

**State of California
Office of Administrative Law**

In re:
State Water Resources Control Board

Regulatory Action:

Title 23, California Code of Regulations

Adopt sections:

Amend sections: 3677.1, 3677.5, 3717,
3719.16

Repeal sections:

**NOTICE OF APPROVAL OF EMERGENCY
REGULATORY ACTION**

**Government Code Sections 11346.1 and
11349.6**

OAL Matter Number: 2024-0913-06

OAL Matter Type: Emergency (E)

This proposed emergency rulemaking action amends all Wastewater Operator Certification Fees categories, except the fees for provisional operators, in the California Code of Regulations, title 23, division 3, chapter 26 (commencing with section 3670) to increase fees to cover expenditures and compensate for past under-collection of revenue.

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code.

This emergency regulatory action is effective on 9/19/2024 and pursuant to Water Code Section 13628, the regulations shall remain in effect until revised by the State Water Resources Control Board.

Date: September 20, 2024



Allegra Volonte Anvari
Attorney

For: Kenneth J. Pogue
Director

Original: Eric Oppenheimer, Executive
Director

Copy: Keisha Kelley

EMERGENCY

For use by Secretary of State only

STD. 400 (REV. 10/2019)

OAL FILE NUMBERS Z-	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER 2024-0913-06E	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY State Water Resources Control Board			AGENCY FILE NUMBER (If any)

ORIGINAL

ENDORSED - FILED
In the office of the Secretary of State
of the State of California

SEP 19 2024
1:48 PM

OFFICE OF ADMIN. LAW
2024 SEP 18 4:25:53

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER
FAX NUMBER (Optional)		OAL USE ONLY		NOTICE REGISTER NUMBER
ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		PUBLICATION DATE		

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Wastewater Operator Certification Fees	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)	
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT
CCR Title 23	AMEND 3677.1, 3677.5, 3717, and 3719.16
TITLE(S)	REPEAL

3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346)	<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.	<input type="checkbox"/> Emergency Readopt (Gov. Code §11346.1)	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100)
<input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4)	<input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	<input checked="" type="checkbox"/> File & Print	<input type="checkbox"/> Print Only
<input checked="" type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input checked="" type="checkbox"/> Other (Specify) <u>Water Code section 13628(e)</u>	

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1)

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346 1(d), Cal. Code Regs., title 1, §100)			
<input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> \$100 Changes Without Regulatory Effect	<input type="checkbox"/> Effective other (Specify)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY			
<input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal	
<input type="checkbox"/> Other (Specify)			

7. CONTACT PERSON Keisha Kelley	TELEPHONE NUMBER (916) 341-5665	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) Keisha.Kelley@waterboards.ca.gov
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I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE <i>Eric Oppenheimer</i>	DATE August 15, 2024
TYPED NAME AND TITLE OF SIGNATORY Eric Oppenheimer, Executive Director	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

SEP 19 2024

Office of Administrative Law

**Proposed Amendments
to the
California Code of Regulations
Title 23. Waters
Division 3. State Water Resources Control Board
and Regional Water Quality Control Boards
Chapter 26. Wastewater Treatment Plant
Classification, Operator Certification, and
Contract Operator Registration**

PROPOSED AMENDMENTS

**July 2024
State Water Resources Control Board
Division of Financial Assistance**

The proposed changes: insertions shown as underline and deletions shown as ~~strikethrough~~.

TITLE 23. WATERS
DIVISION 3. STATE WATER RESOURCES CONTROL BOARD AND REGIONAL
WATER QUALITY CONTROL BOARDS
CHAPTER 26. WASTEWATER TREATMENT PLANT CLASSIFICATION, OPERATOR
CERTIFICATION, AND CONTRACT OPERATOR REGISTRATION

Article 2. Classification of Wastewater Treatment Plants, Owners Reporting
Requirements, and Criteria for Exemption of a Class I Wastewater Treatment
Plant

§ 3677.1. Application for Exemption for a Class I Wastewater Treatment Plant

- (a) An application for exemption shall contain sufficient information to demonstrate that the wastewater treatment plant meets the criteria prescribed in section 3677, and shall include:
- (1) the name, mailing and business addresses, and telephone number of the owner of the wastewater treatment plant;
 - (2) the name, business address, and telephone number of the wastewater treatment plant;
 - (3) an employee organization chart;
 - (4) the original signature of the owner of the wastewater treatment plant or the owner's authorized representative;
 - (5) the name of the Regional Water Board overseeing the wastewater treatment plant and a copy of the current waste discharge requirements issued by the State Water Board or Regional Water Board;
 - (6) a description and schematic of the wastewater treatment plant showing all wastewater treatment and solids handling processes including a flow diagram showing design flows and present flows for all wastewater treatment processes and a solids balance diagram for the solids handling processes;
 - (7) an evaluation of the operations of the wastewater treatment plant signed and stamped by a California registered professional chemical, civil, or mechanical engineer. The engineer shall identify potential operator errors, evaluate the potential effects of the identified operator errors on the operation of the wastewater treatment plant, and determine whether the operator errors could cause the wastewater treatment plant to violate water quality objectives; and
 - (8) additional information, evidence, statements, or documents to support the

application for exemption as requested by the Office of Operator Certification.

- (b) A non-refundable application fee of \$800 \$1,080 shall accompany each application for exemption.
- (c) The applicant for exemption shall provide a copy of the application for exemption to the appropriate Regional Water Board.

Authority cited: Sections 1058, ~~and 13625.1~~ and 13628, Water Code.

Reference: Section 13625.1 and 13628, Water Code.

§ 3677.5. Application for Exemption Renewal for a Class I Wastewater Treatment Plant

- (a) An application for exemption renewal shall include all of the information required for an application for exemption in section 3677.1(a) and a \$300 \$405 application for exemption renewal fee.
- (b) (1) The application for exemption renewal shall be received by the Office of Operator Certification no later than 30 days before the expiration of the exemption.
- (2) If the renewal application is not received by the Office of Operator Certification at least 30 days before the expiration of the exemption, the owner of the wastewater treatment plant shall pay a late fee of \$400 \$135 in addition to the renewal fee.
- (c) The applicant for exemption renewal shall provide a copy of the application for exemption renewal to the appropriate Regional Water Board.
- (d) Within 30 days of the receipt of a complete application for exemption renewal, the Office of Operator Certification shall renew the exemption for four years in accordance with section 3677.2 or shall inform the applicant of the reason the exemption shall not be renewed.
- (e) If an application for exemption renewal is denied, the owner shall, within 365 days from the date of the denial, staff the wastewater treatment plant with certified operators of the appropriate grade level as set forth in sections 3680 and 3680.1.

Authority cited: Sections 1058, ~~and 13625.1~~ and 13628, Water Code.

Reference: Section 13625.1 and 13628, Water Code.

Article 10. Fees

§ 3717. Operator, Provisional Operator, and Operator-In-Training Fees.

- (a) Except for examination fees that are refundable pursuant to section 3700(e), all fees

are nonrefundable.

(b) Application fees for an examination are:

Operator Examination Application Fee Schedule

Grade	Application Fee	Re-examination Application Fee
I	\$70 \$95	\$35 \$47
II	\$90 \$122	\$45 \$61
III	\$130 \$176	\$65 \$88
IV	\$140 \$189	\$70 \$95
V	\$140 \$189	\$70 \$95

(c) Examination fees are:

Operator Examination Fee Schedule

Grade	Examination Fee
I	\$50 \$68
II	\$65 \$88
III	\$165 \$223
IV	\$225 \$304
V	\$225 \$304

(d) The provisional operator certification fee is \$125. Except as provided in subdivision (e), the operator and operator-in-training certification fees are:

Fee Schedule for Operators and Operators-in-Trainings With a Single Certificate

Grade	Certification Fee	Triennial Renewal Fee
I	\$125 \$169	\$150 \$203
II	\$170 \$230	\$150 \$203
III	\$225 \$304	\$150 \$203
IV	\$255 \$344	\$150 \$203
V	\$255 \$344	\$150 \$203

(e) Notwithstanding subdivision (d), the certification fees for those operators who are applying for, or hold, two or more valid, unexpired certifications issued by the State Water Board as a water treatment operator, distribution operator, or wastewater treatment plant operator are:

Fee Schedule for Operators and Operators-in-Training With Multiple Certificates

Grade	Certification Fee per Certificate	Triennial Renewal Fee per Certificate
I	\$95 <u>\$128</u>	\$110 <u>\$149</u>
II	\$125 <u>\$169</u>	\$140 <u>\$149</u>
III	\$170 <u>\$230</u>	\$110 <u>\$149</u>
IV	\$190 <u>\$257</u>	\$140 <u>\$149</u>
V	\$190 <u>\$257</u>	\$140 <u>\$149</u>

- (f) The reinstatement fee for all grades levels is ~~\$400~~ \$135.
- (g) The fee for replacing a lost, stolen, damaged, or destroyed certificate is ~~\$50~~ \$68.
- (h) Applicants for an examination waiver shall pay an examination waiver fee of ~~\$100~~ \$135 in addition to the certification fee.

Authority cited: Sections 1058, ~~and 13628~~ and 13628, Water Code.

Reference: Sections 13627, ~~and 13628~~ and 13628, Water Code.

Article 12. Wastewater Treatment Plant Contract Operators

§ 3719.16. Wastewater Treatment Plant Contract Operator Registration Fees

- (a) The initial contract operator registration fee is ~~\$350~~ \$473. For each operator employed in California by the contract operator, the contract operator shall pay a fee of ~~\$75~~ \$101 up to a maximum of ~~\$1,500~~ \$2,025 in combined contract operator registration fees and employee registration fees.
- (b) The annual renewal fee is ~~\$350~~ \$473 plus ~~\$75~~ \$101 for each operator employed in California by the contract operator up to a maximum of ~~\$1,500~~ \$2,025 in combined contract operator registration renewal fees and employee registration fees.
- (c) If the renewal application is not received by the Office of Operator Certification at least 30 days before the expiration of the contract operator registration, the contract operator shall pay a late fee of ~~\$100~~ \$135 in addition to the renewal fee.
- (d) The fee for replacing a lost, stolen, damaged, or destroyed contract operator registration or contract operator credential or for issuing an additional contract operator credential pursuant to section 3719.6 is ~~\$50~~ \$68.

Authority cited: Sections 1058, ~~and 13627.3~~ and 13628, Water Code.

Reference: Section 13627.3 and 13628, Water Code.