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## State Water Resources Control Board

### TITLE 22. SOCIAL SECURITY DIVISION 4. ENVIRONMENTAL HEALTH CHAPTER 13. OPERATOR CERTIFICATION

#### NOTICE OF PROPOSED EMERGENCY RULEMAKING

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##### 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 title 22, division 4, chapter 13, amending section 63850 and adding section 63750.80. This notification satisfies the notification requirements of Government Code section 11346.1(a)(2).

##### Proposed Emergency Action

Amendments to the Health and Safety Code enacted by chapter 305, statutes of 2016, require the State Water Board to review its fees each fiscal year so that the fee schedules provide the appropriate amount of revenue to recover the costs of the Drinking Water Operator Certification Program (DWOCP) and to compensate for past over-collection or under-collection of revenue. (See Health & Saf. Code, § 106890, subs. (a) & (d).) The amendments also permit the State Water Board to establish reduced certification and certification renewal fees for all applicants holding two or more valid, unexpired certifications issued by the State Water Board as a water treatment operator, distribution operator, or wastewater treatment plant operator. (See Health & Saf. Code, § 106890, subd. (c).)

The existing Drinking Water Operator Certification fee schedule in section 63850 of California Code of Regulations, title 22, division 4, chapter 13 (commencing with section 63750.10) (DWOCP Regulations) includes a reduced certification and certification renewal fee for applicants holding both a water treatment operator certificate and a water distribution operator certificate. At its September 19, 2017 meeting, the State Water Board will consider amending this provision to extend the reduced fee to all applicants holding two or more valid, unexpired certifications issued by the State Water Board as a water treatment operator, distribution operator, or wastewater treatment plant operator. The State Water Board also will consider amending the fee schedule in section 63850 of the DWOCP Regulations to update or delete certain provisions that are outdated or no longer in use, consistent with existing practice, and

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adding section 63750.80 to the DWOCP Regulations to define the term “State Water Board,” which is used in section 63850.

**Proposed Text of Emergency Regulations**

The proposed text of the emergency regulations is attached. The State Water Board may revise the proposed emergency regulations based on comments received prior to and during its September 19, 2017 Board meeting. 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).)

Health and Safety Code section 106890, subdivision(d)(2) 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).)

Health and Safety Code sections 106890 and 106910.

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

The existing fee schedule in section 63850 of the DWOCP Regulations includes a reduced certification and certification renewal fee for applicants holding both a water treatment operator certificate and a water distribution operator certificate. Consistent with Health and Safety Code section 106890, subdivision (c), the State Water Board has amended this provision to extend the reduced fee to all applicants holding two or more valid, unexpired certifications issued by the State Water Board as a water treatment operator, distribution operator, or wastewater treatment plant operator.

The State Water Board also has amended the fee schedule in section 63850 of the DWOCP Regulations to update or delete certain provisions that are outdated or no longer in use, consistent with existing practice. In addition, the State Water Board propose to add section 63750.80 to the DWOCP Regulations to define the term “State Water Board,” which is used in section 63850.

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

The proposed emergency regulations establishing a reduced fee for all applicants holding two or more valid, unexpired certifications issued by the State Water Board as a water treatment operator, distribution operator, or wastewater treatment plant operator will encourage operators to be certified in more than one discipline. This will increase the number of certified operators to operate water treatment plants and water distribution systems.

The proposed emergency regulations also would update or delete certain provisions in section 63850 of the DWOCP Regulations that are outdated or no longer in use and add section 63750.80 to the DWOCP Regulations to define the term “State Water Board,” are for consistency and clarification purposes.

**Consistency Statement (Gov. Code, § 11346.5, subs. (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 DWOCP 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).)

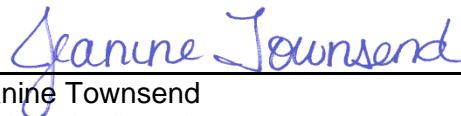
The proposed emergency regulations do not impose a mandate on local agencies or school districts because they do not mandate a new program or a higher level of service of an existing program. The fee schedule applies equally to public and private entities and is not unique to local government. No state 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).)

The proposed emergency regulations will decrease revenue to the Drinking Water Operator Certification Program by approximately \$2,000 per fiscal year. 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.

September 8, 2017

\_\_\_\_\_  
Date



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Jeanine Townsend  
Clerk to the Board

# **ATTACHMENT A**

## **Proposed Amendments to the California Code of Regulations Title 22. Social Security Division 4. Environmental Health Chapter 13. Operator Certification**

# **PROPOSED AMENDMENTS**

**SEPTEMBER 2017  
State Water Resources Control Board  
Division of Financial Assistance**

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

**DRAFT**

**TITLE 22. SOCIAL SECURITY  
DIVISION 4. ENVIRONMENTAL HEALTH  
CHAPTER 13. OPERATOR CERTIFICATION**

**Article 1. Definitions**

§ 63750.80. State Water Board.

“State Water Board” means the State Water Resources Control Board.

Authority Cited: Sections 106910, Health and Safety Code.

Reference: Sections 106910, Health and Safety Code.

**Article 5. Certification Renewals, Delinquent Renewals and Fees**

§ 63850. Fees.

(a) ~~Except as provided in subsection (e), payment of the fees specified in this section shall be made by a separate check or money order for each operator. The operator’s name, and in the case of renewals, the operator’s certificate number, shall be written on the check or money order.~~

(b) ~~(a) All fees submitted to the Department~~ State Water Board pursuant to this section are nonrefundable.

(c) ~~Operator fees shall be pursuant to Table 63850-A.~~

(b) Application fees for an examination are set forth below in Table 63850-A:

Table 63850-A. Operator Examination Fee Schedule

<i>Grade</i>	<i>Examination Fee (\$)</i>	<i>Reexamination Fee (\$)</i>	<i>Certification Fee (\$)</i>	<i>Triennial Renewal Fee (\$)</i>
D1 or T1	<u>\$50</u>	<u>\$30</u>	<del>70</del>	<del>70</del>
D2 or T2	<u>\$65</u>	<u>\$45</u>	<del>80</del>	<del>80</del>
D3 or T3	<u>\$100</u>	<u>\$70</u>	<del>120</del>	<del>120</del>
D4 or T4	<u>\$130</u>	<u>\$95</u>	<del>140</del>	<del>140</del>
D5 or T5	<u>\$155</u>	<u>\$120</u>	<del>140</del>	<del>140</del>

(c) ~~Except as provided in subdivision (d), certification fees are set forth below in Table 63850-B:~~

Table 63850-B. Fee Schedule for Operators With a Single Certificate

<u>Grade</u>	<u>Certification Fee</u>	<u>Triennial Renewal Fee</u>
<u>D1 or T1</u>	<u>\$70</u>	<u>\$70</u>
<u>D2 or T2</u>	<u>\$80</u>	<u>\$80</u>
<u>D3 or T3</u>	<u>\$120</u>	<u>\$120</u>
<u>D4 or T4</u>	<u>\$140</u>	<u>\$140</u>
<u>D5 or T5</u>	<u>\$140</u>	<u>\$140</u>

(d) Operators who are certified or have been notified by the Department that they have met requirements for certification as both treatment and distribution operators shall pay the certification and renewal fees specified in Table 63850-B for each certificate. Notwithstanding subdivision (c), 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 set forth below in Table 63850-C:

Table 63850-B-63850-C. Fee Schedule for Operators With Multiple Certificates

<i>Grade</i>	<i>Certification Fee (\$) per Certificate</i>	<i>Triennial Renewal Fee (\$) per Certificate</i>
D1 or T1	\$55	\$55
D2 or T2	\$60	\$60
D3 or T3	\$90	\$90
D4 or T4	\$105	\$105
D5 or T5	\$105	\$105

(e) The fee schedule for interim distribution operator certification is in Table 63850-C. The fees specified in this subsection may be paid by a single check or money order for all operators included in the application.

Table 63850-C. Interim Operator Fee Schedule

<i>Grade</i>	<i>Certification Fee (\$)</i>	<i>Triennial Renewal Fee (\$)</i>
D1	70	70
D2	80	80
D3	120	120
D4	140	140
D5	140	140

(f) The fee schedule for distribution operators holding valid CNAWWA certificates pursuant to 63850(b) is in Table 63850-D.

<i>CNAWWA Grade</i>	<i>Biennial Renewal Fee Due in 2001 — valid for two years</i>
1	80
2	100
3	120
4	120

(g) (e) A penalty fee of \$50 shall be paid for renewals submitted or resubmitted after the renewal due date but at least 45 days prior to the expiration date. A penalty fee of \$100 shall be paid for renewals submitted or resubmitted less than 45 days prior to the expiration date but within 1 year after the expiration date.

(h) (f) A certificate replacement fee of \$25 shall be paid by any certificate holder requesting to have a lost, stolen, or destroyed certificate replaced.

Authority Cited: Sections 400275 106890 and 106910, Health and Safety Code.  
Reference: Sections 106890 and 106910, Health and Safety Code.