
State Water Resources Control Board

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

NOTICE OF PROPOSED EMERGENCY RULEMAKING

Required Notice of Proposed Emergency Action

Government Code section 11346.1, subdivision (a)(2) requires that, at least five working days prior to submission of a proposed emergency action to the Office of Administrative Law (OAL), the adopting agency provide a notice of the proposed emergency action to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed emergency action to the OAL, the OAL shall allow interested persons five calendar days to submit comments on the proposed emergency regulations as set forth in Government Code section 11349.6.

The State Water Resources Control Board (State Water Board) is sending this notice out to interested parties via electronic mail for proposed changes to sections 3677.1, 3677.5, 3717, and 3719.16 of the California Code of Regulations, title 23, division 3, chapter 26 (commencing with section 3670) (WWOCP Regulations). This notification satisfies the notification requirements of Government Code section 11346.1(a)(2).

Proposed Emergency Action

Pursuant to subdivision (e) of Water Code section 13628, the State Water Board is required to review its fees each fiscal year to ensure that the fees collected provide sufficient revenue to recover the costs of the Wastewater Operator Certification Program (WWOCP) and to compensate for past over-collection or under-collection of revenue. (See Wat. Code, § 13628, subds. (b) & (d).)

At its April 9, 2025 meeting, the WWOCP Advisory Committee discussed the proposed emergency regulations. (See Wat. Code, § 13631.) The WWOCP Advisory Committee was in agreement with the proposal for the State Water Board to adopt the proposed emergency regulations.

At its June 17, 2025 meeting, the State Water Board adopted emergency regulations amending sections 3677.1, 3677.5, 3717, and 3719.16 of the WWOCP Regulations revising the fees for all fee categories except for the fees for provisional operators.

E. JOAQUIN ESQUIVEL, CHAIR | ERIC OPPENHEIMER, EXECUTIVE DIRECTOR

Proposed Text of Emergency Regulations

The proposed text of the emergency regulations is attached. The State Water Board is not required to provide any additional public notice prior to adopting revisions to the proposed emergency regulations.

Finding of Emergency (Gov. Code, § 11346.1, subd. (b).)

Water Code section 13628, subdivision (e) allows the State Water Board to adopt amendments to the fee schedules through the emergency rulemaking process and provides that the emergency regulation will remain in effect until it is revised by the State Water Board.

Authority and Reference (Gov. Code, § 11346.5, subd. (a)(2).)

Water Code sections 1058, 13627, and 13628.

Informative Digest (Gov. Code, § 11346.5, subd. (a)(3).)

The WWOCP currently has a fund balance of approximately \$891,000. Expenditures (\$1,381,000 estimated for Fiscal Year [FY] 2024-2025) currently exceed revenues (\$1,041,000 estimated for FY 2024-2025) by approximately \$340,000. After taking into consideration expected revenue and the current reserve balance in the WWOCP Fund, the amendment to the WWOCP Regulations will increase fees by 35 percent for all WWOCP fee categories except for the fees for provisional operators to cover expenditures and to maintain a fund reserve.

WWOCP revenues generated by the fee increase are projected to exceed expenditures by approximately \$20,000 for FY 2025-2026. Future fee increases may be necessary, if estimated revenues are not achieved, to close the gap between expenditures and revenues and achieve a prudent fund reserve. State Water Board staff will conduct a review of the WWOCP Fund each FY to ensure that the fees provide sufficient revenue to recover the costs of the WWOCP and to compensate for past over-collection or under-collection of revenue.

Policy Statement (Gov. Code, § 11346.5, subd. (a)(3)(C).)

The proposed emergency regulations increasing the fees for operators and operators-in-training is necessary to allow the State Water Board to continue to operator the WWOCP.

Consistency Statement (Gov. Code, § 11346.5, subds. (a)(3)(B) and (a)(3)(D).)

The proposed emergency regulations do not differ substantially from comparable federal law. The State Water Board has thoroughly evaluated the current WWOCP Regulations and the proposed emergency regulations and determined that the proposed regulations are not inconsistent or incompatible with existing state regulations.

Other Matters Prescribed by Statute (Gov. Code, § 11346.5, subd. (a)(4).)

No other matters are prescribed by statute or regulation applicable to the State Water Board.

Local Mandate (Gov. Code, § 11346.5, subd. (a)(5).)

The proposed emergency regulations do not impose a mandate on local agencies or school districts because they do not mandate a new program or a higher level of service of an existing program. The fee schedule applies equally to public and private entities and is not unique to local government. No state reimbursement is required by part 7 (commencing with section 17500) of division 4 of the Government Code.

Estimate of Cost or Savings (Gov. Code, § 11346.5, subd. (a)(6).)

There is no cost or savings as a result of these proposed emergency regulations to any state agency. There is no cost to any local agency or school district for which reimbursement is required or other nondiscretionary cost or savings imposed on local agencies. There is no cost or savings in federal funding to the state.