

AMENDED IN SENATE AUGUST 8, 2016

AMENDED IN SENATE MAY 25, 2016

AMENDED IN ASSEMBLY MAY 9, 2016

AMENDED IN ASSEMBLY APRIL 21, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2890**

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**Introduced by Committee on Environmental Safety and Toxic  
Materials (Assembly Members Alejo (Chair), Arambula, Lopez,  
and McCarty)  
(Coauthor: Assembly Member Ting)**

February 29, 2016

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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, prescribed territories or tribal governments, or a unit of any of these.

(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 9 persons.

This bill would add a 10th person to the advisory committee, 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

1 a water treatment plant or may place on probation or reprimand  
2 the certificate holder upon any reasonable grounds, including, but  
3 not limited to, any of the following:

4 (1) The submission of false or misleading information on an  
5 application for a water treatment operator certificate or an  
6 examination for a water treatment operator certificate.

7 (2) The use of fraud or deception in the course of operating a  
8 water treatment plant or a water recycling treatment plant.

9 (3) The failure to use reasonable care or judgment in the  
10 operation of a water treatment plant or a water recycling treatment  
11 plant.

12 (4) The inability to perform operating duties properly in a water  
13 treatment plant or a water recycling treatment plant.

14 (5) Engaging in dishonest conduct during an examination for a  
15 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), the California Safe Drinking Water Act  
20 (Chapter 4 (commencing with Section 116270) of Part 12), or the  
21 regulations and standards adopted pursuant to either act.

22 (7) Willfully or negligently violating or causing or allowing the  
23 violation of waste discharge requirements or permits issued  
24 pursuant to the Clean Water Act (33 U.S.C. Sec. 1251 et seq.) or  
25 the Porter-Cologne Water Quality Control Act (Division 7  
26 (commencing with Section 13000) of the Water Code) while  
27 operating a water recycling treatment plant.

28 (b) The state board may suspend, revoke, or refuse to grant or  
29 renew any water distribution operator certificate to operate a water  
30 distribution system or may place on probation or reprimand the  
31 certificate holder upon any reasonable grounds, including, but not  
32 limited to, any of the following:

33 (1) The submission of false or misleading information on an  
34 application for a water distribution operator certificate or an  
35 examination for a water distribution operator certificate.

36 (2) The use of fraud or deception in the course of operating a  
37 water distribution system.

38 (3) The failure to use reasonable care of judgment in the  
39 operation of a water distribution system.

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

3 (5) Engaging in dishonest conduct during an examination for a  
4 water distribution operator certificate.

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

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

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

17 106876. As used in this article, unless the context otherwise  
18 requires, the following definitions apply:

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

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

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

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

28 (1) Supervision of other persons operating a water distribution  
29 system.

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

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

36 (1) Supervision of other persons operating a water treatment  
37 plant.

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

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

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

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

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

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

13 (k) “Water treatment operator certificate” means a certificate  
14 of competency issued by the state board stating that a person has  
15 met the requirements to be certified to operate a water treatment  
16 plant for a specific classification and grade level.

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

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

- 23 (1) Aeration.
- 24 (2) Blending.
- 25 (3) Chemical addition.
- 26 (4) Contaminant removal.
- 27 (5) Conventional treatment.
- 28 (6) Demineralization.
- 29 (7) Disinfection.
- 30 (8) Filtration.
- 31 (9) Fluoridation.
- 32 (10) Ion exchange.
- 33 (11) pH adjustment.
- 34 (12) Pre- and post-treatment.
- 35 (13) Reverse osmosis.

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

38 106878. (a) Any person who commits either of the following  
39 violations is guilty of a misdemeanor and may be liable civilly in

1 an amount not to exceed one hundred dollars (\$100) for each day  
2 of violation:

3 (1) Operates a water treatment plant but does not hold a valid,  
4 unexpired water treatment operator certificate of the appropriate  
5 grade in accordance with regulations adopted pursuant to Section  
6 106910.

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

11 (b) (1) Any person or entity who is in responsible charge of a  
12 water treatment plant and allows the employment of any person  
13 as a water treatment operator who does not hold a valid, unexpired  
14 water treatment operator certificate of the appropriate grade in  
15 accordance with the regulations adopted pursuant to Section  
16 106910 is guilty of a misdemeanor and may be liable civilly in an  
17 amount not to exceed one hundred dollars (\$100) for each day of  
18 violation.

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

27 (c) Any person or entity that commits an act described in  
28 paragraph (2), (3), (5), or (6) of subdivision (a) of, or paragraph  
29 (2), (3), (5), or (6) of subdivision (b) of, Section 106877, may be  
30 liable civilly in an amount not to exceed five thousand dollars  
31 (\$5,000) for each violation.

32 (d) Any person that commits an act described in paragraph (1)  
33 of subdivision (a) of, or paragraph (1) of subdivision (b) of, Section  
34 106877 may be liable civilly in an amount not to exceed five  
35 thousand dollars (\$5,000) for each violation.

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

38 106879. (a) The state board may administratively impose civil  
39 liability pursuant to this article or, upon the request of the state  
40 board, the Attorney General may impose civil liability pursuant

1 to this article in an action in superior court. The state board may  
2 impose civil liability administratively in accordance with Article  
3 2.5 (commencing with Section 13323) of Chapter 5 of Division 7  
4 of the Water Code.

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

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

11 106880. The state board shall hold at least one examination  
12 each year for the purpose of examining candidates for water  
13 treatment operator certificates and water distribution operator  
14 certificates.

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

17 106885. (a) (1) A person who operates a water treatment plant  
18 shall possess a valid, unexpired water treatment operator certificate  
19 of appropriate grade in accordance with the regulations adopted  
20 pursuant to Section 106910.

21 (2) A person who is in responsible charge of the water treatment  
22 plant shall possess a valid, unexpired water treatment operator  
23 certificate equal to or greater than the classification of the water  
24 treatment plant.

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

29 (2) A person who is in responsible charge of the water  
30 distribution system shall possess a valid, unexpired water  
31 distribution operator certificate equal to or greater than the  
32 classification of the water distribution system.

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

35 106890. (a) It is the intent of the Legislature that the program  
36 authorized pursuant to this article be entirely self-supporting, and  
37 for this purpose the state board is authorized to establish fee  
38 schedules for the issuance, replacement, reinstatement, continuing  
39 education, and renewal of certificates that shall provide revenues

1 that shall not exceed the amount necessary, but shall be sufficient,  
2 to recover all costs incurred in the administration of this article.

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

7 (c) The state board may establish reduced fees for the issuance  
8 of, and renewal of, a water distribution operator certificate for  
9 applicants who hold a valid, unexpired water treatment operator  
10 certificate or a valid, unexpired wastewater certificate.

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

24 (2) The state board may adopt regulations pursuant to this  
25 section, including any subsequent adjustments to the fees or  
26 subsequent amendments to the regulations, as emergency  
27 regulations in accordance with Chapter 3.5 (commencing with  
28 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
29 Code. The adoption of these emergency regulations is an  
30 emergency and shall be considered by the Office of Administrative  
31 Law as necessary for the immediate preservation of the public  
32 peace, health, safety, and general welfare. Notwithstanding Chapter  
33 3.5 (commencing with Section 11340) of Part 1 of Division 3 of  
34 Title 2 of the Government Code, any emergency regulations  
35 adopted by the state board, or any adjustment to the fees made by  
36 the state board pursuant to this section, shall remain in effect until  
37 revised by the state board.

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

1 106892. (a) There is in the State Treasury the Drinking Water  
2 Operator Certification Special Account. Moneys in the special  
3 account are available to the state board, upon appropriation by the  
4 Legislature, for the purposes of administering this article.

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

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

9 (2) Fees collected pursuant to Section 106890.

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

12 SEC. 10. Section 106895 of the Health and Safety Code is  
13 repealed.

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

16 SEC. 12. Section 106897 of the Health and Safety Code is  
17 repealed.

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

20 106897. The state board shall issue a water treatment operator  
21 certificate and water distribution operator certificate by reciprocity  
22 to any person holding a valid, unexpired, comparable certification  
23 issued by another state, the United States, a territory or tribal  
24 government that has been designated as the primacy agency by  
25 the United States Environmental Protection Agency, or a unit of  
26 any of these. The state board may, by regulations, prescribe the  
27 procedures and requirements for issuing a water treatment operator  
28 certificate and water distribution operator certificate by reciprocity.

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

31 106898. (a) The state board shall appoint an advisory  
32 committee to assist it in carrying out its responsibilities pursuant  
33 to this article. The advisory committee shall review all proposed  
34 regulations and make recommendations to the state board before  
35 the adoption of a regulation or an amendment to a regulation.

36 (b) The advisory committee shall consist of the following  
37 members:

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

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

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

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

6 (5) One person from an educational institution's school or  
7 division of engineering.

8 (6) One person who is a member of an organized labor union  
9 that represents water treatment operators and water distribution  
10 operators.

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

14 (8) One person who is a professional engineer specializing in  
15 sanitary engineering.

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

18 106900. The state board may approve courses of instruction  
19 provided by educational institutions, professional associations,  
20 public agencies, or private agencies for purposes of qualifying  
21 persons for issuance of and renewal of a water treatment operator  
22 certificate or water distribution operator certificate.

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

25 106910. The state board may adopt rules, regulations, and  
26 certification standards necessary to carry out the provisions of this  
27 article, pursuant to Chapter 3.5 (commencing with Section 11340)  
28 of Part 1 of Division 3 of Title 2 of the Government Code. The  
29 rules, regulations, and standards shall include, but not be limited  
30 to, the following:

31 (a) The classification of water treatment plants taking into  
32 consideration the plant size, character of the water being treated,  
33 type and degree of treatment, complexity of operation, and other  
34 physical conditions affecting the operation of the water treatment  
35 plant.

36 (b) The classification of distribution systems of community  
37 water systems and nontransient noncommunity water systems  
38 taking into consideration the complexity and size of the system.

39 (c) Criteria and standards establishing the level of skill,  
40 knowledge, education, and experience necessary to operate

1 successfully specific classes of water treatment plants so as to  
2 protect public health.

3 (d) Criteria and standards establishing the level of skill,  
4 knowledge, and experience necessary to operate successfully  
5 specific classes of water distribution systems so as to protect the  
6 public health.

7 (e) (1) Criteria and standards for water treatment operator  
8 certificate and water distribution operator certificate renewal,  
9 including continuing education requirements.

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

13 (f) Criteria and standards for reinstatement of a water treatment  
14 operator certificate or water distribution operator certificate when  
15 the certificate has lapsed.

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

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

20 116275. As used in this chapter:

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

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

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

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

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

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

33 (d) "Secondary drinking water standards" means standards that  
34 specify maximum contaminant levels that, in the judgment of the  
35 state board, are necessary to protect the public welfare. Secondary  
36 drinking water standards may apply to any contaminant in drinking  
37 water that may adversely affect the odor or appearance of the water  
38 and may cause a substantial number of persons served by the public  
39 water system to discontinue its use, or that may otherwise adversely  
40 affect the public welfare. Regulations establishing secondary

1 drinking water standards may vary according to geographic and  
2 other circumstances and may apply to any contaminant in drinking  
3 water that adversely affects the taste, odor, or appearance of the  
4 water when the standards are necessary to ensure a supply of pure,  
5 wholesome, and potable water.

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

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

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

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

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

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

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

28 (i) “Community water system” means a public water system  
29 that serves at least 15 service connections used by yearlong  
30 residents or regularly serves at least 25 yearlong residents of the  
31 area served by the system.

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

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

38 (l) “Local health officer” means a local health officer appointed  
39 pursuant to Section 101000 or a local comprehensive health agency

1 designated by the board of supervisors pursuant to Section 101275  
2 to carry out the drinking water program.

3 (m) “Significant rise in the bacterial count of water” means a  
4 rise in the bacterial count of water that the state board determines,  
5 by regulation, represents an immediate danger to the health of  
6 water users.

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

12 (o) “Transient noncommunity water system” means a  
13 noncommunity water system that does not regularly serve at least  
14 25 of the same persons over six months per year.

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

18 (q) “Waterworks standards” means regulations adopted by the  
19 state board entitled “California Waterworks Standards” (Chapter  
20 16 (commencing with Section 64551) of Division 4 of Title 22 of  
21 the California Code of Regulations).

22 (r) “Local primacy agency” means a local health officer that  
23 has applied for and received primacy delegation pursuant to Section  
24 116330.

25 (s) “Service connection” means the point of connection between  
26 the customer’s piping or constructed conveyance, and the water  
27 system’s meter, service pipe, or constructed conveyance. A  
28 connection to a system that delivers water by a constructed  
29 conveyance other than a pipe shall not be considered a connection  
30 in determining if the system is a public water system if any of the  
31 following apply:

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

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

39 (3) The state board determines that the water provided for  
40 residential or similar uses for drinking, cooking, and bathing is

1 centrally treated or treated at the point of entry by the provider, a  
2 passthrough entity, or the user to achieve the equivalent level of  
3 protection provided by the applicable primary drinking water  
4 regulations.

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

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

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

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

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

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

23 (z) “Small community water system” means a community water  
24 system that serves no more than 3,300 service connections or a  
25 yearlong population of no more than 10,000 persons.

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

30 (ab) “State board” means the State Water Resources Control  
31 Board.

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

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

36 116555. (a) Any person who owns a public water system shall  
37 ensure that the system does all of the following:

38 (1) Complies with primary and secondary drinking water  
39 standards.

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

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

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

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

9 (b) Any person who owns a community water system or a  
10 nontransient noncommunity water system shall do all of the  
11 following:

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

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

20 SEC. 19. Section 13625 of the Water Code is amended to read:  
21 13625. As used in this chapter unless the context otherwise  
22 requires, the following definitions apply:

23 (a) "Chief plant operator" means the person designated by the  
24 owner of the wastewater treatment plant as the person responsible  
25 for the overall operation of the wastewater treatment plant,  
26 including compliance with effluent limitations established in the  
27 wastewater treatment plant's waste discharge requirements.

28 (b) "Operates" means actions or decisions to control  
29 performance or outcome of one or more wastewater treatment  
30 processes and includes the supervision of any other person who  
31 acts or makes decisions to control the performance or outcome of  
32 one or more wastewater treatment processes.

33 (c) "Wastewater certificate" means a certificate of competency  
34 issued by the state board stating that a person has met the  
35 requirements to be certified for a specific classification and grade  
36 level in the certification program. At a minimum, wastewater  
37 certificate classifications shall include operators and  
38 operators-in-training.

39 (d) (1) "Wastewater treatment plant" means any of the  
40 following:

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

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

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

11 (2) “Wastewater treatment plant” does not include onsite sewage  
12 treatment systems as regulated ~~under an order issued~~ by the state  
13 board ~~in accordance with Section 13290~~. *or a regional water*  
14 *quality control board pursuant to Chapter 4.5 (commencing with*  
15 *Section 13290).*

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

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

21 (2) Use of disinfection to inactivate or destroy pathogens in  
22 wastewater.

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

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

27 (g) “Water recycling treatment plant” means a wastewater  
28 treatment plant that further treats secondary or tertiary effluent, or  
29 both, for the purpose of meeting the uniform statewide recycling  
30 criteria established pursuant to Section 13521 for the use of  
31 recycled water.

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

33 13626. The state board shall classify types of wastewater  
34 treatment plants for the purpose of determining the levels of  
35 competence necessary to operate them. The state board shall adopt  
36 regulations setting forth the types of plants and the factors on which  
37 the state board based its classification.

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

39 13627. (a) Except as provided in Section 13625.1 and  
40 subdivision (b), a person who operates a wastewater treatment

1 plant shall possess a valid, unexpired wastewater certificate of the  
2 appropriate grade.

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

6 (c) All wastewater certificates shall be issued in accordance  
7 with regulations adopted by the state board. The state board shall  
8 develop and specify in its regulations the training necessary to  
9 qualify a person for a wastewater certificate for each type and class  
10 of plant. The state board may accept experience in lieu of  
11 qualification training.

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

16 (1) Submitting false or misleading information on an application  
17 for a wastewater certificate or an examination for a wastewater  
18 certificate.

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

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

23 (4) A wastewater certificate holder's inability to perform  
24 operating duties properly.

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

29 (6) Engaging in dishonest conduct during an examination for a  
30 wastewater certificate.

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

35 SEC. 22. Section 13627.1 of the Water Code is amended to  
36 read:

37 13627.1. (a) Any person who commits either of the following  
38 violations is guilty of a misdemeanor and may be liable civilly in  
39 an amount not to exceed one hundred dollars (\$100) for each day  
40 of violation:

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

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

9 (b) Any person or entity 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) Owns or operates a wastewater treatment plant that is not a  
14 water recycling treatment plant that employs, or allows the  
15 employment of, any person who operates the wastewater treatment  
16 plant but does not hold a valid, unexpired wastewater certificate  
17 of the appropriate grade issued pursuant to this chapter.

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

24 (c) Any person who commits any of the acts listed in paragraph  
25 (2), (3), (5), or (6) of subdivision (d) of Section 13627 or paragraph  
26 (3) or (5) of subdivision (c) of Section 13627.3 may be liable civilly  
27 in an amount not to exceed five thousand dollars (\$5,000) for each  
28 violation.

29 SEC. 23. Section 13627.2 of the Water Code is amended to  
30 read:

31 13627.2. Any person who submits to the state board false or  
32 misleading information on an application for a wastewater  
33 certificate, on an application for an examination for a wastewater  
34 certificate, or on an application for registration may be liable civilly  
35 in an amount not to exceed five thousand dollars (\$5,000) for each  
36 violation.

37 SEC. 24. Section 13627.3 of the Water Code is amended to  
38 read:

39 13627.3. (a) Any person or entity that contracts with the owner  
40 of a wastewater treatment plant to operate that plant shall register

1 with the state board, and shall, within a year after the registration  
2 or the renewal of the registration, and annually thereafter, prepare  
3 and submit to the state board a report with all of the following  
4 information:

- 5 (1) The name and address of the person or entity.
- 6 (2) The name and address of the wastewater treatment plants  
7 that the person or entity operates, or has operated during the  
8 preceding year, and the name of the applicable regional board that  
9 oversees each wastewater treatment plant.
- 10 (3) The name and grade of each wastewater treatment plant  
11 operator employed at each plant.
- 12 (4) Other information that the state board requires.
- 13 (b) The state board shall, by regulation, prescribe the procedures,  
14 and requirements for, registration pursuant to subdivision (a).
- 15 (c) The state board may refuse to grant, and may suspend or  
16 revoke, any registration issued by the state board pursuant to this  
17 section for good cause, including, but not limited to, any of the  
18 following reasons:
  - 19 (1) The submission of false or misleading information on an  
20 application for registration.
  - 21 (2) (A) Employment of a person to operate a wastewater  
22 treatment plant that is not a water recycling treatment plant who  
23 does not hold a valid, unexpired wastewater certificate of the  
24 appropriate grade.  
25 (B) Employment of a person to operate a water recycling  
26 treatment plant who does not hold either a valid, unexpired  
27 wastewater certificate of the appropriate grade issued pursuant to  
28 this chapter or a valid, unexpired water treatment operator  
29 certificate of the appropriate grade.
  - 30 (3) Willfully or negligently causing or allowing a violation of  
31 waste discharge requirements or permits issued pursuant to the  
32 Clean Water Act (33 U.S.C. Sec. 1251 et seq.) or this division.
  - 33 (4) Failure to meet the registration requirements prescribed by  
34 the state board pursuant to subdivision (b).
  - 35 (5) Failure to use reasonable care in the management or  
36 operation of the wastewater treatment plant.
  - 37 (d) The state board shall conduct all proceedings relating to the  
38 refusal to grant, or the suspension or revocation of, registration  
39 pursuant to subdivision (c) in accordance with the rules adopted  
40 pursuant to Section 185.

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

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

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

8 SEC. 26. Section 13627.6 is added to the Water Code, to read:  
9 13627.6. The state board, by regulation, shall prescribe the  
10 procedures and requirements for designation of a person as the  
11 chief plant operator and the duties that a chief plant operator is  
12 required to perform.

13 SEC. 27. Section 13628 of the Water Code is amended to read:  
14 13628. (a) Wastewater certificates issued or renewed pursuant  
15 to this chapter on or after January 1, 2017, shall be renewed  
16 triennially, subject to compliance by applicants with renewal  
17 requirements prescribed by regulations.

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

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

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

1 (e) 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 Chapter  
 10 3.5 (commencing with Section 11340) of Part 1 of Division 3 of  
 11 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. 28. Section 13628.5 of the Water Code is amended to  
 16 read:

17 13628.5. (a) The Wastewater Operator Certification Fund is  
 18 hereby created in the State Treasury.

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

21 (1) Any moneys made available by the Legislature for the  
 22 purposes of the fund.

23 (2) Fees collected pursuant to this chapter.

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

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

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

30 13629. The state board may approve courses of instruction at  
 31 higher educational institutions that will qualify operators for each  
 32 grade of certification. The state board shall also approve courses  
 33 of instruction given by professional associations, or other private  
 34 or public agencies that shall be deemed equivalent to courses of  
 35 instruction given by higher educational institutions.

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

37 13632. The advisory committee appointed pursuant to Section  
 38 13631 shall consist of the following:

1 (a) Two persons from a statewide organization representing  
2 wastewater treatment plant operators who shall be employed at a  
3 wastewater treatment plant as operators.

4 (b) Two persons from statewide organizations representing  
5 municipalities, including counties or private utility wastewater  
6 treatment plants.

7 (c) Two persons from statewide organizations representing local  
8 sanitation agencies, other than agencies specified in subdivision  
9 (b).

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

12 (e) One person from an educational institution's school or  
13 division of engineering.

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

16 (g) One person who is a professional engineer specializing in  
17 sanitary engineering.

18 SEC. 31. No reimbursement is required by this act pursuant to  
19 Section 6 of Article XIII B of the California Constitution because  
20 the only costs that may be incurred by a local agency or school  
21 district will be incurred because this act creates a new crime or  
22 infraction, eliminates a crime or infraction, or changes the penalty  
23 for a crime or infraction, within the meaning of Section 17556 of  
24 the Government Code, or changes the definition of a crime within  
25 the meaning of Section 6 of Article XIII B of the California  
26 Constitution.

O