

The Texas Natural Resource Conservation Commission (commission) adopts the repeal of §§325.1, 325.2, 325.4, 325.6 - 325.8, 325.10, 325.12, 325.14, 325.22, 325.24, 325.26, 325.28, 325.30, 325.101, 325.102, 325.104 - 325.106, 325.108, 325.110, 325.112, 325.114, 325.116, 325.118, 325.120, 325.122, 325.124, 325.126, 325.128, 325.301, 325.302, 325.304, 325.306, 325.308, 325.310, 325.312, 325.314, 325.316, 325.318, 325.320, 325.322, 325.401, 325.402, 325.404, 325.406, 325.408, 325.410, 325.412, 325.414, 325.416, 325.418, 325.420, 325.422, 325.424, 325.426, 325.428, 325.430, 325.432, and 325.434, Certificates of Competency. The repeals are adopted *without changes* as published in the September 28, 2001 issue of the *Texas Register* (26 TexReg 7492) and will not be republished.

BACKGROUND AND SUMMARY OF THE FACTUAL BASIS FOR THE ADOPTED RULES

The repeals implement House Bill (HB) 3111 and HB 2912 of the 77th Legislature, 2001, as well as Sunset Commission recommendations to consolidate commission programs for occupational licenses and registrations. House Bill 3111 created new Texas Water Code (TWC), Chapter 37, to consolidate the administrative requirements for ten licensing and registration programs administered by the commission. House Bill 3111 requires the commission to implement this consolidation by December 1, 2001. As part of this consolidation, the commission is repealing Chapter 325 and proposing new 30 TAC Chapter 30, Occupational Licenses and Registrations. This new chapter will contain all the licensing and registration requirements for the ten occupational programs administered by the Compliance Support Division, and is adopted concurrently in this issue of the *Texas Register*.

SECTION BY SECTION DISCUSSION

Chapter 325, Certificates of Competency, is repealed and will be moved into new Chapter 30. Changes to the rules are discussed in the preamble of the rulemaking for Chapter 30, and published in this issue of the *Texas Register*.

FINAL REGULATORY IMPACT ANALYSIS DETERMINATION

The commission reviewed the repeals in light of the regulatory analysis requirements of Texas Government Code, §2001.0225, and determined that the repeals are not subject to §2001.0225. Section 2001.0225 only applies to rules that are specifically intended to protect the environment, or reduce risks to human health from environmental exposure. The intent of the repeals is to consolidate the requirements for the various occupations, licensed or registered by the commission, into one chapter; not to protect the environment or human health. Protection of human health and the environment may be a by-product of the repeals, but it is not the specific intent of the repeals. Furthermore, the repeals would not adversely affect, in a material way, the economy, a section of the economy, productivity, competition, jobs, the environment, or the public health and safety of the state or a sector of the state, because the repeals would simply consolidate existing rule language into one chapter. Thus, the repeals do not meet the definition of a “major environmental rule” as defined in Texas Government Code, §2001.0225(g)(3), and thus, do not require a full regulatory impact analysis.

TAKINGS IMPACT ASSESSMENT

The commission has prepared a takings impact assessment for these repeals under Texas Government Code, §2007.43. The following is a summary of that assessment. The specific purpose of the repeals

is to consolidate the requirements for the various occupations, licensed or registered by the commission, into one chapter. The repeals would substantially advance this specific purpose by setting forth detailed procedures for obtaining an occupational license or registration including procedures for: the initial application; examinations; and renewal applications. The repeals do not constitute a takings because they would not burden private real property.

CONSISTENCY WITH THE COASTAL MANAGEMENT PROGRAM

The commission has reviewed the adopted rulemaking and found that the rules are neither identified in Coastal Coordination Act Implementation Rules, 31 TAC §505.11, relating to Actions and Rules Subject to the Texas Coastal Management Program (CMP), nor will they affect any action or authorization identified in Coastal Coordination Act Implementation Rules, 31 TAC §505.11. Therefore, the adoption is not subject to the CMP.

HEARING AND COMMENTERS

The commission held a public hearing in Austin on October 11, 2001. The public comment period closed on October 22, 2001, and no oral or written comments were received.

STATUTORY AUTHORITY

The repeals are adopted under the authority granted to the commission in TWC, §37.002, which requires the commission to adopt rules to establish occupational licenses and registrations for wastewater operators and operations companies (TWC, §26.0301) and public water system operators and operations companies (Texas Health and Safety Code (THSC), §341.033 and §341.034).

**SUBCHAPTER A: CERTIFICATION OF PUBLIC WATER SYSTEM OPERATORS
AND PUBLIC WATER SYSTEM OPERATIONS COMPANIES**

**§§325.1, 325.2, 325.4, 325.6 - 325.8, 325.10, 325.12, 325.14,
325.22, 325.24, 325.26, 325.28, 325.30**

§325.1. Date of Compliance.

§325.2. Applicability and General Provisions.

§325.4. Definitions.

§325.6. Administration.

§325.7. Processing Applications.

§325.8. Classification of Public Water Systems and Certificates Required.

§325.10. Qualifications for Public Water System Operators.

§325.12. Applications and Examinations.

§325.14. Certificates of Competency, Terms, and Fees.

§325.22. Certificate of Competency Affected by the Texas Education Code, Chapter 57.

§325.24. Certificate of Competency Affected by the Texas Family Code, Chapter 232.

§325.26. Training Approvals.

§325.28. Certification of Public Water System Operations Companies.

§325.30. Enforcement.

**SUBCHAPTER B: CERTIFICATION OF WASTEWATER OPERATORS AND
WASTEWATER OPERATIONS COMPANIES**

**§§325.101, 325.102, 325.104 - 325.106, 325.108, 325.110, 325.112, 325.114,
325.116, 325.118, 325.120, 325.122, 325.124, 325.126, 325.128**

STATUTORY AUTHORITY

The repeals are adopted under the authority granted to the commission in TWC, §37.002, which requires the commission to adopt rules to establish occupational licenses and registrations for wastewater operators and operations companies (TWC, §26.0301).

§325.101. Applicability and General Provisions.

§325.102. Definitions.

§325.104. Administration.

§325.105. Processing Applications.

**§325.106. Classification of Wastewater Treatment Facilities, Wastewater Collection Systems, and
Certificates Required.**

§325.108. Qualifications for Wastewater Treatment Facility and Collection System Operators.

§325.110. Applications and Examinations.

§325.112. Certificates of Competency, Terms, and Fees.

§325.114. Reciprocity.

§325.116. Renewal of Certificates of Competency.

§325.118. Perpetual Certificates.

§325.120. Certificate of Competency Affected by the Texas Education Code, Chapter 57.

§325.122. Certificate of Competency Affected by the Texas Family Code, Chapter 232.

§325.124. Training Approvals.

§325.126. Certification of Wastewater System Operations Companies.

§325.128. Enforcement.

SUBCHAPTER D: CERTIFICATION OF WATERWORKS PERSONNEL

**§§325.301, 325.302, 325.304, 325.306, 325.308, 325.310,
325.312, 325.314, 325.316, 325.318, 325.320, 325.322**

STATUTORY AUTHORITY

The repeals are adopted under the authority granted to the commission in TWC, §37.002, which requires the commission to adopt rules to establish occupational licenses and registrations for public water system operators and operations companies (THSC, §341.033 and §341.034).

§325.301. Applicability.

§325.302. General.

§325.304. Definitions.

§325.306. Administration.

§325.308. Processing Applications.

§325.310. Qualifications.

§325.312. Applications.

§325.314. Examinations.

§325.316. Certificates.

§325.318. Training Approval.

§325.320. Reciprocity.

§325.322. Fees.

SUBCHAPTER E: CERTIFICATES OF COMPETENCY

§§325.401, 325.402, 325.404, 325.406, 325.408, 325.410, 325.412, 325.414, 325.416, 325.418, 325.420, 325.422, 325.424, 325.426, 325.428, 325.430, 325.432, 325.434

STATUTORY AUTHORITY

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§325.401. Applicability.

§325.402. Definitions.

§325.404. Processing Applications.

§325.406. Certificates for Wastewater Treatment Plant Operators.

§325.408. Certificates for Collection System Operators.

§325.410. (Effective Beginning September 1, 1991) - Classification of Wastewater Treatment Facilities.

§325.412. Applications and Fees.

§325.414. Renewal of Operator Certificates.

§325.416. Certificates for Wastewater Treatment Facility Operations Companies.

§325.418. Terms of Certificates for Wastewater Treatment Facility Operations Companies.

§325.420. Reports, Applications, and Renewals for Wastewater Treatment Facility Operations Companies.

§325.422. Public Hearing on Applications for Renewal of Certificates for Wastewater Treatment Facility Operations Companies.

§325.424. Sanctions.

§325.426. Notice of Hearings.

§325.428. Enforcement Hearings.

§325.430. Reciprocity.

§325.432. Perpetual Certificates of Competency.

§325.434. Nonrenewal of Certificate of Competency Due to Loan Default.