

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING/HEARING SESSION – DIVISION OF FINANCIAL ASSISTANCE
AUGUST 7, 2012**

ITEM 5

SUBJECT

PUBLIC HEARING/COMMENT ON PROPOSED AMENDMENTS TO CALIFORNIA CODE OF REGULATIONS, TITLE 23, DIVISION 3, CHAPTER 26 (COMMENCING WITH SECTION 3670) RELATING TO THE WASTEWATER TREATMENT PLANT CLASSIFICATION, OPERATOR CERTIFICATION, AND CONTRACT OPERATOR REGISTRATION PROGRAM (OPERATOR CERTIFICATION PROGRAM)

DISCUSSION

The proposed amendments to regulations for the Operator Certification Program update the regulations and make them consistent with current operational practices. The proposed amendments implement amendments to the Water Code enacted by chapter 422, statutes of 2002, by amending the definition of a “wastewater treatment plant” (WWTP) to include privately-owned WWTPs, and adding provisions regarding Class I WWTP exemptions to the regulations. The proposed amendments also add administrative civil liability provisions to incorporate changes to the Water Code enacted by chapter 869, statutes of 2001 and chapter 664, statutes of 2002. Major changes to the regulations include: 1) increasing existing fees in order to provide additional revenue necessary to operate the Operator Certification Program; 2) establishing a provisional operator certificate to help Class I WWTPs train and retain qualified operators when the owner has had difficulty hiring a certified operator to operate the WWTP; and 3) replacing the limited reciprocity provision in existing regulations with an examination waiver that will be available for eligible applicants with current certification from another state, a territory, or an Indian tribe certifying body. The specific purpose and the basis for the State Water Resources Control Board’s (State Water Board) determination of the necessity of each amendment are explained in the [Initial Statement of Reasons](#). The [Economic Impact Assessment](#) and an [Economic and Fiscal Impact Statement](#) sets forth the economic and fiscal impact of the proposed amendments.

The Operator Certification Advisory Committee met on February 1, 2007, June 7, 2007, June 10, 2008, June 11, 2009, July 21, 2010, and November 2, 2010, to review and make recommendations on the proposed regulatory action.

The State Water Board published and distributed a Notice of Proposed Regulatory Action on June 15, 2012. The 45-day public comment period will end on July 30, 2012.

Under the Administrative Procedures Act, the State Water Board only is required to hold a public hearing on proposed regulations if any interested person makes a written request for a public hearing to the State Water Board no later than 15 days prior to the close of the written comment period. Due to the interest in the regulations, a public hearing was scheduled without waiting for a written request for a public hearing. This public hearing satisfies the public hearing requirement in the Administrative Procedures Act.

POLICY ISSUE

The State Water Board will hold a public hearing to accept comments on the [proposed amendment](#) to the regulations for the Operator Certification Program.

FISCAL IMPACT

None.

REGIONAL BOARD IMPACT

None.

STAFF RECOMMENDATION

No action.

State Water Board action on this item will assist the Water Boards in reaching Goals 4 and 6 of the Strategic Plan Update: 2008-2012 to narrative of goal. In particular, approval of these items will assist in fulfilling the State Water Boards' environmental priorities, which are: Protect and restore surface water quality; Protect and restore groundwater quality; Promote sustainable local water supplies; and Water quality planning.