

AMENDED IN ASSEMBLY APRIL 21, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2890

Introduced by Committee on Environmental Safety and Toxic Materials (Assembly Members Alejo (Chair), ~~Gonzalez~~, Lopez, 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 amended, 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 state board shall examine and certify persons
4 as to their qualifications to operate water treatment plants. The
5 certification shall indicate the classification of water treatment
6 plant that the person is qualified to operate.

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

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

13 106877. (a) The state board may suspend, revoke, or refuse
14 to grant or renew any water treatment operator certificate to operate
15 a water treatment plant or may place on probation or reprimand
16 the certificate holder upon any reasonable grounds, including, but
17 not limited to, any of the following:

18 (1) The submission of false or misleading information on an
19 application for a water treatment operator certificate or an
20 examination for a water treatment operator certificate.

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

1 the United States Code), the California Safe Drinking Water Act
2 (Chapter 4 (commencing with Section 116270) of Part 12), or the
3 regulations and standards adopted pursuant to either act.

4 (c) Prior to suspension or revocation of a valid operator
5 certificate, the state board shall provide the certificate holder with
6 an opportunity for a hearing before the state board, in accordance
7 with rules adopted pursuant to Section 185 of the Water Code.

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

10 106876. As used in this article, unless the context otherwise
11 requires, the following definitions apply:

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

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

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

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

21 (1) Supervision of other persons operating a water distribution
22 system.

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

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

29 (1) Supervision of other persons operating a water treatment
30 plant.

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

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

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

38 (h) “Water distribution operator certificate” means a certificate
39 of competency issued by the state board stating that a person has

1 met the requirements to be certified to operate a water distribution
2 system for a specified grade level.

3 (i) "Water distribution system" has the same meaning as defined
4 in Section 116275.

5 (j) "Water recycling treatment plant" has the same meaning as
6 defined in Section 13625 of the Water Code.

7 (k) "Water treatment operator certificate" means a certificate
8 of competency issued by the state board stating that a person has
9 met the requirements to be certified to operate a water treatment
10 plant for a specified grade level.

11 (l) "Water treatment plant" has the same meaning as defined in
12 Section 116275.

13 (m) "Water treatment process" means a process that improves
14 the physical, chemical, biological, or radiological quality of water
15 in order to render the water acceptable for use as drinking water
16 and includes all of the following:

- 17 (1) Aeration.
- 18 (2) Blending.
- 19 (3) Chemical addition.
- 20 (4) Contaminant removal.
- 21 (5) Conventional treatment.
- 22 (6) Demineralization.
- 23 (7) Disinfection.
- 24 (8) Filtration.
- 25 (9) Fluoridation.
- 26 (10) Ion exchange.
- 27 (11) pH adjustment.
- 28 (12) Pre- and post-treatment.
- 29 (13) Reverse osmosis.

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

32 106878. (a) Any person who commits either of the following
33 violations is guilty of a misdemeanor and may be liable civilly in
34 an amount not to exceed one hundred dollars (\$100) for each day
35 of violation:

- 36 (1) Operates a water treatment plant but does not hold a valid,
37 unexpired water treatment operator certificate of the appropriate
38 grade in accordance with regulations adopted pursuant to Section
39 106910.

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

5 (b) (1) Any person or entity who is in responsible charge of a
6 water treatment plant and allows the employment of any person
7 as a water treatment operator who does not hold a valid, unexpired
8 water treatment operator certificate of the appropriate grade in
9 accordance with the regulations adopted pursuant to Section
10 106910 is guilty of a misdemeanor and may be liable civilly in an
11 amount not to exceed one hundred dollars (\$100) for each day of
12 violation.

13 (2) Any person or entity who is in responsible charge of a water
14 distribution system and allows the employment of any person as
15 a water distribution operator who does not hold a valid, unexpired
16 water distribution operator certificate of the appropriate grade in
17 accordance with the regulations adopted pursuant to Section
18 106910 is guilty of a misdemeanor and may be liable civilly in an
19 amount not to exceed one hundred dollars (\$100) for each day of
20 violation.

21 (c) Any person or entity that commits an act described in
22 paragraph (2), (3), (5), or (6) of subdivision (a) of, or paragraph
23 (2), (3), (5), or (6) of subdivision (b) of, Section 106877, may be
24 liable civilly in an amount not to exceed five thousand dollars
25 (\$5,000) for each violation.

26 (d) Any person that commits an act described in paragraph (1)
27 of subdivision (a) of, or paragraph (1) of subdivision (b) of, Section
28 106877 may be liable civilly in an amount not to exceed five
29 thousand dollars (\$5,000) for each violation.

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

32 106879. (a) The state board may administratively impose civil
33 liability pursuant to this article or, upon the request of the state
34 board, the Attorney General may impose civil liability pursuant
35 to this article in an action in superior court. The state board may
36 impose civil liability administratively in accordance with Article
37 2.5 (commencing with Section 13323) of Chapter 5 of Division 7
38 of the Water Code.

39 (b) A remedy described in this article is in addition to, and does
40 not supersede or limit, any other remedy, civil or criminal, except

1 that civil liability may not be imposed both administratively and
2 by the superior court for the same violation.

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

5 106880. The state board shall hold at least one examination
6 each year for the purpose of examining candidates for water
7 treatment operator certificates and water distribution operator
8 certificates.

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

11 106885. (a) (1) A person who operates a water treatment
12 plant shall possess a valid, unexpired water treatment operator
13 certificate of appropriate grade in accordance with the regulations
14 adopted pursuant to Section 106910.

15 (2) A person who is in responsible charge of the water treatment
16 plant shall possess a valid, unexpired water treatment operator
17 certificate equal to or greater than the classification of the water
18 treatment plant.

19 (b) (1) A person who operates a water distribution system shall
20 possess a valid, unexpired water distribution operator certificate
21 of the appropriate grade in accordance with the regulations adopted
22 pursuant to Section 106910.

23 (2) A person who is in responsible charge of the water
24 distribution system shall possess a valid, unexpired water
25 distribution operator certificate equal to or greater than the
26 classification of the water distribution system.

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

29 106890. (a) It is the intent of the Legislature that the program
30 authorized pursuant to this article be entirely self-supporting, and
31 for this purpose the state board is authorized to establish fee
32 schedules for the issuance, replacement, reinstatement, continuing
33 education, and renewal of certificates that shall provide revenues
34 that shall not exceed the amount necessary, but shall be sufficient,
35 to recover all costs incurred in the administration of this article.

36 (b) The state board may establish reduced fees for the issuance
37 of, and renewal of, a water treatment operator certificate for
38 applicants who hold a valid, unexpired water distribution operator
39 certificate or a valid, unexpired wastewater certificate.

1 (c) The state board may establish reduced fees for the issuance
2 of, and renewal of, a water distribution operator certificate for
3 applicants who hold a valid, unexpired water treatment operator
4 certificate or a valid, unexpired wastewater certificate.

5 (d) (1) The state board shall set the amount of total revenue
6 collected each year through the fee schedules at an amount equal
7 to the amount appropriated by the Legislature in the annual Budget
8 Act from the Drinking Water Operator Certification Special
9 Account for expenditure for the administration of this article, taking
10 into account the reserves in the account. The state board shall
11 review the fees each fiscal year and revise the fees as necessary
12 to conform with the amounts appropriated by the Legislature. If
13 the state board determines that the revenue collected during the
14 preceding year was greater than, or less than, the amounts
15 appropriated by the Legislature, the state board may further adjust
16 the fees to compensate for the overcollection or undercollection
17 of revenue.

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

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

34 106892. (a) There is in the State Treasury the Drinking Water
35 Operator Certification Special Account. Moneys in the special
36 account are available to the state board, upon appropriation by the
37 Legislature, for the purposes of administering this article.

38 (b) All of the following moneys shall be deposited in the
39 Drinking Water Operator Certification Special Account:

1 (1) Any moneys made available by the Legislature for the
2 purposes of the account.

3 (2) Fees collected pursuant to Section 106890.

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

6 SEC. 10. Section 106895 of the Health and Safety Code is
7 repealed.

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

10 SEC. 12. Section 106897 of the Health and Safety Code is
11 repealed.

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

14 106897. The state board shall issue a water treatment operator
15 certificate and water distribution operator certificate by reciprocity
16 to any person holding a valid, unexpired, comparable certification
17 issued by another state, the United States, or a unit thereof. The
18 state board may, by regulations, prescribe the procedures and
19 requirements for issuing a water treatment operator certificate and
20 water distribution operator certificate by reciprocity.

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

23 106898. (a) The state board shall appoint an advisory
24 committee to assist it in carrying out its responsibilities pursuant
25 to this article. The advisory committee shall review all proposed
26 regulations and make recommendations to the state board before
27 the adoption of a regulation or an amendment to a regulation.

28 (b) The advisory committee shall consist of the following
29 members:

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

32 (2) Two persons from a statewide organization representing
33 small water systems.

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

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

37 (5) One person from a university or a state university school or
38 division of engineering.

1 (6) One person who is a member of an organized labor union
2 that represents water treatment operators and water distribution
3 operators.

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

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

9 106900. The state board may approve courses of instruction
10 provided by educational institutions, professional associations,
11 public agencies, or private agencies for purposes of qualifying
12 persons for issuance of and renewal of a water treatment operator
13 certificate or water distribution operator certificate.

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

16 106910. The state board may adopt rules, regulations, and
17 certification standards necessary to carry out the provisions of this
18 article, pursuant to Chapter 3.5 (commencing with Section 11340)
19 of Part 1 of Division 3 of Title 2 of the Government Code. The
20 rules, regulations, and standards shall include, but not be limited
21 to, the following:

22 (a) The classification of water treatment plants taking into
23 consideration the plant size, character of the water being treated,
24 type and degree of treatment, complexity of operation, and other
25 physical conditions affecting the operation of the water treatment
26 plant.

27 (b) The classification of distribution systems of community
28 water systems and nontransient noncommunity water systems
29 taking into consideration the complexity and size of the system.

30 (c) Criteria and standards establishing the level of skill,
31 knowledge, education, and experience necessary to operate
32 successfully specific classes of water treatment plants so as to
33 protect public health.

34 (d) Criteria and standards establishing the level of skill,
35 knowledge, and experience necessary to operate successfully
36 specific classes of water distribution systems so as to protect the
37 public health.

38 (e) (1) Criteria and standards for water treatment operator
39 certificate and water distribution operator certificate renewal,
40 including continuing education requirements.

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

4 (f) Criteria and standards for reinstatement of a water treatment
5 operator certificate or water distribution operator certificate when
6 the certificate has lapsed.

7 (g) Criteria and standards for the availability of designated
8 water treatment operator certificate holders for each operating
9 shift.

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

12 116275. As used in this chapter:

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

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

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

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

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

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

25 (d) "Secondary drinking water standards" means standards that
26 specify maximum contaminant levels that, in the judgment of the
27 state board, are necessary to protect the public welfare. Secondary
28 drinking water standards may apply to any contaminant in drinking
29 water that may adversely affect the odor or appearance of the water
30 and may cause a substantial number of persons served by the public
31 water system to discontinue its use, or that may otherwise adversely
32 affect the public welfare. Regulations establishing secondary
33 drinking water standards may vary according to geographic and
34 other circumstances and may apply to any contaminant in drinking
35 water that adversely affects the taste, odor, or appearance of the
36 water when the standards are necessary to ensure a supply of pure,
37 wholesome, and potable water.

38 (e) "Human consumption" means the use of water for drinking,
39 bathing or showering, hand washing, oral hygiene, or cooking,
40 including, but not limited to, preparing food and washing dishes.

- 1 (f) “Maximum contaminant level” means the maximum
2 permissible level of a contaminant in water.
- 3 (g) “Person” means an individual, corporation, company,
4 association, partnership, limited liability company, municipality,
5 public utility, or other public body or institution.
- 6 (h) “Public water system” means a system for the provision of
7 water for human consumption through pipes or other constructed
8 conveyances that has 15 or more service connections or regularly
9 serves at least 25 individuals daily at least 60 days out of the year.
10 A public water system includes the following:
- 11 (1) Any collection, treatment, storage, and distribution facilities
12 under control of the operator of the system that are used primarily
13 in connection with the system.
- 14 (2) Any collection or pretreatment storage facilities not under
15 the control of the operator that are used primarily in connection
16 with the system.
- 17 (3) Any water system that treats water on behalf of one or more
18 public water systems for the purpose of rendering it safe for human
19 consumption.
- 20 (i) “Community water system” means a public water system
21 that serves at least 15 service connections used by ~~year-long~~
22 ~~yearlong~~ residents or regularly serves at least 25 ~~year-long~~ ~~yearlong~~
23 residents of the area served by the system.
- 24 (j) “Noncommunity water system” means a public water system
25 that is not a community water system.
- 26 (k) “Nontransient noncommunity water system” means a public
27 water system that is not a community water system and that
28 regularly serves at least 25 of the same persons over six months
29 per year.
- 30 (l) “Local health officer” means a local health officer appointed
31 pursuant to Section 101000 or a local comprehensive health agency
32 designated by the board of supervisors pursuant to Section 101275
33 to carry out the drinking water program.
- 34 (m) “Significant rise in the bacterial count of water” means a
35 rise in the bacterial count of water that the state board determines,
36 by regulation, represents an immediate danger to the health of
37 water users.
- 38 (n) “State small water system” means a system for the provision
39 of piped water to the public for human consumption that serves at
40 least five, but not more than 14, service connections and does not

1 regularly serve drinking water to more than an average of 25
2 individuals daily for more than 60 days out of the year.

3 (o) “Transient noncommunity water system” means a
4 noncommunity water system that does not regularly serve at least
5 25 of the same persons over six months per year.

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

9 (q) “Waterworks standards” means regulations adopted by the
10 state board entitled “California Waterworks Standards” (Chapter
11 16 (commencing with Section 64551) of Division 4 of Title 22 of
12 the California Code of Regulations).

13 (r) “Local primacy agency” means a local health officer that
14 has applied for and received primacy delegation pursuant to Section
15 116330.

16 (s) “Service connection” means the point of connection between
17 the customer’s piping or constructed conveyance, and the water
18 system’s meter, service pipe, or constructed conveyance. A
19 connection to a system that delivers water by a constructed
20 conveyance other than a pipe shall not be considered a connection
21 in determining if the system is a public water system if any of the
22 following apply:

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

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

30 (3) The state board determines that the water provided for
31 residential or similar uses for drinking, cooking, and bathing is
32 centrally treated or treated at the point of entry by the provider, a
33 passthrough entity, or the user to achieve the equivalent level of
34 protection provided by the applicable primary drinking water
35 regulations.

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

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

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

7 (w) “Water treatment plant” means a group or assemblage of
8 structures, equipment, and processes that treats, blends, or
9 conditions the water supply of a public water system.

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

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

16 (z) “Small community water system” means a community water
17 system that serves no more than 3,300 service connections or a
18 ~~year-long~~ *yearlong* population of no more than 10,000 persons.

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

23 (ab) “State board” means the State Water Resources Control
24 Board.

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

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

29 116555. (a) Any person who owns a public water system shall
30 ensure that the system does all of the following:

31 (1) Complies with primary and secondary drinking water
32 standards.

33 (2) Will not be subject to backflow under normal operating
34 conditions.

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

37 (4) Employs or utilizes only water treatment operators that have
38 been certified by the state board at the appropriate grade.

39 (5) Complies with the operator certification program established
40 pursuant to Article 3 (commencing with Section 106875).

1 (b) Any person who owns a community water system or a
2 nontransient noncommunity water system shall do all of the
3 following:

4 (1) Employ or utilize only water distribution system operators
5 who have been certified by the state board at the appropriate grade
6 for positions in responsible charge of the distribution system.

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

12 SEC. 19. Section 13625 of the Water Code is amended to read:

13 13625. As used in this chapter unless the context otherwise
14 requires, the following definitions apply:

15 (a) “Chief plant operator” means the person designated by the
16 owner of the wastewater treatment plant as the person responsible
17 for the overall operation of the wastewater treatment plant,
18 including compliance with effluent limitations established in the
19 wastewater treatment plant’s waste discharge requirements.

20 (b) “Operates” means actions or decisions to control
21 performance or outcome of one or more wastewater treatment
22 processes and includes the supervision of any other person who
23 acts or makes decisions to control the performance or outcome of
24 one or more wastewater treatment processes.

25 (c) “Wastewater certificate” means a certificate of competency
26 issued by the state board stating that a person has met the
27 requirements to be certified for a specific classification and grade
28 level in the certification program. *At a minimum, wastewater
29 certificate classifications shall include operators and
30 operators-in-training.*

31 (d) (1) “Wastewater treatment plant” means any of the
32 following:

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

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

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

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

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

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

11 (2) Use of disinfection to inactivate or destroy pathogens in
12 wastewater.

13 (3) Use of solids treatment for solids stabilization and volume
14 reduction before removal from the wastewater treatment plant site.

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

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

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

23 13626. The state board shall classify types of wastewater
24 treatment plants for the purpose of determining the levels of
25 competence necessary to operate them. The state board shall adopt
26 regulations setting forth the types of plants and the factors on which
27 the state board based its classification.

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

29 13627. (a) Except as provided in Section 13625.1 and
30 subdivision (b), a person who operates a wastewater treatment
31 plant shall possess a valid, unexpired wastewater certificate of the
32 appropriate grade.

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

36 (c) All wastewater certificates shall be issued in accordance
37 with regulations adopted by the state board. The state board shall
38 develop and specify in its regulations the training necessary to
39 qualify a person for a wastewater certificate for each type and class

1 of plant. The state board may accept experience in lieu of
2 qualification training.

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

7 (1) Submitting false or misleading information on an application
8 for a wastewater certificate or an examination for a wastewater
9 certificate.

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

12 (3) A wastewater certificate holder’s failure to use reasonable
13 care or judgment in the operation of the plant.

14 (4) A wastewater certificate holder’s inability to perform
15 operating duties properly.

16 (5) Willfully or negligently violating, or causing, or allowing
17 the violation of, waste discharge requirements or permits issued
18 pursuant to the Clean Water Act (33 U.S.C. Sec. 1251 et seq.) or
19 this division.

20 (6) Engaging in dishonest conduct during an examination for a
21 wastewater certificate.

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

26 SEC. 22. Section 13627.1 of the Water Code is amended to
27 read:

28 13627.1. (a) Any person who commits either of the following
29 violations is guilty of a misdemeanor and may be liable civilly in
30 an amount not to exceed one hundred dollars (\$100) for each day
31 of violation:

32 (1) Operates a wastewater treatment plant that is not a water
33 recycling treatment plant but does not hold a valid, unexpired
34 wastewater certificate of the appropriate grade issued pursuant to
35 this chapter.

36 (2) Operates a water recycling treatment plant but does not hold
37 either a valid, unexpired wastewater certificate of the appropriate
38 grade issued pursuant to this chapter or a valid, unexpired water
39 treatment operator certificate of the appropriate grade.

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

5 (1) Owns or operates a wastewater treatment plant that is not a
6 water recycling treatment plant that employs, or allows the
7 employment of, any person who operates the wastewater treatment
8 plant but does not hold a valid, unexpired wastewater certificate
9 of the appropriate grade issued pursuant to this chapter.

10 (2) Owns or operates a water recycling treatment plant that
11 employs, or allows the employment of, any person who operates
12 the water recycling treatment plant but does not hold a valid,
13 unexpired wastewater certificate of the appropriate grade issued
14 pursuant to this chapter or a valid, unexpired water treatment
15 operator certificate of the appropriate grade.

16 (c) Any person who commits any of the acts listed in paragraph
17 (2), (3), (5), or (6) of subdivision (d) of Section 13627 or paragraph
18 (3) or (5) of subdivision (c) of Section 13627.3 may be liable civilly
19 in an amount not to exceed five thousand dollars (\$5,000) for each
20 violation.

21 SEC. 23. Section 13627.2 of the Water Code is amended to
22 read:

23 13627.2. Any person who submits to the state board false or
24 misleading information on an application for a wastewater
25 certificate, on an application for an examination for a wastewater
26 certificate, or on an application for registration may be liable civilly
27 in an amount not to exceed five thousand dollars (\$5,000) for each
28 violation.

29 SEC. 24. Section 13627.3 of the Water Code is amended to
30 read:

31 13627.3. (a) Any person or entity that contracts with the owner
32 of a wastewater treatment plant to operate that plant shall register
33 with the state board, and shall, within a year after the registration
34 or the renewal of the registration, and annually thereafter, prepare
35 and submit to the state board a report with all of the following
36 information:

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

38 (2) The name and address of the wastewater treatment plants
39 that the person or entity operates, or has operated during the

1 preceding year, and the name of the applicable regional board that
2 oversees each wastewater treatment plant.

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

5 (4) Other information that the state board requires.

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

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

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

14 (2) (A) Employment of a person to operate a wastewater
15 treatment plant that is not a water recycling treatment plant who
16 does not hold a valid, unexpired wastewater certificate of the
17 appropriate grade.

18 (B) Employment of a person to operate a water recycling
19 treatment plant who does not hold either a valid, unexpired
20 wastewater certificate of the appropriate grade issued pursuant to
21 this chapter or a valid, unexpired water treatment operator
22 certificate of the appropriate grade.

23 (3) Willfully or negligently causing or allowing a violation of
24 waste discharge requirements or permits issued pursuant to the
25 Clean Water Act (33 U.S.C. Sec. 1251 et seq.) or this division.

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

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

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

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

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

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

1 SEC. 26. Section 13627.6 is added to the Water Code, to read:
2 13627.6. The state board, by regulation, shall prescribe the
3 procedures and requirements for designation of a person as the
4 chief plant operator and the duties that a chief plant operator is
5 required to perform.

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

7 13628. (a) Wastewater certificates issued or renewed pursuant
8 to this chapter on or after January 1, 2017, shall be renewed
9 triennially, subject to compliance by applicants with renewal
10 requirements prescribed by regulations.

11 (b) Fees shall be payable to the state board at the time of
12 issuance of a wastewater certificate and at the time of renewal.
13 The state board shall establish a fee schedule to provide revenues
14 that shall not exceed the amount necessary, but shall be sufficient,
15 to recover all the costs of this program.

16 (c) The state board may establish reduced fees for the issuance
17 or renewal of a wastewater certificate for applicants who hold a
18 valid, unexpired water treatment operator certificate or a valid,
19 unexpired water distribution operator certificate.

20 (d) The state board shall set the amount of total revenue
21 collected each year through the fee schedules established pursuant
22 to this chapter at an amount equal to the amount appropriated by
23 the Legislature in the annual Budget Act from the Wastewater
24 Operator Certification Fund for expenditure for the administration
25 of this chapter, taking into account the reserves in the fund. The
26 state board shall review the fees each fiscal year and revise the
27 fees as necessary to conform with the amounts appropriated by
28 the Legislature. If the state board determines that the revenue
29 collected during the preceding year was greater than, or less than,
30 the amounts appropriated by the Legislature, the state board may
31 further adjust the fees to compensate for the overcollection or
32 undercollection of the revenue.

33 (e) The state board may adopt regulations pursuant to this
34 section, including any subsequent adjustments to the fees or
35 subsequent amendments to the regulations, as emergency
36 regulations in accordance with Chapter 3.5 (commencing with
37 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
38 Code. The adoption of these emergency regulations is an
39 emergency and shall be considered by the Office of Administrative
40 Law as necessary for the immediate preservation of the public

1 peace, health, safety, and general welfare. Notwithstanding Chapter
2 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
3 Title 2 of the Government Code, any emergency regulations
4 adopted by the state board, or any adjustment to the fees made by
5 the state board pursuant to this section, shall remain in effect until
6 revised by the state board.

7 SEC. 28. Section 13628.5 of the Water Code is amended to
8 read:

9 13628.5. (a) The Wastewater Operator Certification Fund is
10 hereby created in the State Treasury.

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

13 (1) Any moneys made available by the Legislature for the
14 purposes of the fund.

15 (2) Fees collected pursuant to this chapter.

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

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

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

22 13629. The state board may approve courses of instruction at
23 higher educational institutions that will qualify operators for each
24 grade of certification. The state board shall also approve courses
25 of instruction given by professional associations, or other private
26 or public agencies that shall be deemed equivalent to courses of
27 instruction given by higher educational institutions.

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

29 13632. The advisory committee appointed pursuant to Section
30 13631 shall consist of the following:

31 (a) Two persons from a statewide organization representing
32 wastewater treatment plant operators who shall be employed at a
33 wastewater treatment plant as operators.

34 (b) Two persons from statewide organizations representing
35 municipalities, including counties or private utility wastewater
36 treatment plants.

37 (c) Two persons from statewide organizations representing local
38 sanitation agencies, other than agencies specified in subdivision
39 (b).

1 (d) One person who is employed as an operator at a water
2 recycling treatment plant.

3 (e) One person from a university or a state university school or
4 division of engineering.

5 (f) One person who is a member of an organized labor union
6 that represents wastewater treatment plant operators.

7 SEC. 31. No reimbursement is required by this act pursuant to
8 Section 6 of Article XIII B of the California Constitution because
9 the only costs that may be incurred by a local agency or school
10 district will be incurred because this act creates a new crime or
11 infraction, eliminates a crime or infraction, or changes the penalty
12 for a crime or infraction, within the meaning of Section 17556 of
13 the Government Code, or changes the definition of a crime within
14 the meaning of Section 6 of Article XIII B of the California
15 Constitution.

O