

**TITLE 23. WATERS  
DIVISION 3. STATE WATER RESOURCES CONTROL BOARD AND REGIONAL WATER  
QUALITY CONTROL BOARDS**

**Notice of Proposed Regulatory Action**

**CHAPTER 26. WASTEWATER TREATMENT PLANT CLASSIFICATION, OPERATOR  
CERTIFICATION, AND CONTRACT OPERATOR REGISTRATION**

**NOTICE IS HEREBY GIVEN** that the State Water Resources Control Board (State Water Board) proposes to amend, adopt, or repeal the regulations described below after considering all comments, objections, and recommendations regarding the proposed action.

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**Proposed Regulatory Action**

The State Water Board proposes to amend 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).

**Public Hearing**

The State Water Board will hold a hearing beginning at 9:00 a.m. on Tuesday August 7, 2012, the Coastal Hearing Room at the Joe Serna Jr./Cal-EPA Headquarters Building, 1001 I Street, Sacramento, California 95814. The Joe Serna Jr./Cal-EPA Headquarters Building is accessible to people with disabilities. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed regulatory action described in the Informative Digest/ Policy Statement Overview. The State Water Board requests but does not require that persons who make oral comments at the hearing also submit a written copy of their testimony at the hearing. The State Water Board encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modifications of the proposed regulations. The State Water Board will not accept oral statements subsequent to the public hearing.

**Written Comment Period**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the State Water Board. The written comment period closes at 5:00 p.m. on **July 30, 2012**. The State Water Board will only consider comments received by that time at the addresses below.

Please send comment letters to Jeanine Townsend, Clerk to the Board, by email at ([commentletters@waterboards.ca.gov](mailto:commentletters@waterboards.ca.gov)) (if less than 15 megabytes in size or less), (916) 341-5620 (fax), or by mail or hand delivery addressed to:

Jeanine Townsend, Clerk to the Board  
State Water Resources Control Board  
P.O. Box 100, Sacramento, CA 95812-2000 (by mail)  
1001 I Street, 24th Floor, Sacramento, CA 95814 (by hand delivery)

Please also indicate in the subject line, “**Comment Letter – Proposed Operator Certification Regulations.**”

Hand and special deliveries should also be addressed to Ms. Townsend at the address above. Couriers delivering comments must check in with lobby security and have them contact Ms. Townsend at (916) 341-5600.

To be added to the mailing list for this rulemaking and to receive notification of updates to this rulemaking, you may subscribe to the email subscription list for public notices regarding the Operator Certification program by going to: [www.waterboards.ca.gov/resources/email\\_subscriptions/swrcb\\_subscribe.shtml](http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml). You may also call Ms. Debra Cockrell at (916) 341-5648 or email her at [dcockrell@waterboards.ca.gov](mailto:dcockrell@waterboards.ca.gov).

### **Authority and Reference**

Water Code section 1058 and chapter 9 of the Water Code authorize the State Water Board to adopt, amend, or repeal the regulations for the Operator Certification program. The proposed regulations implement, interpret, or make specific chapter 9 of the Water Code, commencing with section 13625. References to specific code sections are identified in the proposed amendments to the regulations.

### **Informative Digest/Policy Statement Overview**

Under chapter 9 of the Water Code, the State Water Board is responsible for the administration of the Operator Certification program.

In order to implement amendments to the Water Code enacted by chapter 422, statutes of 2002, the State Water Board proposes to amend the definition of “wastewater treatment plant” (WWTP) to include privately owned WWTPs. The amended definition of WWTP clarifies that a water recycling treatment plant is included in the definition of WWTP, but it specifically excludes onsite sewage treatment systems.

In accordance with Water Code section 13627.5, which was added by chapter 422, statutes of 2002, operators at privately owned WWTPs will receive qualifying experience credit for a minimum of one year of experience after they pass an examination. The State Water Board also proposes regulations setting forth the procedures and timeframes by which owners of privately owned WWTPs and operators at privately owned WWTPs must comply with the regulations. No later than two years from the effective date of the regulations, all operators at privately owned WWTPs must be certified at the appropriate grade level.

The State Water Board is adding provisions regarding Class I WWTP exemptions to the regulations, including provisions for applying for an exemption, issuing an exemption, and renewing an exemption to implement Water Code section 13625.1, which was added by chapter 422, statutes of 2002. The fee for applying for an exemption will be \$800. The fee for renewing an exemption will be \$300.

The State Water Board is adding administrative civil liability provisions to the regulations to incorporate changes to the Water Code enacted by chapter 869, statutes of 2001 and chapter 664, statutes 2002.

The State Water Board has determined that it is necessary to amend the regulations to clarify ambiguities in the existing regulations, for consistency with chapter 9 of the Water Code and between different provisions in the regulations, and to address issues previously unforeseen by the State Water Board. This includes adding definitions for several previously undefined terms and defining terms that are added to the regulations. The State Water Board has explained these amendments in detail in the statement of reasons. To the extent that these definitions merely clarify existing regulations or are necessary to implement other proposed amendments discussed in this notice, they are not identified in this notice.

Existing regulations require certain documents to be sent to the State Water Board, the Division of Financial Assistance (Division), or the Division Chief of the Division and postmarked by a certain date in order to be considered timely. The State Water Board proposes to amend all regulations so they specify a date by which the State Water Board, the Deputy Director of the Division, the Director of the Office of Enforcement (OE), or the Office of Operator Certification (OOC) must receive a document in order for it to be considered timely.

As explained in the statement of reasons, the State Water Board has proposed certain changes to the regulations that do not materially alter any requirement, right, responsibility, condition, prescription, or other regulatory element of any California Code of Regulations provision (e.g., changes without regulatory effect). These amendments without regulatory effect include changes made for purposes of revising structure, syntax, cross-references, grammar, punctuation, capitalization, or renumbering or relocating regulatory provisions. Additionally, the titles of articles and sections are amended to reflect the relocation of regulatory provisions and for clarification purposes.

Finally, the proposed amendments incorporate the change in the title of the person formerly referred to as the "Division Chief" of the Division to the "Deputy Director" of the Division and references to the Division are replaced with references to the OOC where appropriate. In many cases the State Water Board has explained these amendments in the statement of reasons to avoid any confusion with the substantive revisions. To the extent that many of these amendments without regulatory effect are non-substantive and their purpose is self-evident or merely editorial, they are not identified in this notice.

The specific benefits anticipated will protect public health and the environment by providing for the effective operation of public and privately-owned WWTPs.

The proposed regulation is consistent with and compatible with other existing state regulations governing WWTPs.

#### Summary of Proposed Regulations:

The number of applications and the associated costs of the Operator Certification program have increased significantly since the last fee increase in 2003, although the level of effort to review applications remains steady. In order to cover the costs of the Operator Certification program, the State Water Board is increasing operator and operator-in-training (OIT) fees by 78 percent. The State Water Board is also increasing the reinstatement fee, the certificate replacement fee, and the reciprocity fee, which is renamed the examination waiver fee.

The contract operator fees were established on August 29, 1994, and have never been increased. The costs of registering contract operators have increased significantly since 1994 and the fees collected do not cover the costs.

In order to cover the costs of the contract operator program, the State Water Board is increasing the initial contract operator registration fee and annual renewal fee by 250 percent and the fee for employee registration by the contract operator must increase by 200 percent. The State Water Board is also increasing the late fee and the registration replacement fee.

The State Water Board is 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. The owner of the WWTP will be required to submit a written plan for the provisional operator's operation of the WWTP that meets specific requirements. The provisional operator must submit a copy of the WWTP's monitoring reports to the OOC and cannot supervise operators, other provisional operators, or OITs or appoint a designated operator-in-charge. In addition, the provisional operator must receive training acceptable to the OOC on proper sampling procedures, the WWTP's standard operating procedures, and the WWTP's waste discharge requirements and the WWTP must have procedures for testing the provisional operator's proficiency on each of these subjects. The WWTP must have a written agreement with a certified operator, a registered contract operator, or another WWTP, ensuring that a certified operator will be available to assist the provisional operator when the provisional operator needs direction or if the provisional operator is unable to carry out the responsibilities of the position of "chief plant operator." The fee for an owner to request approval to use a provisional operator will be \$1,000. The fee to apply for a provisional operator certificate will be the same as the fee to apply for a Grade I OIT certificate or a Grade I operator certificate.

The definition of "operates" is expanded to require a person to hold an operator certificate in order to take actions or make decisions that control the performance or outcome of one or more wastewater treatment processes, regardless of the person's job title. The definition of "operates" is also expanded to include the supervision of other operators whose actions or decisions control the performance or outcome of one or more wastewater treatment processes. These people, who share in the responsibility of operating a WWTP, must demonstrate their competency by being certified as operators because of the affect that their activities or decisions can have on WWTP operations and compliance with the WWTP's waste discharge requirements. Additionally, the definition of "wastewater treatment process" is added to clarify the use of this term in the definition of "operates," as well as other provisions in the regulations.

Existing regulations use the term "year of experience" to refer to the amount of experience operators or OITs must have to advance to a higher grade level. The existing term "year of experience" is replaced with the term "full-time qualifying experience" and the definitions of "full time" and "qualifying experience" are added to the regulations. In addition, the proposed regulations provide that an operator will acquire qualifying experience on a prorated basis if the operator spends less than full time performing job duties that meet the definition of "qualifying experience."

The proposed definition of "qualifying experience" means experience acquired by an operator or an OIT while operating a WWTP. The term "qualifying experience" may include the performance of some minor maintenance.

Because the State Water Board recognizes that a person may have other experiences that add to the knowledge and skills necessary to operate a WWTP, the OOC may give "qualifying experience credit" for specified activities. Once the OOC awards qualifying experience credit, it is treated the same as qualifying experience acquired while operating a WWTP.

The definition of “water recycling treatment plant” is amended to clarify that a water recycling treatment plant receives and further treats effluent from a WWTP in order to distinguish water recycling treatment plants from other WWTPs.

In existing regulations, the term “pond treatment” means both “modified treatment pond” and “conventional treatment pond.” The term “pond treatment” is replaced with the terms “modified treatment pond” and “conventional treatment pond” and these two types of ponds are classified separately.

Extended aeration is deleted as a criterion for classifying WWTPs because WWTPs using extended aeration are using an activated sludge treatment process and should be classified accordingly.

Sequencing batch reactor technology is a relatively new, advanced technology that uses microprocessor controllers to automatically sequence treatment stages to meet targeted waste discharge requirements. The use of this technology is added as a criterion for classifying WWTPs.

The term “satellite plant” is added to the regulations to describe a WWTP that is so closely related to the main WWTP that both the “satellite plant” and the main WWTP should be classified as a single WWTP.

The terms “shift supervisor” and “supervisor” are deleted from the regulations and replaced with the term “designated operator-in-charge.” With the exception of provisional operators, a chief plant operator must appoint a designated operator-in-charge to be responsible for the operation of the WWTP whenever the chief plant operator is unable to carry out the responsibilities of the position of chief plant operator.

In order to ensure that a chief plant operator is aware of his or her duties, the definition of “chief plant operator” is amended for clarification purposes. As amended, the definition incorporates the new provisional operator certificate. With the exception of provisional operators, the amended definition emphasizes the chief plant operator’s responsibility for compliance with applicable waste discharge requirements and ensuring that OITs are supervised directly as required by the proposed regulations. Additionally, owners of WWTPs are required to submit a statement signed by the person designated as the chief plant operator accepting the responsibility of a “chief plant operator” as defined in the proposed regulations.

The definition of “direct supervision” in the existing regulations is ambiguous and has led to confusion and misinterpretation within the industry. The definition is amended for clarification purposes and to state the specific intent of the State Water Board. Additionally, to ensure that OITs are properly supervised at all times, this definition is amended to require that the supervising operator be present at the WWTP or otherwise available to consult with, and provide assistance to, the OIT in order to ensure the safe and proper execution of the OIT’s duties.

Currently, the chief plant operator of a WWTP may obtain permission for a WWTP to be operated by a lone operator certified at no more than one grade level lower than that required for a shift supervisor. Pursuant to the proposed regulations, the State Water Board will allow any certified operator to operate a WWTP as a lone operator so long as the lone operator is permitted to perform only basic duties that require minimal judgment.

An OIT may not be assigned as a lone operator. The proposed regulations establish the requirements and the procedures for obtaining approval for assigning lone operator shifts.

Chief plant operators currently must verify an applicant's experience on an application for an examination or certification. Applicants will no longer be required to provide information regarding experience on an application for an examination. Therefore, chief plant operators do not need to sign an application for an examination. Additionally, chief plant operators are only required to verify the qualifying experience that the applicant acquired at that WWTP.

Currently, the regulations require operator and OIT certificates to be backdated to the date that OOC receives the application for certification. Additionally, all operator and OIT certificates are given either a June 30 or December 31 expiration date. As amended, the issue date for a certificate will now be the date the OOC actually issues the certificate and the expiration date for a certificate will be two years from the date of issuance.

The provisions regarding OITs currently incorporate by reference many provisions regarding the procedures for applying for and issuing operator certificates and renewal operator certificates. The provisions regarding the procedures for applying for and issuing operator certificates and renewal operator certificates have been made specific to OITs.

Existing regulations allow an OIT to renew an OIT certificate only one time. This means that an OIT has a maximum of four years to obtain experience for certification at that grade level. OITs will now be allowed to renew an OIT certificate repeatedly for additional two-year periods under certain conditions. The OIT must have passed an examination at that grade level or higher and the examination results must not have expired. The chief plant operator also must submit a plan to the OOC for the OIT to gain the experience necessary to become certified at that grade level.

A new provision has been added regarding the invalidation and issuance of a new OIT certificate. An OIT certificate is only valid while the OIT is in training at the WWTP for which the certificate was issued. Chief plant operators will be required to return an invalidated certificate with a statement as to the amount of qualifying experience the OIT acquired before leaving the WWTP. This provision also sets forth the conditions that a person must meet to obtain a new OIT certificate. All time and experience acquired under a previous OIT certificate will be applied to a new certificate.

Under existing regulations, the OOC issues Grades I and II operator certificates by reciprocity to people who hold comparable certifications in other states. To be issued a certificate via reciprocity, the applicant must meet all of the State Water Board's experience and education requirements. The only requirement currently waived is the examination requirement. In order to clarify that no other requirement will be waived, the current reciprocity provision is replaced with an examination waiver. Additionally, the requirements for an examination waiver are not as limited as existing requirements for reciprocity. Finally, the OOC may issue an examination waiver to an applicant at any grade, provided the applicant holds a comparable certification issued by a certifying body. In order to implement this change, the State Water Board has added definitions for "certifying body" and "Indian tribe."

Under the proposed regulations, the OOC may give qualifying experience credit for experience acquired at a facility that treats wastewater in a state other than California, in a territory, or on land within the jurisdiction of an Indian tribe, provided the duties are comparable to the duties of a WWTP operator.

In order to be given qualifying experience credit, the applicant must have held a valid, unexpired certification of the appropriate grade level issued by a certifying body to perform duties comparable to the duties of an operator at a WWTP. The certifying body's certification requirements also must be comparable to the State Water Board's requirements. This requirement ensures that the experience obtained at a facility that treats wastewater but that is not a WWTP is comparable to the experience acquired by operators at WWTPs.

The State Water Board is amending the regulations to emphasize education. The educational requirements for certain paths for certification are increased. As amended, all operators and OITs must have a high school degree or equivalent. Also, educational points can no longer be substituted for uncompleted years of high school. Additional paths for certification are added to allow people with higher levels of education to become certified at one grade level lower than existing regulations allow.

The State Water Board has reviewed the education and experience requirements for each path for certification to ensure consistency. For Grade IV certification, the experience requirement for someone with at least a bachelor's degree is increased from two years to three years to be consistent with other paths.

The regulations make it clear that operators who were issued operator certificates before the effective date of these regulations do not have to meet the new requirements for education and experience in order to renew their certificates. Additionally, operators holding expired certificates do not have to meet the new requirements for education and experience in order to reinstate their certificates. These requirements apply to people applying for a new operator, provisional operator, or OIT certificate, a renewed OIT certificate, or an examination on or after the effective date of these regulations, including operators who request certification at a higher grade.

Operators may currently earn educational points for having taken courses "directly related to wastewater treatment" or "indirectly related to wastewater treatment." For clarification purposes, the term "directly related to wastewater treatment" is replaced with the term "wastewater treatment course," which is defined in the regulations. Also, the term "indirectly related to wastewater treatment" is replaced with the term "management course," which is defined in the regulations.

The term "basic science courses" is replaced with "science course" and is expanded to include courses in engineering. As amended, operators may now earn educational points for taking science courses.

The grounds for disciplinary action against operators, OITs, and contract operators are amended to ensure that the State Water Board may exercise its full disciplinary authority under Water Code sections 13625(e) and 13627.3(c). The regulations will now specify that the State Water Board may discipline an operator, provisional operator, or OIT "upon any reasonable ground," including the acts specified in the regulations. In addition, the regulations will now specify that the State Water Board may take disciplinary action against an operator, provisional operator, OIT, or contract operator who orally provides false or misleading information during an investigation or fails to post a certificate or contract operator credential.

A person who commits an act that is a reasonable ground or good cause for a disciplinary action pursuant to these regulations at any facility that treats wastewater, including facilities operated in another state, in a territory, or on land under the jurisdiction of an Indian tribe, may

not possess the technical qualifications, integrity, and respect for the law necessary to operate a WWTP. Therefore, the regulations are amended so that the State Water Board may discipline an operator, provisional operator, OIT, or contract operator for committing any act that is a reasonable ground or good cause for disciplinary action pursuant to these regulations if the act is associated with performing duties at a facility that treats wastewater in a state other than California, in a territory, or on land under the jurisdiction of an Indian tribe, provided the duties are comparable to the duties of an operator or contract operator at a WWTP and the act would be a reasonable ground or good cause for a disciplinary action pursuant to these regulations if associated with performing duties at a WWTP.

Additionally, an operator, provisional operator, OIT, or contract operator may be disciplined for failing to comply with the new requirement to notify the OOC if a certifying body or court, for any act associated with performing duties at a facility that treats wastewater in a state other than California, in a territory, or on land under the jurisdiction of an Indian tribe, provided the duties are comparable to the duties of an operator or contract operator at a WWTP, takes final action: to discipline; to imposing administrative civil liability; or to impose civil or criminal liability against the operator, provisional operator, OIT, or contract operator.

Under existing regulations, Proposed Disciplinary Action Letters issued by the Director of the OE may be appealed to the Division Chief (to be retitled “Deputy Director”) of the Division. The Division Chief may then uphold, overturn, or amend the proposed disciplinary action. Typically, appeals go up through the chain of command in an organization. In this case, however, the Director of the OE is independent of the Deputy Director of the Division and the Director of the OE and the Deputy Director of the Division have comparable levels of authority within the State Water Board. Therefore, the State Water Board has determined that the Deputy Director of the Division should not review appeals of Proposed Disciplinary Action Letters issued by the Director of the OE. Instead, a person to whom a Proposed Disciplinary Action Letter has been issued may request reconsideration by the Director of the OE.

The appeal and petition process is amended to make the appeal and petition process for the Operator Certification program consistent with the process for other State Water Board programs.

Existing regulations state that no person or entity may enter into a contract to operate a WWTP unless that person is a registered contract operator. To establish existing practice in regulation, the regulations are amended to provide that within 30 days after entering into a contract to operate a WWTP, a contract operator must submit an application for contract operator registration with the OOC.

The use of the term “certificate of registration” in existing provisions regarding contract operators is confusing because it is used for both the certificate issued by the OOC upon registering contract operators and for certificates that must be posted at each WWTP operated by the contract operator. Therefore, the certificates that must be posted at each WWTP are renamed “contract operator credentials.” Additionally, new provisions are added regarding applying for an additional contract operator credential if the contract operator enters into a new contract after obtaining or renewing the contract operator’s certificate of registration. A contract operator must submit an application for an additional contract operator credential within 30 days of entering into a contract to operate another WWTP.

## **Local Mandate**

These proposals do not impose a mandate on local agencies or school districts, or a mandate which requires reimbursement pursuant to part 7 (commencing with section 17500) of the Government Code, division 4.

## **Costs or Savings to State Agencies**

The State Water Board has determined that this regulation requires approximately \$380,000 in additional expenditures to: 1) develop and implement the new provisional operator certificate; 2) bring approximately 434 privately owned WWTPs into the Operator Certification Program, including plant classification, registering contract operators, and processing certificate applications and give examinations to the additional 468 certified operators, certified provisional operators, or certified OITs; and 3) maintain the current workload of certifying operators and registering contract operators at publicly owned WWTPs.

It is anticipated that the State Water Board will request an increase in the currently authorized budget level for the 2012-13 fiscal year. The increase of authority will be supported by the fee revenue collected by the Operator Certification Program.

## **Cost or Savings Imposed on Local Agencies**

The State Water Board has determined that this regulation imposes additional expenditures on local agencies of approximately \$350,258, which are not reimbursable by the State pursuant to section 6 of article XII B of the California Constitution and sections 17500 et seq. of the Government Code because this regulation will be fully financed from the sewer assessments collected by publicly owned WWTPs authorized by section 5470 et seq. of the Health and Safety Code.

## **Other Nondiscretionary Costs or Savings on Local Agencies**

The State Water Board has determined that there are no nondiscretionary costs or savings imposed on local agencies as a result of the proposed regulations.

## **Cost or Savings Imposed on School Districts**

The State Water Board has determined that there are no costs or savings imposed on school districts as a result of the proposed regulations.

## **Cost or Savings in Federal Funding to the State**

The State Water Board has determined that there are no costs or savings in federal funding to the state as a result of the proposed regulations.

## **Business Impact/Small Businesses**

Contract operators will pass their increased costs on to the WWTPs in the form of increased service rates.

All private WWTPs are considered small businesses. No initial (capital costs are required by the regulation.

A privately owned WWTP may comply with the regulation by either employing its own certified operators or contracting for operator services from a registered contract operator. The average annual cost for a small business employing operators is \$4,000. The average annual cost for a small business contracting for operator services is \$2,967. The average annual cost for a small business employing operators or contracting for operator services is \$3,483.

## **Results of the Economic Impact Analysis**

### *Assessment Regarding Effect on Jobs/Businesses*

There will be minimal impact on both creation and elimination of jobs because uncertified operators at privately owned WWTPs will probably become certified. The State Water Board has determined that the regulation will not result in the elimination of existing businesses or the creation or expansion of businesses in the State of California.

### *Benefits of the Regulation for Public Health, Safety, and Welfare*

The State Water Board did not estimate the benefits of the proposed regulation. The proposed regulation will protect public health and the environment by providing for the effective operation of privately owned WWTPs. The regulation also provides additional revenue for operation of the Operator Certification Program.

## **Cost Impacts on Representative Private Persons or Businesses**

The small business is the typical business therefore the economic impacts estimated in the previous section entitled "Business Impact/Small Businesses" also applies here.

The State Water Board expects that privately owned WWTPs will pay for or reimburse operators, provisional operators, and OITs for their fees and education costs. The State Water Board also expects that half of publicly owned WWTPs will pay or reimburse operators, provisional operators, and OITs for their fees and half of the publicly owned WWTPs will not pay or reimburse operators, provisional operators, and OITs for their fees. No initial (capital) costs are required by the regulation. The average annual cost for operators, provisional operators, and OITs employed at publicly owned WWTPs that will not pay or reimburse operators, provisional operators, and OITs for their fees is \$100. The average annual cost for operators, provisional operators, and OITs at privately owned WWTPs and publicly owned WWTPs is \$47.

## **Significant, Statewide Adverse Economic Impact Directly Affecting Business, Including Ability of California Businesses to Compete with Businesses in Other States**

There will be no Adverse Economic Impact.

## **Effect on Housing Costs**

None.

## **Alternatives**

The regulation implements chapter 422, statutes 2002 by setting forth the procedures and timeframes by which operators at privately owned WWTPs must obtain operator certificates, owners of privately owner WWTPs must comply with the regulations, and contract operators at

privately owned WWTPs must register with the State Water Board. The Board must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed, would be as effective and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

### **Availability of Initial Statement of Reasons, Text of Proposed Regulations, and the Rulemaking File**

The State Water Board has prepared an Initial Statement of Reasons for the proposed action. The statement includes the specific purpose for each amendment, interpretation, or requirement, and the factual basis for determining the necessity of each regulatory interpretation or requirement. All the information upon which the proposed regulations are based is contained in the rulemaking file. The Initial Statement of Reasons, the express terms of the proposed regulations, and the rulemaking file are available from the contact person listed below or at the website listed below.

### **Availability of Changed or Modified Text**

After holding the public hearing and considering all timely and relevant comments received, the State Water Board may adopt the regulatory language as originally proposed, or with non-substantial or grammatical modifications. If the State Water Board makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for written comment at least 15 days before the State Water Board adopts the regulations as modified.

### **Availability of Final Statement of Reasons**

Upon its completion, a copy of the Final Statement of Reasons will be available from the contact person listed below or at the website listed below.

### **Contact Persons**

Requests for copies of the text of the proposed regulations, the Statement of Reasons, or other information upon which the rulemaking is based, or other inquiries, should be addressed to the following:

The contact person is:

Name:	Debra Cockrell
Address:	State Water Resources Control Board Office of Operator Certification 1001 "I" Street Sacramento, CA 95814
Telephone No.:	(916) 341-5648
Fax No.:	(916) 341-5734
E-mail Address:	<a href="mailto:dcokrell@waterboards.ca.gov">dcokrell@waterboards.ca.gov</a>

The backup contact person is:

Name: Debbie Zuccala  
Address: State Water Resources Control Board  
Office of Operator Certification  
1001 "I" Street  
Sacramento CA 95814  
Telephone No.: (916) 341-5639  
Fax No.: (916) 341-5734  
E-mail address: [dzuccala@waterboards.ca.gov](mailto:dzuccala@waterboards.ca.gov)

The documents relating to this proposed action may also be found on the State Water Board's website at the following address:  
[http://www.waterboards.ca.gov/water\\_issues/programs/operator\\_certification/](http://www.waterboards.ca.gov/water_issues/programs/operator_certification/).