration.
- 2 (9) Fluoridation.
- 3 (10) Ion exchange.
- 4 (11) pH adjustment.
- 5 (12) Pre- and post-treatment.
- 6 (13) Reverse osmosis.

7 SEC. 4. Section 106878 is added to the Health and Safety Code,
8 to read:

9 106878. (a) Any person who commits either of the following
10 violations is guilty of a misdemeanor and may be liable civilly in
11 an amount not to exceed one hundred dollars (\$100) for each day
12 of violation:

13 (1) Operates a water treatment plant but does not hold a valid,
14 unexpired water treatment operator certificate of the appropriate
15 grade in accordance with regulations adopted pursuant to Section
16 106910.

17 (2) Operates a water distribution system but does not hold a
18 valid, unexpired water distribution operator certificate of the
19 appropriate grade in accordance with the regulations adopted
20 pursuant to Section 106910.

21 (b) (1) Any person or entity who is in responsible charge of a
22 water treatment plant and allows the employment of any person
23 as a water treatment operator who does not hold a valid, unexpired
24 water treatment operator certificate of the appropriate grade in
25 accordance with the regulations adopted pursuant to Section
26 106910 is guilty of a misdemeanor and may be liable civilly in an
27 amount not to exceed one hundred dollars (\$100) for each day of
28 violation.

29 (2) Any person or entity who is in responsible charge of a water
30 distribution system and allows the employment of any person as
31 a water distribution operator who does not hold a valid, unexpired
32 water distribution operator certificate of the appropriate grade in
33 accordance with the regulations adopted pursuant to Section
34 106910 is guilty of a misdemeanor and may be liable civilly in an
35 amount not to exceed one hundred dollars (\$100) for each day of
36 violation.

37 (c) Any person or entity that commits an act described in
38 paragraph (2), (3), (5), or (6) of subdivision (a) of, or paragraph
39 (2), (3), (5), or (6) of subdivision (b) of, Section 106877, may be

1 liable civilly in an amount not to exceed five thousand dollars
 2 (\$5,000) for each violation.

3 (d) Any person that commits an act described in paragraph (1)
 4 of subdivision (a) of, or paragraph (1) of subdivision (b) of, Section
 5 106877 may be liable civilly in an amount not to exceed five
 6 thousand dollars (\$5,000) for each violation.

7 SEC. 5. Section 106879 is added to the Health and Safety Code,
 8 to read:

9 106879. (a) The state board may administratively impose civil
 10 liability pursuant to this article or, upon the request of the state
 11 board, the Attorney General may impose civil liability pursuant
 12 to this article in an action in superior court. The state board may
 13 impose civil liability administratively in accordance with Article
 14 2.5 (commencing with Section 13323) of Chapter 5 of Division 7
 15 of the Water Code.

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

20 SEC. 6. Section 106880 of the Health and Safety Code is
 21 amended to read:

22 106880. The state ~~department~~ *board* shall hold at least one
 23 examination each year for the purpose of examining candidates
 24 ~~for certification. water treatment operator certificates and water~~
 25 ~~distribution operator certificates.~~

26 SEC. 7. Section 106885 of the Health and Safety Code is
 27 amended to read:

28 106885. (a) ~~All persons who operate or supervise the operation~~
 29 ~~of water treatment plants shall possess a valid and current (1) A~~
 30 ~~person who operates a water treatment plant shall possess a valid,~~
 31 ~~unexpired water treatment operator certificate or water treatment~~
 32 ~~operator-in-training certificate of appropriate grade in accordance~~
 33 ~~with the regulations referred to in adopted pursuant to Section~~
 34 106910.

35 (2) *A person who is in responsible charge of the water treatment*
 36 *plant shall possess a valid, unexpired water treatment operator*
 37 *certificate equal to or greater than the classification of the water*
 38 *treatment plant.*

39 (b) ~~All persons who are in responsible charge of the water~~
 40 ~~distribution system of a community water system or a nontransient~~

1 ~~noncommunity water system shall possess a valid and current~~
2 *(1) A person who operates a water distribution system shall*
3 *possess a valid, unexpired water distribution operator certificate*
4 *of the appropriate grade in accordance with the regulations referred*
5 *to in adopted pursuant to Section 106910.*

6 *(2) A person who is in responsible charge of the water*
7 *distribution system shall possess a valid, unexpired water*
8 *distribution operator certificate equal to or greater than the*
9 *classification of the water distribution system.*

10 SEC. 8. Section 106890 of the Health and Safety Code is
11 amended to read:

12 106890. *(a) It is the intent of the Legislature that the program*
13 *authorized pursuant to this article be entirely self-supporting, and*
14 *for this purpose the ~~department~~ state board is authorized to*
15 *establish fee schedules for the issuance, replacement, reinstatement,*
16 *continuing education, and renewal of certificates that shall provide*
17 *revenues that shall not exceed the amount necessary, but shall be*
18 *sufficient, to recover all costs incurred in the administration of this*
19 *article.*

20 *(b) The state board may establish reduced fees for the issuance*
21 *of, and renewal of, a water treatment operator certificate for*
22 *applicants who hold a valid, unexpired water distribution operator*
23 *certificate or a valid, unexpired wastewater certificate.*

24 *(c) The state board may establish reduced fees for the issuance*
25 *of, and renewal of, a water distribution operator certificate for*
26 *applicants who hold a valid, unexpired water treatment operator*
27 *certificate or a valid, unexpired wastewater certificate.*

28 *(d) (1) The state board shall set the amount of total revenue*
29 *collected each year through the fee schedules at an amount equal*
30 *to the amount appropriated by the Legislature in the annual Budget*
31 *Act from the Drinking Water Operator Certification Special*
32 *Account for expenditure for the administration of this article,*
33 *taking into account the reserves in the account. The state board*
34 *shall review the fees each fiscal year and revise the fees as*
35 *necessary to conform with the amounts appropriated by the*
36 *Legislature. If the state board determines that the revenue collected*
37 *during the preceding year was greater than, or less than, the*
38 *amounts appropriated by the Legislature, the state board may*
39 *further adjust the fees to compensate for the overcollection or*
40 *undercollection of revenue.*

1 (2) *The state board may adopt regulations pursuant to this*
 2 *section, including any subsequent adjustments to the fees or*
 3 *subsequent amendments to the regulations, as emergency*
 4 *regulations in accordance with Chapter 3.5 (commencing with*
 5 *Section 11340) of Part 1 of Division 3 of Title 2 of the Government*
 6 *Code. The adoption of these emergency regulations is an*
 7 *emergency and shall be considered by the Office of Administrative*
 8 *Law as necessary for the immediate preservation of the public*
 9 *peace, health, safety, and general welfare. Notwithstanding*
 10 *Chapter 3.5 (commencing with Section 11340) of Part 1 of Division*
 11 *3 of Title 2 of the Government Code, any emergency regulations*
 12 *adopted by the state board, or any adjustment to the fees made by*
 13 *the state board pursuant to this section, shall remain in effect until*
 14 *revised by the state board.*

15 SEC. 9. Section 106892 of the Health and Safety Code is
 16 amended to read:

17 106892. (a) There is in the State Treasury the Drinking Water
 18 Operator Certification Special Account. ~~Fees collected pursuant~~
 19 ~~to Section 106890 shall be deposited in the account created by this~~
 20 ~~section. Moneys in the special account are available to the state~~
 21 ~~board, upon appropriation by the Legislature, for the purposes of~~
 22 ~~administering this article.~~

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

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

27 (2) *Fees collected pursuant to Section 106890.*

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

30 SEC. 10. Section 106895 of the Health and Safety Code is
 31 repealed.

32 ~~106895. (a) A person employed as a water distribution~~
 33 ~~operator, as defined by Section 116275, who does not hold a~~
 34 ~~certificate pursuant to Section 106885, may be issued an~~
 35 ~~appropriate certificate provided that the water system with which~~
 36 ~~the operator is employed has applied for the certificate within one~~
 37 ~~year after the adoption of the regulations implementing this section.~~

38 ~~(b) A certificate issued pursuant to subdivision (a) shall be~~
 39 ~~effective only at the site at which the operator was employed. The~~
 40 ~~operator shall meet all certification requirements and hold a valid~~

1 certificate pursuant to Section 106885 in order to operate another
2 system.

3 (e) ~~If the classification of the distribution system changes to a
4 higher level, the certificate of the water distribution operator that
5 was issued pursuant to subdivision (a) for that water distribution
6 system is no longer valid.~~

7 (d) ~~Any water distribution operator who is certified under
8 subdivision (a) shall meet all of the requirements for renewal,
9 including necessary training and the payment of fees.~~

10 SEC. 11. Section 106896 of the Health and Safety Code is
11 repealed.

12 ~~106896. The department shall evaluate the water distribution
13 operator certification program of the California-Nevada Section
14 of the American Water Works Association (CNAWWA) and issue
15 an appropriate water distribution system operator certificate for
16 those certified operators that have satisfied the provisions of this
17 article and any regulations promulgated under this chapter.~~

18 SEC. 12. Section 106897 of the Health and Safety Code is
19 repealed.

20 ~~106897. On or after the effective date of regulations
21 implementing this article, certificates issued by certification
22 programs of other states shall be recognized as valid and sufficient
23 under this article if the department determines that the program of
24 the other state is consistent with this article and the regulations
25 promulgated under this article.~~

26 SEC. 13. Section 106897 is added to the Health and Safety
27 Code, to read:

28 106897. The state board shall issue a water treatment operator
29 certificate and water distribution operator certificate by reciprocity
30 to any person holding a valid, unexpired, comparable certification
31 issued by another state, the United States, or a unit thereof. The
32 state board may, by regulations, prescribe the procedures and
33 requirements for issuing a water treatment operator certificate and
34 water distribution operator certificate by reciprocity.

35 SEC. 14. Section 106898 is added to the Health and Safety
36 Code, to read:

37 106898. (a) The state board shall appoint an advisory
38 committee to assist it in carrying out its responsibilities pursuant
39 to this article. The advisory committee shall review all proposed

1 regulations and make recommendations to the state board before
 2 the adoption of a regulation or an amendment to a regulation.

3 (b) The advisory committee shall consist of the following
 4 members:

5 (1) Two persons from a statewide organization representing
 6 medium to large water systems.

7 (2) Two persons from a statewide organization representing
 8 small water systems.

9 (3) One person from a local primacy agency.

10 (4) One person who is employed as an operator at a water
 11 recycling treatment plant.

12 (5) One person from a university or a state university school or
 13 division of engineering.

14 (6) One person who is a member of an organized labor union
 15 that represents water treatment operators and water distribution
 16 operators.

17 (7) One person who is employed by an educational institution,
 18 professional association, public agency, or private agency to
 19 provide water treatment or water distribution courses of instruction.

20 SEC. 15. Section 106900 of the Health and Safety Code is
 21 amended to read:

22 106900. ~~The department~~ *state board* may approve courses of
 23 instruction provided by educational institutions, professional
 24 associations, public agencies, or private agencies for purposes of
 25 qualifying persons for ~~initial certification, certification renewal,~~
 26 ~~and recertification as~~ *issuance of and renewal of* a water treatment
 27 ~~operator, water treatment operator-in-training, operator certificate~~
 28 ~~or water distribution operator.~~ *operator certificate.*

29 SEC. 16. Section 106910 of the Health and Safety Code is
 30 amended to read:

31 106910. ~~The department~~ *state board* may adopt rules,
 32 regulations, and certification standards necessary to carry out the
 33 provisions of this article, pursuant to Chapter 3.5 (commencing
 34 with Section 11340) of Part 1 of Division 3 of Title 2 of the
 35 Government Code. The rules, regulations, and standards shall
 36 include, but not be limited to, the following:

37 (a) The classification of *water* treatment plants taking into
 38 consideration the plant size, character of the water being treated,
 39 type and degree of treatment, complexity of operation, and other

1 physical conditions affecting the operation of the water treatment
2 plant.

3 (b) The classification of distribution systems of community
4 water systems and nontransient noncommunity water systems
5 taking into consideration the complexity and size of the system.

6 (c) Criteria and standards establishing the level of skill,
7 knowledge, education, and experience necessary to operate
8 successfully ~~or to supervise successfully the operation of~~ specific
9 classes of water treatment plants so as to protect public health.

10 (d) Criteria and standards establishing the level of skill,
11 knowledge, and experience necessary to operate successfully ~~or~~
12 ~~to supervise successfully the operation of~~ specific classes of water
13 distribution systems so as to protect the public health.

14 (e) *(1) Criteria and standards for operator certification renewal*
15 *water treatment operator certificate and water distribution*
16 *operator certificate renewal, including continuing education*
17 requirements.

18 *(2) The state board shall not renew any person's water*
19 *treatment operator certificate or water distribution operator*
20 *certificate if that person does not meet all requirements for*
21 *certificate renewal.*

22 (f) Criteria and standards for ~~recertification of an operator~~
23 ~~reinstatement of a water treatment operator certificate or water~~
24 ~~distribution operator certificate~~ when the ~~operator's~~ certificate
25 has lapsed.

26 (g) Criteria and standards for the availability of designated
27 water treatment ~~operators~~ *operator certificate holders* for each
28 operating shift.

29 SEC. 17. Section 116275 of the Health and Safety Code is
30 amended to read:

31 116275. As used in this chapter:

32 (a) "Contaminant" means any physical, chemical, biological,
33 or radiological substance or matter in water.

34 (b) "Department" means the state board.

35 (c) "Primary drinking water standards" means:

36 (1) Maximum levels of contaminants that, in the judgment of
37 the state board, may have an adverse effect on the health of persons.

38 (2) Specific treatment techniques adopted by the state board in
39 lieu of maximum contaminant levels pursuant to subdivision (j)
40 of Section 116365.

1 (3) The monitoring and reporting requirements as specified in
2 regulations adopted by the state board that pertain to maximum
3 contaminant levels.

4 (d) “Secondary drinking water standards” means standards that
5 specify maximum contaminant levels that, in the judgment of the
6 state board, are necessary to protect the public welfare. Secondary
7 drinking water standards may apply to any contaminant in drinking
8 water that may adversely affect the odor or appearance of the water
9 and may cause a substantial number of persons served by the public
10 water system to discontinue its use, or that may otherwise adversely
11 affect the public welfare. Regulations establishing secondary
12 drinking water standards may vary according to geographic and
13 other circumstances and may apply to any contaminant in drinking
14 water that adversely affects the taste, odor, or appearance of the
15 water when the standards are necessary to ensure a supply of pure,
16 wholesome, and potable water.

17 (e) “Human consumption” means the use of water for drinking,
18 bathing or showering, hand washing, oral hygiene, or cooking,
19 including, but not limited to, preparing food and washing dishes.

20 (f) “Maximum contaminant level” means the maximum
21 permissible level of a contaminant in water.

22 (g) “Person” means an individual, corporation, company,
23 association, partnership, limited liability company, municipality,
24 public utility, or other public body or institution.

25 (h) “Public water system” means a system for the provision of
26 water for human consumption through pipes or other constructed
27 conveyances that has 15 or more service connections or regularly
28 serves at least 25 individuals daily at least 60 days out of the year.
29 A public water system includes the following:

30 (1) Any collection, treatment, storage, and distribution facilities
31 under control of the operator of the system that are used primarily
32 in connection with the system.

33 (2) Any collection or pretreatment storage facilities not under
34 the control of the operator that are used primarily in connection
35 with the system.

36 (3) Any water system that treats water on behalf of one or more
37 public water systems for the purpose of rendering it safe for human
38 consumption.

39 (i) “Community water system” means a public water system
40 that serves at least 15 service connections used by year-long

1 residents or regularly serves at least 25 year-long residents of the
2 area served by the system.

3 (j) “Noncommunity water system” means a public water system
4 that is not a community water system.

5 (k) “Nontransient noncommunity water system” means a public
6 water system that is not a community water system and that
7 regularly serves at least 25 of the same persons over six months
8 per year.

9 (l) “Local health officer” means a local health officer appointed
10 pursuant to Section 101000 or a local comprehensive health agency
11 designated by the board of supervisors pursuant to Section 101275
12 to carry out the drinking water program.

13 (m) “Significant rise in the bacterial count of water” means a
14 rise in the bacterial count of water that the state board determines,
15 by regulation, represents an immediate danger to the health of
16 water users.

17 (n) “State small water system” means a system for the provision
18 of piped water to the public for human consumption that serves at
19 least five, but not more than 14, service connections and does not
20 regularly serve drinking water to more than an average of 25
21 individuals daily for more than 60 days out of the year.

22 (o) “Transient noncommunity water system” means a
23 noncommunity water system that does not regularly serve at least
24 25 of the same persons over six months per year.

25 (p) “User” means a person using water for domestic purposes.
26 User does not include a person processing, selling, or serving water
27 or operating a public water system.

28 (q) “Waterworks standards” means regulations adopted by the
29 state board entitled “California Waterworks Standards” (Chapter
30 16 (commencing with Section 64551) of Division 4 of Title 22 of
31 the California Code of Regulations).

32 (r) “Local primacy agency” means a local health officer that
33 has applied for and received primacy delegation pursuant to Section
34 116330.

35 (s) “Service connection” means the point of connection between
36 the customer’s piping or constructed conveyance, and the water
37 system’s meter, service pipe, or constructed conveyance. A
38 connection to a system that delivers water by a constructed
39 conveyance other than a pipe shall not be considered a connection

1 in determining if the system is a public water system if any of the
2 following apply:

3 (1) The water is used exclusively for purposes other than
4 residential uses, consisting of drinking, bathing, and cooking, or
5 other similar uses.

6 (2) The state board determines that alternative water to achieve
7 the equivalent level of public health protection provided by the
8 applicable primary drinking water regulation is provided for
9 residential or similar uses for drinking and cooking.

10 (3) The state board determines that the water provided for
11 residential or similar uses for drinking, cooking, and bathing is
12 centrally treated or treated at the point of entry by the provider, a
13 passthrough entity, or the user to achieve the equivalent level of
14 protection provided by the applicable primary drinking water
15 regulations.

16 (t) “Resident” means a person who physically occupies, whether
17 by ownership, rental, lease, or other means, the same dwelling for
18 at least 60 days of the year.

19 (u) “Water treatment operator” means a person who has met
20 the requirements for a specific water treatment operator grade
21 pursuant to Section 106875.

22 ~~(v) “Water treatment operator-in-training” means a person who
23 has applied for and passed the written examination given by the
24 state board but does not yet meet the experience requirements for
25 a specific water treatment operator grade pursuant to Section
26 106875.~~

27 ~~(w)~~

28 (v) “Water distribution operator” means a person who has met
29 the requirements for a specific water distribution operator grade
30 pursuant to Section 106875.

31 ~~(x)~~

32 (w) “Water treatment plant” means a group or assemblage of
33 structures, equipment, and processes that treats, blends, or
34 conditions the water supply of a public water system for the
35 purpose of meeting primary drinking water standards. *system.*

36 ~~(y)~~

37 (x) “Water distribution system” means any combination of pipes,
38 tanks, pumps, and other physical features that deliver water from
39 the source or water treatment plant to the consumer.

40 ~~(z)~~

1 (y) “Public health goal” means a goal established by the Office
2 of Environmental Health Hazard Assessment pursuant to
3 subdivision (c) of Section 116365.

4 ~~(aa)~~

5 (z) “Small community water system” means a community water
6 system that serves no more than 3,300 service connections or a
7 year-long population of no more than 10,000 persons.

8 ~~(ab)~~

9 (aa) “Disadvantaged community” means the entire service area
10 of a community water system, or a community therein, in which
11 the median household income is less than 80 percent of the
12 statewide average.

13 ~~(ae)~~

14 (ab) “State board” means the State Water Resources Control
15 Board.

16 ~~(ad)~~

17 (ac) “Deputy director” means the deputy director appointed by
18 the state board pursuant to subdivision (k) of Section 116271.

19 SEC. 18. Section 116555 of the Health and Safety Code is
20 amended to read:

21 116555. (a) Any person who owns a public water system shall
22 ensure that the system does all of the following:

23 (1) Complies with primary and secondary drinking water
24 standards.

25 (2) Will not be subject to backflow under normal operating
26 conditions.

27 (3) Provides a reliable and adequate supply of pure, wholesome,
28 healthful, and potable water.

29 (4) Employs or utilizes only water treatment operators ~~or water~~
30 ~~treatment operators-in-training~~ that have been certified by the
31 ~~department~~ *state board* at the appropriate grade.

32 (5) Complies with the operator certification program established
33 pursuant to ~~Chapter 4 Article 3~~ (commencing with Section 106875).

34 (b) Any person who owns a community water system or a
35 nontransient noncommunity water system shall do all of the
36 following:

37 (1) Employ or utilize only water distribution system operators
38 who have been certified by the ~~department~~ *state board* at the
39 appropriate grade for positions in responsible charge of the
40 distribution system.

1 (2) Place the direct supervision of the water system, including
 2 water treatment plants, water distribution systems, or both under
 3 the responsible charge of an operator or operators holding a valid
 4 certification equal to or greater than the classification of the
 5 treatment plant and the distribution system.

6 SEC. 19. Section 13625 of the Water Code is amended to read:
 7 13625. As used in this chapter unless the context otherwise
 8 requires, the following definitions apply:

9 (a) *“Chief plant operator” means the person designated by the*
 10 *owner of the wastewater treatment plant as the person responsible*
 11 *for the overall operation of the wastewater treatment plant,*
 12 *including compliance with effluent limitations established in the*
 13 *wastewater treatment plant’s waste discharge requirements.*

14 (b) *“Operates” means actions or decisions to control*
 15 *performance or outcome of one or more wastewater treatment*
 16 *processes and includes the supervision of any other person who*
 17 *acts or makes decisions to control the performance or outcome of*
 18 *one or more wastewater treatment processes.*

19 ~~(a) “Certificate”~~

20 (c) *“Wastewater certificate” means a certificate of competency*
 21 *issued by the state board stating that the supervisor or operator a*
 22 *person has met the requirements to be certified for a specific*
 23 *classification and grade level in the certification program.*

24 ~~(b)~~

25 (d) (1) *“Wastewater treatment plant” means any of the*
 26 *following:*

27 ~~(1)~~

28 (A) Any facility owned by a state, local, or federal agency and
 29 used in the treatment or reclamation of sewage or industrial wastes.

30 ~~(2)~~

31 (B) Any privately owned facility used in the treatment or
 32 reclamation of sewage or industrial wastes, and regulated by the
 33 Public Utilities Commission pursuant to Sections 216 and 230.6
 34 of, and Chapter 4 (commencing with Section 701) of Part 1 of
 35 Division 1 of, the Public Utilities Code.

36 ~~(3)~~

37 (C) Any privately owned facility used primarily in the treatment
 38 or reclamation of sewage for which the state board or a regional
 39 board has issued waste discharge requirements.

1 (e) ~~“Operator” means any person who operates a wastewater~~
2 ~~treatment plant.~~

3 (d) ~~“Supervisor” means any person who has direct responsibility~~
4 ~~for the operation of a wastewater treatment plant or who supervises~~
5 ~~any operators of a wastewater treatment plant.~~

6 (2) *“Wastewater treatment plant” does not include onsite*
7 *sewage treatment systems as defined in Section 13290.*

8 (e) *“Wastewater treatment process” means a process that*
9 *improves the quality of wastewater before it is discharged from a*
10 *wastewater treatment plant and includes all of the following:*

11 (1) *Use of preliminary, primary, pond, secondary, or tertiary*
12 *treatment for liquid-solids separation of wastewater.*

13 (2) *Use of disinfection to inactivate or destroy pathogens in*
14 *wastewater.*

15 (3) *Use of solids treatment for solids stabilization and volume*
16 *reduction before removal from the wastewater treatment plant*
17 *site.*

18 (f) *“Water treatment operator certificate” has the same meaning*
19 *as defined in Section 106876 of the Health and Safety Code.*

20 (g) *“Water recycling treatment plant” means a wastewater*
21 *treatment plant that further treats secondary or tertiary effluent,*
22 *or both, for the purpose of meeting the uniform statewide recycling*
23 *criteria established pursuant to Section 13521 for the use of*
24 *recycled water.*

25 SEC. 20. Section 13626 of the Water Code is amended to read:

26 13626. The state board shall classify types of ~~waste water~~
27 *wastewater* treatment plants for the purpose of determining the
28 levels of competence necessary to operate them. The state board
29 shall adopt regulations setting forth the types of plants and the
30 factors on which the state board based its classification.

31 SEC. 21. Section 13627 of the Water Code is amended to read:

32 13627. (a) ~~Supervisors and operators of those wastewater~~
33 ~~treatment plants described in paragraph (1) or (2) of subdivision~~
34 ~~(b) of Section 13625—Except as provided in Section 13625.1 and~~
35 ~~subdivision (b), a person who operates a wastewater treatment~~
36 ~~plant shall possess a valid, unexpired wastewater certificate of the~~
37 ~~appropriate grade. Subject to the approval of regulations by the~~
38 ~~state board, supervisors and operators of those wastewater treatment~~
39 ~~plants described in paragraph (3) of subdivision (b) of Section~~
40 ~~13625 shall possess certificates of the appropriate grade. All~~

1 (b) A person who operates a water recycling treatment plant
2 may comply with subdivision (a) by possessing a valid, unexpired
3 water treatment operator certificate of the appropriate grade.

4 (c) All wastewater certificates shall be issued in accordance
5 with, and to the extent recommended by the advisory committee
6 and required by, with regulations adopted by the state board. The
7 state board shall develop and specify in its regulations the training
8 necessary to qualify a supervisor or operator for certification person
9 for a wastewater certificate for each type and class of plant. The
10 state board may accept experience in lieu of qualification training.
11 For supervisors and operators of water recycling treatment plants,
12 the state board may approve use of a water treatment plant operator
13 of appropriate grade certified by the State Department of Public
14 Health pursuant to Article 3 (commencing with Section 106875)
15 of Chapter 4 of Part 1 of Division 104 of the Health and Safety
16 Code in lieu of a wastewater treatment plant operator certified by
17 the state board, provided that the state board may refuse to approve
18 use of an operator certified by the department or may suspend or
19 revoke its approval of the use of an operator certified by the
20 department if the operator commits any of the prohibited acts
21 described in Article 7 (commencing with Section 3710) of Chapter
22 26 of Division 3 of Title 23 of the California Code of Regulations.

23 (b) The regional water quality control board, with jurisdiction
24 for issuing and ensuring compliance with applicable water
25 reclamation or waste discharge requirements, shall notify the
26 department in writing if, pursuant to an inspection conducted under
27 Section 13267, the regional board makes a determination that there
28 are reasonable grounds for not issuing, or for suspending or
29 revoking, the certificate of a certified water treatment plant operator
30 who is operating or supervising the operation of a water recycling
31 treatment plant. The department shall make its determination
32 regarding the issuance, suspension, or revocation of a certificate
33 in accordance with Section 106876 of the Health and Safety Code.

34 (e) For purposes of this section, “water recycling treatment
35 plant” means a treatment plant that receives and further treats
36 secondary or tertiary effluent, or both, from a wastewater treatment
37 plant.

38 (d) A person employed as a wastewater treatment plant
39 supervisor or operator on the effective date of regulations adopted
40 pursuant to this chapter shall be issued an appropriate certificate

1 if the person meets the training, education, and experience
2 requirements prescribed by regulations.

3 (e)

4 (d) The state board may refuse to grant, suspend, or revoke any
5 wastewater certificate issued by the state board to operate a
6 wastewater treatment plant, or may place on probation, or
7 reprimand, the certificate holder upon any reasonable ground,
8 including, but not limited to, all of the following reasons:

9 (1) Submitting false or misleading information on an application
10 for a certificate. *wastewater certificate or an examination for a*
11 *wastewater certificate.*

12 (2) The employment of fraud or deception in the course of
13 operating the wastewater treatment plant.

14 (3) A *wastewater* certificate holder's failure to use reasonable
15 care or judgment in the operation of the plant.

16 (4) A *wastewater* certificate holder's inability to perform
17 operating duties properly.

18 (5) Willfully or negligently violating, or causing, or allowing
19 the violation of, waste discharge requirements or permits issued
20 pursuant to the ~~Federal Water Pollution Control~~ *Clean Water Act*
21 *(33 U.S.C. Sec. 1251 et seq.; seq.) or this division.*

22 (6) *Engaging in dishonest conduct during an examination for*
23 *a wastewater certificate.*

24 (f)

25 (e) The state board shall conduct all proceedings for the refusal
26 to grant a *wastewater* certificate, and suspension or revocation of
27 a certificate, pursuant to subdivision ~~(e)~~, (d), in accordance with
28 the rules adopted pursuant to Section 185.

29 SEC. 22. Section 13627.1 of the Water Code is amended to
30 read:

31 13627.1. (a) Any person who operates a wastewater treatment
32 plant who does not hold a valid, unexpired certificate of the
33 appropriate grade issued pursuant to this chapter *commits either*
34 *of the following violations* is guilty of a misdemeanor and may be
35 liable civilly in an amount not to exceed one hundred dollars (\$100)
36 for each day of ~~violation~~. *violation:*

37 (b) ~~Any person or entity that owns or operates, employs, or allows~~
38 ~~the employment of, any person as a wastewater treatment plant~~
39 ~~operator who does not hold a valid and unexpired certificate of~~
40 ~~the appropriate grade issued pursuant to this chapter is guilty of a~~

1 ~~misdemeanor and may be liable civilly in an amount not to exceed~~
 2 ~~one hundred dollars (\$100) for each day of violation.~~

3 *(1) Operates a wastewater treatment plant that is not a water*
 4 *recycling treatment plant but does not hold a valid, unexpired*
 5 *wastewater certificate of the appropriate grade issued pursuant*
 6 *to this chapter.*

7 *(2) Operates a water recycling treatment plant but does not*
 8 *hold either a valid, unexpired wastewater certificate of the*
 9 *appropriate grade issued pursuant to this chapter or a valid,*
 10 *unexpired water treatment operator certificate of the appropriate*
 11 *grade.*

12 *(b) Any person or entity who commits either of the following*
 13 *violations is guilty of a misdemeanor and may be liable civilly in*
 14 *an amount not to exceed one hundred dollars (\$100) for each day*
 15 *of violation:*

16 *(1) Owns or operates a wastewater treatment plant that is not*
 17 *a water recycling treatment plant that employs, or allows the*
 18 *employment of, any person who operates the wastewater treatment*
 19 *plant but does not hold a valid, unexpired wastewater certificate*
 20 *of the appropriate grade issued pursuant to this chapter.*

21 *(2) Owns or operates a water recycling treatment plant that*
 22 *employs, or allows the employment of, any person who operates*
 23 *the water recycling treatment plant but does not hold a valid,*
 24 *unexpired wastewater certificate of the appropriate grade issued*
 25 *pursuant to this chapter or a valid, unexpired water treatment*
 26 *operator certificate of the appropriate grade.*

27 *(c) Any person who commits any of the acts listed in paragraph*
 28 *(2), (3), ~~or (5)~~ (5), or (6) of subdivision ~~(e)~~ (d) of Section 13627*
 29 *or paragraph (3) or (5) of subdivision (c) of Section ~~13627.3, or~~*
 30 *~~who engages in dishonest conduct during an examination for~~*
 31 *~~certification, 13627.3~~ may be liable civilly in an amount not to*
 32 *exceed five thousand dollars (\$5,000) for each violation.*

33 SEC. 23. Section 13627.2 of the Water Code is amended to
 34 read:

35 13627.2. Any person who submits to the state board false or
 36 misleading information on an application for a ~~certificate~~
 37 *wastewater certificate, on an application for an examination for*
 38 *a wastewater certificate, or on an application for registration may*
 39 *be liable civilly in an amount not to exceed five thousand dollars*
 40 *(\$5,000) for each violation.*

1 SEC. 24. Section 13627.3 of the Water Code is amended to
2 read:

3 13627.3. (a) Any person or entity that contracts with the owner
4 of a wastewater treatment plant to operate that plant shall register
5 with the state board, and shall, within a year after the registration
6 or the renewal of the registration, and annually thereafter, prepare
7 and submit to the state board a report with all of the following
8 information:

9 (1) The name and address of the person or entity.

10 (2) The name and address of the wastewater treatment plants
11 ~~which~~ *that* the person or entity operates, or has operated during
12 the preceding year, and the name of the applicable regional board
13 ~~which~~ *that* oversees each wastewater treatment plant.

14 (3) The name and grade of each wastewater treatment plant
15 operator employed at each plant.

16 (4) Other information ~~which~~ *that* the state board requires.

17 (b) The state board shall, by regulation, prescribe the procedures,
18 and requirements for, registration pursuant to subdivision (a).

19 (c) The state board may refuse to grant, and may suspend or
20 revoke, any registration issued by the state board pursuant to this
21 section for good cause, including, but not limited to, any of the
22 following reasons:

23 (1) The submission of false or misleading information on an
24 application for registration.

25 (2) (A) Employment of a person to operate a wastewater
26 treatment plant *that is not a water recycling treatment plant* who
27 does not hold a valid, unexpired *wastewater* certificate of the
28 appropriate grade.

29 (B) *Employment of a person to operate a water recycling*
30 *treatment plant who does not hold either a valid, unexpired*
31 *wastewater certificate of the appropriate grade issued pursuant*
32 *to this chapter or a valid, unexpired water treatment operator*
33 *certificate of the appropriate grade.*

34 (3) Willfully or negligently causing or allowing a violation of
35 waste discharge requirements or permits issued pursuant to the
36 Clean Water Act (33 U.S.C. Sec. 1251 ~~et seq.~~ *seq.*) *or this*
37 *division.*

38 (4) Failure to meet the registration requirements prescribed by
39 the state board pursuant to subdivision (b).

1 (5) Failure to use reasonable care in the management or
2 operation of the wastewater treatment plant.

3 (d) The state board shall conduct all proceedings relating to the
4 refusal to grant, or the suspension or revocation of, registration
5 pursuant to subdivision (c) in accordance with the rules adopted
6 pursuant to Section 185.

7 (e) The state board shall establish a fee schedule to pay for its
8 costs to implement this section.

9 (f) Any person or entity that fails to comply with subdivision
10 (a) is guilty of a misdemeanor and may be civilly liable in an
11 amount not to exceed one thousand dollars (\$1,000) for each day
12 of the violation.

13 SEC. 25. Section 13627.5 of the Water Code is repealed.

14 ~~13627.5. (a) Any operator employed at a wastewater treatment~~
15 ~~plant described in paragraph (3) of subdivision (b) of Section 13625~~
16 ~~shall pass any written examination that may be administered by~~
17 ~~the state board. Upon passage of the examination, the operator~~
18 ~~shall be credited with one year of experience for purposes of~~
19 ~~operator certification.~~

20 ~~(b) The state board may charge a reasonable fee for~~
21 ~~administering this section.~~

22 SEC. 26. Section 13627.6 is added to the Water Code, to read:

23 13627.6. The state board, by regulation, shall prescribe the
24 procedures and requirements for designation of a person as the
25 chief plant operator and the duties that a chief plant operator is
26 required to perform.

27 SEC. 27. Section 13628 of the Water Code is amended to read:

28 13628. ~~Certificates~~ *(a) Wastewater certificates issued or*
29 *renewed pursuant to this chapter on or after January 1, 2017, shall*
30 *be renewed ~~biennially,~~ triennially, subject to compliance by*
31 *applicants with renewal requirements prescribed by regulations.*

32 Fees

33 *(b) Fees shall be payable to the state board at the time of*
34 *issuance of a wastewater certificate and at the time of renewal.*
35 *The state board shall establish a fee schedule to provide revenues*
36 *to cover the cost that shall not exceed the amount necessary, but*
37 *shall be sufficient, to recover all the costs of this program.*

38 *(c) The state board may establish reduced fees for the issuance*
39 *or renewal of a wastewater certificate for applicants who hold a*

1 valid, unexpired water treatment operator certificate or a valid,
2 unexpired water distribution operator certificate.

3 (d) The state board shall set the amount of total revenue
4 collected each year through the fee schedules established pursuant
5 to this chapter at an amount equal to the amount appropriated by
6 the Legislature in the annual Budget Act from the Wastewater
7 Operator Certification Fund for expenditure for the administration
8 of this chapter, taking into account the reserves in the fund. The
9 state board shall review the fees each fiscal year and revise the
10 fees as necessary to conform with the amounts appropriated by
11 the Legislature. If the state board determines that the revenue
12 collected during the preceding year was greater than, or less than,
13 the amounts appropriated by the Legislature, the state board may
14 further adjust the fees to compensate for the overcollection or
15 undercollection of the revenue.

16 (e) The state board may adopt regulations pursuant to this
17 section, including any subsequent adjustments to the fees or
18 subsequent amendments to the regulations, as emergency
19 regulations in accordance with Chapter 3.5 (commencing with
20 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
21 Code. The adoption of these emergency regulations is an
22 emergency and shall be considered by the Office of Administrative
23 Law as necessary for the immediate preservation of the public
24 peace, health, safety, and general welfare. Notwithstanding
25 Chapter 3.5 (commencing with Section 11340) of Part 1 of Division
26 3 of Title 2 of the Government Code, any emergency regulations
27 adopted by the state board, or any adjustment to the fees made by
28 the state board pursuant to this section, shall remain in effect until
29 revised by the state board.

30 SEC. 28. Section 13628.5 of the Water Code is amended to
31 read:

32 13628.5. (a) The Wastewater Operator Certification Fund is
33 hereby created in the State Treasury.

34 (b) All of the following moneys shall be deposited in the
35 Wastewater Operator Certification Fund:

36 ~~(1) Money appropriated by the Legislature for deposit in the~~
37 ~~fund.~~

38 (1) Any moneys made available by the Legislature for the
39 purposes of the fund.

40 (2) Fees collected pursuant to this chapter.

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

3 (c) The state board may expend the moneys in the Wastewater
 4 Operator Certification Fund, upon appropriation by the Legislature,
 5 for purposes of administering this chapter.

6 SEC. 29. Section 13629 of the Water Code is amended to read:

7 13629. The state board may approve courses of instruction at
 8 higher educational institutions ~~which~~ *that* will qualify operators
 9 for each grade of certification. The state board shall also approve
 10 courses of instruction given by professional associations, or other
 11 ~~nonprofit~~ private or public agencies ~~which~~ *that* shall be deemed
 12 equivalent to courses of instruction given by higher educational
 13 institutions.

14 SEC. 30. Section 13632 of the Water Code is amended to read:

15 13632. The advisory committee appointed pursuant to Section
 16 13631 shall consist of the following:

17 (a) Two persons from a statewide organization representing
 18 ~~waste water wastewater~~ *wastewater* treatment plant operators ~~and supervisors,~~
 19 who shall be employed ~~in a waste water~~ *at a wastewater* treatment
 20 plant ~~as an operator or supervisor.~~ *operators.*

21 (b) Two persons from statewide organizations representing
 22 municipalities, including counties or private utility ~~waste water~~
 23 *wastewater* treatment plants.

24 (c) Two persons from statewide organizations representing local
 25 sanitation agencies, other than agencies specified in subdivision
 26 (b).

27 (d) One person who is ~~a professional engineer specializing in~~
 28 ~~sanitary engineering.~~ *employed as an operator at a water recycling*
 29 *treatment plant.*

30 (e) One person from a university or a state university school or
 31 division of engineering.

32 (f) One person who is a member of an organized labor union
 33 ~~which~~ *that* represents ~~waste water~~ *wastewater* treatment plant
 34 operators.

35 SEC. 31. No reimbursement is required by this act pursuant to
 36 Section 6 of Article XIII B of the California Constitution because
 37 the only costs that may be incurred by a local agency or school
 38 district will be incurred because this act creates a new crime or
 39 infraction, eliminates a crime or infraction, or changes the penalty
 40 for a crime or infraction, within the meaning of Section 17556 of

1 the Government Code, or changes the definition of a crime within
2 the meaning of Section 6 of Article XIII B of the California
3 Constitution.

O