

AMENDED IN ASSEMBLY JUNE 9, 1997

AMENDED IN SENATE MARCH 31, 1997

SENATE BILL

No. 373

Introduced by Senator Kelley

February 13, 1997

An act to add Section 106876 to the Health and Safety Code, and to amend Section 13627 of the Water Code, relating to water treatment.

LEGISLATIVE COUNSEL'S DIGEST

SB 373, as amended, Kelley. Wastewater treatment plant operators: water treatment plant operator certification.

Existing law requires supervisors and operators of municipal or private utility wastewater treatment plants, to possess a certificate of competency issued by the State Water Resources Control Board. Wastewater treatment plants are facilities that are used in the treatment or reclamation of sewage and industrial wastes.

Existing law requires all persons responsible for the operation of water treatment plants to possess an appropriate grade certificate issued by the State Department of Health Services. Water treatment plants are facilities that treat or condition a water supply, affecting the physical, chemical, or bacteriological quality of water distributed or otherwise offered to the public for domestic use.

Existing law permits the board to approve use of a water treatment plant operator of appropriate grade certified by the State Department of Health Services, in lieu of a properly

certified wastewater treatment plant operator, where water reclamation is involved.

This bill would authorize the department to suspend, revoke, or refuse to grant or renew any operator or operator-in-training certificate to operate or supervise the operation of a water treatment plant and place on probation or reprimand a certificate holder upon any reasonable grounds, including certain designated grounds. The bill would require the department to provide the certificate holder with a hearing prior to revocation of a valid operator certificate.

The bill would require a regional water quality control board having jurisdiction to enforce applicable water ~~recycling—regulations~~ *reclamation or waste discharge requirements* to notify the department in writing if pursuant to a prescribed inspection it makes a determination that there are reasonable grounds for not issuing, or for suspending or revoking a certificate of a certified water treatment plant operator who is operating or supervising the operation of a water recycling treatment plant. By requiring the regional boards to notify the department, this bill would impose a state-mandated local program.

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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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 106876 is added to the Health
2 and Safety Code, to read:



1 106876. (a) The department may suspend, revoke, or
2 refuse to grant or renew any operator or
3 operator-in-training certificate to operate or supervise
4 the operation of a water treatment plant or may place on
5 probation or reprimand the certificate holder upon any
6 reasonable grounds, including, but not limited to, any of
7 the following:

8 (1) The submission of false or misleading information
9 on an application for a certificate or engaging in dishonest
10 conduct during an examination.

11 (2) The use of fraud or deception in the course of
12 operating or supervising the operation of a *water*
13 treatment plant or a water recycling treatment plant.

14 (3) The failure to use reasonable care or judgment in
15 the operation or supervision of the operation of a water
16 treatment plant or a water recycling treatment plant.

17 (4) The inability to perform operating duties properly
18 in a ~~water-treatment~~ plant or a water treatment recycling
19 treatment plant.

20 (5) The failure to meet all requirements for certificate
21 renewal.

22 (6) The conduct of willful or negligent acts that cause
23 or allow the violation of the Safe Drinking Water Act
24 (Subchapter XII (commencing with Section 300f) of
25 Chapter 6A of Title 42 of the United States Code) or the
26 regulations and standards adopted pursuant to that act.

27 (7) Willfully or negligently violating or causing or
28 allowing the violation of waste discharge requirements or
29 permits issued pursuant to the Federal Water Pollution
30 Control Act (33 U.S.C. Sec. 1251 et seq.) while operating
31 a water recycling treatment plant.

32 (b) Prior to revocation of a valid operator certificate,
33 the department shall provide the certificate holder with
34 an opportunity for a hearing before the department.

35 (c) For purposes of this section, “water recycling
36 treatment plant” means a treatment plant that receives
37 and further treats ~~secondary, tertiary, or secondary and~~
38 *secondary and/or* tertiary effluent from a wastewater
39 treatment plant.



1 SEC. 2. Section 13627 of the Water Code is amended
2 to read:

3 13627. (a) Supervisors and operators of wastewater
4 treatment plants shall possess a certificate of appropriate
5 grade in accordance with, and to the extent
6 recommended by the advisory committee and required
7 by, regulations adopted by the state board. The state
8 board shall develop and specify in its regulations the
9 training necessary to qualify a supervisor or operator for
10 certification for each type and class of plant. The state
11 board may accept experience in lieu of qualification
12 training. In lieu of a wastewater treatment plant operator
13 certified by the board, the state board may approve use
14 of a water treatment plant operator of appropriate grade
15 certified by the State Department of Health Services
16 pursuant to Article 3 (commencing with Section 106875)
17 of Chapter 4 of Part 1 of Division 104 of the Health and
18 Safety Code, where water reclamation is involved.

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

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

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



1 issued an appropriate certificate if the person meets the
2 training, education, and experience requirements
3 prescribed by regulations.

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

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

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

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

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

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

23 (f) The state board shall conduct all proceedings for
24 the refusal to grant a certificate, and suspension or
25 revocation of a certificate, pursuant to subdivision (c), in
26 accordance with the rules adopted pursuant to Section
27 185.

28 SEC. 3. Notwithstanding Section 17610 of the
29 Government Code, if the Commission on State Mandates
30 determines that this act contains costs mandated by the
31 state, reimbursement to local agencies and school
32 districts for those costs shall be made pursuant to Part 7
33 (commencing with Section 17500) of Division 4 of Title
34 2 of the Government Code. If the statewide cost of the
35 claim for reimbursement does not exceed one million
36 dollars (\$1,000,000), reimbursement shall be made from
37 the State Mandates Claims Fund.

38 Notwithstanding Section 17580 of the Government
39 Code, unless otherwise specified, the provisions of this act



1 shall become operative on the same date that the act
2 takes effect pursuant to the California Constitution.

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