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**AB-2890 Drinking water and wastewater operator certification programs.** (2015-2016)

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**Assembly Bill No. 2890**

**CHAPTER 305**

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.

[ Approved by Governor September 12, 2016. Filed with Secretary of State September 12, 2016. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2890, 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 Local Program: yes

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## THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

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

**106875.** (a) The state board shall examine and certify persons as to their qualifications to operate water treatment plants. The certification shall indicate the classification of water treatment plant that the person is qualified to operate.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) "Community water system" has the same meaning as defined in Section 116275.

(b) "Local primacy agency" has the same meaning as defined in Section 116275.

(c) "Nontransient noncommunity water system" has the same meaning as defined in Section 116275.

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

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

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

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

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

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

(f) "Wastewater certificate" has the same meaning as defined in Section 13625 of the Water Code.

(g) "Wastewater treatment plant" has the same meaning as defined in Section 13625 of the Water Code.

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

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

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

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

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

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

(1) Aeration.

(2) Blending.

(3) Chemical addition.

- (4) Contaminant removal.
- (5) Conventional treatment.
- (6) Demineralization.
- (7) Disinfection.
- (8) Filtration.
- (9) Fluoridation.
- (10) Ion exchange.
- (11) pH adjustment.
- (12) Pre- and post-treatment.
- (13) Reverse osmosis.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Fees collected pursuant to Section 106890.

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

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

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

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

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

**106897.** The state board shall 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, a territory or tribal

government that has been designated as the primacy agency by the United States Environmental Protection Agency, or a unit of any of these. The state board may, by regulations, prescribe the procedures and requirements for issuing a water treatment operator certificate and water distribution operator certificate by reciprocity.

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

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

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

- (1) Two persons from a statewide organization representing medium to large water systems.
- (2) Two persons from a statewide organization representing small water systems.
- (3) One person from a local primacy agency.
- (4) One person who is employed as an operator at a water recycling treatment plant.
- (5) One person from an educational institution's school or division of engineering.
- (6) One person who is a member of an organized labor union that represents water treatment operators and water distribution operators.
- (7) One person who is employed by an educational institution, professional association, public agency, or private agency to provide water treatment or water distribution courses of instruction.
- (8) One person who is a professional engineer specializing in sanitary engineering.

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

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

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

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

- (a) The classification of water treatment plants taking into consideration the plant size, character of the water being treated, type and degree of treatment, complexity of operation, and other physical conditions affecting the operation of the water treatment plant.
- (b) The classification of distribution systems of community water systems and nontransient noncommunity water systems taking into consideration the complexity and size of the system.
- (c) Criteria and standards establishing the level of skill, knowledge, education, and experience necessary to operate successfully specific classes of water treatment plants so as to protect public health.
- (d) Criteria and standards establishing the level of skill, knowledge, and experience necessary to operate successfully specific classes of water distribution systems so as to protect the public health.
- (e) (1) Criteria and standards for water treatment operator certificate and water distribution operator certificate renewal, including continuing education requirements.  
  
(2) The state board shall not renew any person's water treatment operator certificate or water distribution operator certificate if that person does not meet all requirements for certificate renewal.
- (f) Criteria and standards for reinstatement of a water treatment operator certificate or water distribution operator certificate when the certificate has lapsed.
- (g) Criteria and standards for the availability of designated water treatment operator certificate holders for each operating shift.

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

**116275.** As used in this chapter:

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

(b) "Department" means the state board.

(c) "Primary drinking water standards" means:

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

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

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

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

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

(f) "Maximum contaminant level" means the maximum permissible level of a contaminant in water.

(g) "Person" means an individual, corporation, company, association, partnership, limited liability company, municipality, public utility, or other public body or institution.

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

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

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

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

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

(j) "Noncommunity water system" means a public water system that is not a community water system.

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

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

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

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

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

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

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

(r) "Local primacy agency" means a local health officer that has applied for and received primacy delegation pursuant to Section 116330.

(s) "Service connection" means the point of connection between the customer's piping or constructed conveyance, and the water system's meter, service pipe, or constructed conveyance. A connection to a system that delivers water by a constructed conveyance other than a pipe shall not be considered a connection in determining if the system is a public water system if any of the following apply:

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

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

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

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

(u) "Water treatment operator" means a person who has met the requirements for a specific water treatment operator grade pursuant to Section 106875.

(v) "Water distribution operator" means a person who has met the requirements for a specific water distribution operator grade pursuant to Section 106875.

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

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

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

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

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

(ab) "State board" means the State Water Resources Control Board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) "Wastewater treatment plant" does not include onsite sewage treatment systems as regulated by the state board or a regional water quality control board pursuant to Chapter 4.5 (commencing with Section 13290).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) Other information that the state board requires.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) The state board shall set the amount of total revenue collected each year through the fee schedules established pursuant to this chapter at an amount equal to the amount appropriated by the Legislature in the annual Budget Act from the Wastewater Operator Certification Fund for expenditure for the administration of this chapter, taking into account the reserves in the fund. The state board shall review the fees each fiscal year and revise the fees as necessary to conform with the amounts appropriated by the Legislature. If the state board determines that the revenue collected during the preceding year was greater than, or less than,

the amounts appropriated by the Legislature, the state board may further adjust the fees to compensate for the overcollection or undercollection of the revenue.

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

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

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

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

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

(2) Fees collected pursuant to this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

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

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