

The Texas Natural Resource Conservation Commission (commission) proposes the repeal of Chapter 290, Subchapter B: §290.27, General; §290.28, Definitions; §290.29, Administration; §290.30, Qualifications; §290.31, Applications; §290.32, Examinations; §290.33, Certificates; §290.34, Training Approval; §290.35, Reciprocity; and §290.36, Fees; and proposes the repeal of Subchapter C: §290.37, Processing Permit Applications for Water Hygiene Operations.

In simultaneous rulemaking, the commission proposes to move these provisions, with changes, into new sections of 30 TAC Chapter 325. Until June 1, 2001, public water system certified operators and public water system operations companies will follow essentially the requirements as are proposed for repeal from Chapter 290, Subchapter B and proposed as new provisions in Chapter 325.

The United States Environmental Protection Agency (EPA) established water certification standards and developed federal requirements. These requirements were effective February 5, 1999 (64 FR 5916), and were issued under the authority of the Safe Drinking Water Act Amendments of 1996, 42 United States Code (USC) §§300f et seq.

In addition to repealing the provisions of Chapter 290, Subchapters B and C, and moving the provisions to Chapter 325, other modifications are also proposed. The commission also proposes in Chapter 325 new provisions which are consistent with EPA's requirements. On June 1, 2001, water operators, water operations companies, and public water systems in Texas will be required to comply with the concurrently proposed rules in Chapter 325, Subchapters A and B. The new provisions proposed in Chapter 325 for immediate compliance, as well as the new provisions proposed in Chapter 325 for

compliance by June 1, 2001, are discussed in Chapter 325 in the Proposed Rules section of this issue of the *Texas Register*.

An extension of time is being created by the compliance requirements in Chapter 325. This extension is needed to allow public water systems to hire additional operators, if necessary, and to allow operators to attend training courses and take the required examinations to become certified and compliant with the new proposed rules.

This action is associated with the commission's notice of intention to review the rules contained in Chapters 290, Subchapter B and C, and 325, in accordance with Texas Government Code (TGC), §2001.039; and the General Appropriations Act, Article IX, §9-10.13, 76th Legislature, 1999, which require state agencies to review and consider for readoption each of their rules every four years.

The commission proposes the notice of intention to review the rules in Chapter 290, Subchapters B and C, Public Drinking Water, as well as in Chapter 325, Certificates of Competency, as mandated by TGC, §2001.039; and the General Appropriations Act, Article IX, §9-10.13, 76th Legislature, 1999, which require state agencies, every four years, to review and consider for readoption each of their rules that were adopted under the Administrative Procedure Act. A review must include an assessment of whether the reasons for the rules continue to exist.

The commission has conducted a preliminary review of the rules in Chapter 290, Subchapters B and C, and has determined that the reasons for adopting these rules continues to exist. These rules are needed

for compliance with EPA's requirements under the federal Safe Drinking Water Act (42 USC §§300f et seq.) and to implement provisions of state law including Texas Health and Safety Code (HSC), §§341.031, 341.033, and 341.034 regarding Public Drinking Water, Protection of Public Water Supplies, and Water Supply System Operator Certificate of Competency; and TGC, §2005.003 regarding Permit Processing Periods. The commission invites comments on whether the reasons for the rules in Chapter 290, Subchapters B and C, continue to exist.

The commission's review of Chapter 290, Subchapters B and C has also revealed provisions which require modifications to improve program efficiency. The commission concurrently proposes to repeal Chapter 290, Subchapters B and C. These changes are proposed as a result of the commission's rule review of Chapters 290 and 325 and for consistency with the commission's ongoing regulatory reform initiative. The provisions are still needed and are concurrently proposed, with changes, for inclusion as new provisions in Chapter 325. The specific changes are noted in the proposed rule preamble for Chapter 325 in this issue of the *Texas Register*.

EXPLANATION OF PROPOSED RULES

Until June 1, 2001, public water system certified operators and public water system operations companies will follow essentially the existing requirements which are proposed for repeal from Chapter 290. However, the provisions are proposed to be located, with changes, in Chapter 325.

EPA updated the water certification standards and established federal requirements published in the *Federal Register*, effective February 5, 1999 (64 FR 5916) which were issued under the authority of the Safe Drinking Water Act Amendments of 1996, 42 USC §§300f et seq.

In addition to repealing the provisions of Chapter 290, Subchapters B and C, and moving the provisions to Chapter 325, other modifications are also proposed. The commission proposes in Chapter 325 new provisions which are consistent with EPA's requirements. On June 1, 2001, water operators, water operations companies, and public water systems in Texas will be required to comply with the concurrently proposed rules in Chapter 325. The new provisions proposed in Chapter 325 for immediate compliance, as well as the new provisions proposed in Chapter 325 for compliance by June 1, 2001, are discussed in the Chapter 325 in the Proposed Rules section of this issue of the *Texas Register*.

An extension of time is being created by the compliance requirements in Chapter 325. This extension is needed to allow public water systems to hire additional operators, if necessary, and to allow operators to attend training courses and take the required examinations to become certified and compliant with the new proposed rules.

This action is associated with the commission's notice of intention to review the rules contained in Chapter 290, Subchapters B and C, and Chapter 325, in accordance with the TGC, §2001.039; and the General Appropriations Act, Article IX, §9-10.13, 76th Legislature, 1999, which require state agencies to review and consider for re adoption each of their rules every four years.

BACKGROUND AND SUMMARY OF THE FACTUAL BASIS FOR THE PROPOSED RULES

Many operators hold dual certification under both the water and wastewater programs. In accordance with the commission's ongoing regulatory reform initiative, these certification requirements are consolidated in Chapter 325. The repeals and new provisions will clarify requirements, thereby making them easier for the commission, the regulated community, and the public to read, reference, and understand.

On June 1, 2001, all public water system certified operators and public water system operations companies in Texas must comply with the provisions of new Chapter 325, which are concurrently proposed in this edition of the *Texas Register*. The new provisions in Chapter 325 are proposed to fulfill statutory provisions and to comply with the recently enacted federal requirements that were mandated by EPA requirements under the 1996 Safe Drinking Water Act Amendments, §1419. After June 1, 2001, the commission intends to repeal the provisions of Chapter 325, Subchapters D and E.

FISCAL NOTE

Jeff Grymkoski, Director, Strategic Planning and Appropriations, has determined that for the first five-year period the proposed rules are in effect, certain units of state and local government that own and operate public drinking water and wastewater treatment facilities will incur fiscal implications which may not be significant.

Chapter 290, Subchapter B, Certification of Waterworks Personnel, is proposed to be repealed and replaced with Chapter 325, Subchapter A, Certification of Public Water System Operators and Public

Water System Operations Companies. This proposed subchapter provides the and requirements for the certification of public water system operators and public water system operations companies. This proposed rulemaking is meant to comply with the EPA's new operator certification requirements as specified in the February 5, 1999, *Federal Register* (64 FR 5916).

The existing provisions of Chapter 325 are also proposed to be repealed and replaced with a new Chapter 325, Subchapter B, Certification of Wastewater Operators and Wastewater Operations Companies, which will provide the requirements for the certification of wastewater operators and wastewater operation companies.

This action is also associated with the commission's notice of intention to review the rules contained in Chapters 290 and 325 in accordance with the provisions of TGC, §2001.039; and the General Appropriations Act, Article IX, §9-10.13, 76th Legislature, 1999, which requires state agencies to review and consider each rule for readoption every four years.

Specifically, the rules would increase the fees assessed on public water system operators when their current certification expires. The rules also change the renewal period for both A and B operators. For the approximately 3,500 Class D operators, the certification fee would increase from \$20 per two-year term to \$40 per two-year term. The certification fee for the nearly 6,000 Class C operators would increase from \$30 per three-year term to \$60 per three-year term. The certification fee for the approximately 2,500 Class B operators would increase from \$50 per five-year term to \$60 per three-year term. The certification fee for the approximately 826 Class A operators would increase from \$80

per eight-year term to \$60 per three-year term. Additionally, the estimated 300 perpetual certificate holders would be required to renew their certificates every three years. These perpetual certificate holders would also be subject to the continuing education requirements appropriate for their Class. These costs are estimated at \$100 per 20-hour training course.

The proposed rules require anyone performing process control activities at a public water system to receive a certification from the commission. Approximately 5,704 public water systems are required to have certified operators, and it is estimated that 1,900, or one-third, of these systems will now be required to certify an additional operator to perform systems process control activities. Because these rules pose no additional work requirement, the commission does not anticipate an increase in the number of operators at any facility. This certification could be at any given level and the commission anticipates that operators will apply for the lowest class, Class D. The estimated cost of certification will be \$140 per individual operator. This cost includes the required training course of \$100 per 20-hour training course and the \$40 certification fee.

The rules would also require Class D operators who operate multiple systems, where the total number of connections exceed 250 connections, to upgrade their certifications to a Class C. The estimated cost for training and licensing to upgrade this certification is \$200. This estimate includes the cost of two 20-hour training courses at \$100 per course to go from a Class D to a Class C certification.

In 2003, surface water systems will be required to have a Class B surface water operator on staff.

There are approximately 475 surface water systems and the commission estimates that 30%, or 142

systems, do not currently employ a Class B surface water operator. The estimated cost of upgrading from a Class C to a Class B certification is \$300. This estimate includes the cost of three 20-hour training courses at \$100 per course to go from a Class C to a Class B certification.

Operations companies will be required to register the number the systems served and the individuals operating them. The commission estimates that there are 100 water operations companies and the fee will be based on the number of systems served. The fee for companies operating zero to four systems would be \$75; for five to nine systems, \$150; for 10 to 19 systems, \$250; and for 20 or more systems, \$400.

The rules would also require public water systems and wastewater systems to designate a chief operator or operators who must be present at the facility daily. For purposes of this fiscal note, the commission assumes that most systems are operated by a person or persons who would be able to comply with this provision without any additional cost.

The proposed rules would change the renewal period for both Class A and Class B wastewater plant operators. The approximately 840 Class A operators would be required to renew their certifications every three years instead of the current eight years and the approximately 2,070 Class B operators would be required to renew their certification every three years instead of the current five years.

Wastewater collection systems transporting over one million gallons per day (MGD) will be required to have at least one operator certified at the Class III or Class B level. There are 359 permitted domestic

waste treatment facilities with a permitted daily average flow of one MGD or greater and approximately 35 separate collection systems with a daily average flow of one MGD or greater. The commission believes that the majority of these systems currently comply with the proposed rules. The estimated cost of upgrading from a Class C to a Class B certification is \$200. This estimate includes the cost of two 20-hour training courses at \$100 per course to go from a Class C to a Class B certification.

Operators of mobile and remote sludge facilities will be required to hold a Class D Wastewater Operator Certificate. The commission does not know how many mobile facilities are in operation; however, there are two known remote sludge facilities in Texas, and both currently have operators certified above the Class D level. The estimated cost of Class D certification is \$100, which is the cost of the required 20-hour training course.

The rules would also require the estimated 300 wastewater plant operators who hold a perpetual certificate to renew their certificates every three years. These perpetual certificate holders would also be subject to the continuing education requirements appropriate for their class. These costs are estimated at \$100 per 20-hour training course.

Finally, anyone requesting a duplicate or replacement water or wastewater certificate would be required to pay a \$10 fee. The agency currently produces 50 to 100 duplicate certificates per year. However, it is assumed that the number of requests will go down once a fee is charged for this service.

Although not required to do so, many public water and wastewater systems are owned and operated by units of state and local government that may chose to pay for the costs to comply with the proposed rules.

PUBLIC BENEFIT

Mr. Grymkoski has also determined that the public benefit for each of the first five years these rules are in effect, when considered with the new rules, will potentially be greater compliance with agency rules. The new certification requirements will continue to assure the protection of public health and the environment by requiring additional training for operators of certain public water and wastewater systems. The repeal, reorganization, and clarification of commission rules should also increase the protection of human health and the environment by making rules easier to understand, thereby potentially increasing compliance with agency rules.

Although most public water and wastewater systems are owned and operated by units of state and local government that may chose to pay the costs to comply with the rules, any person, business, or facility that owns or operates a water or wastewater system may incur additional costs which are not anticipated to be significant.

Specifically, the rules would increase the fees assessed on public water system operators when their current certification expires. They also change the renewal period for both A and B operators. For the approximately 3,500 Class D operators, the certification fee would increase from \$20 per-year term to \$40 per two-year term. The certification fee for the nearly 6,000 Class C operators would increase

from \$30 per three-year term to \$60 per three-year term. The certification fee for the approximately 2,500 Class B operators would increase from \$50 per five-year term to \$60 per three-year term. The certification fee for the approximately 826 Class A operators would increase from \$80 per eight-year term to \$60 per three-year term. Additionally, the estimated 300 perpetual certificate holders would be required to renew their certificates every three years. These perpetual certificate holders would also be subject to the continuing education requirements appropriate for their class. These costs are estimated at \$100 per 20-hour training course.

The rules would require anyone performing process control activities at a public water system to receive a certification from the commission. Approximately 5,704 public water systems are required to have certified operators, and the commission estimates that 1,900, or one-third, of these systems will now be required to certify an additional operator to perform systems process control activities. Because the rules pose no additional work requirement, the commission does not anticipate an increase in the number of operators at any facility. This certification could initially be at any given level and the commission anticipates that operators will apply for the lowest class, Class D. The estimated cost of certification will be \$140. This estimate includes the training cost of \$100 per 20-hour training course and the \$40 certification fee.

The rules would also require Class D operators who operate multiple systems where the total number of connections exceed 250 connections to upgrade their certification to a Class C. The estimated cost for training and licensing to upgrade this certification is \$200. This estimate is the cost of two 20-hour training courses.

In 2003, surface water systems will be required to have a Class B surface water operator on staff.

There are approximately 475 surface water systems and the commission estimates that 30%, or 142 systems, do not currently employ a Class B surface water operator. The estimated cost of upgrading from a Class C to a Class B certification is \$300. This estimate includes the cost of three 20-hour training courses at \$100 per course to go from a Class C to a Class B certification.

Operations companies will be required to register the number the systems served and the individuals operating them. The commission estimates that there are 100 water operations companies, and the fee will be based on the number of systems served. The fee for companies operating zero to four systems would be \$75; for five to nine systems, \$150; for 10 to 19 systems, \$250; and for 20 or more systems, \$400.

The rules would also require public water systems and wastewater facilities to designate a chief operator or operators who must be present at the facility daily. For purposes of this fiscal note, the commission assumes that most systems are operated by a person or persons would be able comply with this provision without any additional cost.

The proposed rules would change the renewal period for both Class A and Class B wastewater plant operators. The approximately 840 Class A operators would be required to renew their certifications every three years instead of the current eight years, and the approximately 2,070 Class B operators would also be required to renew their certifications every three years instead of the current five years.

Wastewater collection systems transporting over one million MGD will be required to have at least one operator certified at the Class III or Class B level. There are 359 permitted domestic waste treatment facilities with a permitted daily average flow of one MGD or greater, and approximately 35 separate collection systems with a daily average flow of one MGD or greater. The commission believes that the majority of these systems currently comply with the proposed rules. The estimated cost of upgrading from a Class C to a Class B certification is \$200. This estimate includes the cost of two 20-hour training courses at \$100 per course to go from a Class C to a Class B certification.

Operators of mobile and remote sludge facilities will be required to hold a Class D Wastewater Operator Certificate. The commission does not know how many mobile facilities are in operation; however, there are two known remote sludge facilities in Texas, and both currently have operators certified above the Class D level. The estimated cost of Class D certification is \$100, which includes the required 20-hour training course at \$100.

The rules would also require the estimated 300 wastewater plant operators who hold a perpetual certificate to renew their certificates every three years. These perpetual certificate holders would also be subject to the continuing education requirements appropriate for their class. These costs are estimated at \$100 per 20-hour training course.

Finally, anyone requesting a duplicate or replacement water or wastewater certificate would be required to pay a \$10 fee. The agency currently produces 50 to 100 duplicate certificates per year. However, the commission assumes that the number of requests will go down once a fee is charged for this service.

SMALL BUSINESS AND MICRO-BUSINESS IMPACT ANALYSES

Small businesses and micro-businesses that own or operate water and wastewater systems should not be significantly adversely affected by this rulemaking.

Although most public water and wastewater systems are owned and operated by units of state and local government that may choose to pay the costs to comply with the rules, any small business and micro-business or facility that owns or operates a water or wastewater system may incur additional costs which are not anticipated to be significant.

Specifically, the rules would increase the fees assessed on public water system operators when their current certification expires. It also changes the renewal period for both A and B operators. For the approximately 3,500 Class D operators, the certification fee would increase from \$20 per two-year term to \$40 per two-year term. The certification fee for the nearly 6,000 Class C operators would increase from \$30 per three-year term to \$60 per three-year term. The certification fee for the approximately 2,500 Class B operators would increase from \$50 per five-year term to \$60 per three-year term. The certification fee for the 826 Class A operators would increase from \$80 per eight-year term to \$60 per three-year term. Additionally, the estimated 300 perpetual certificate holders would be required to renew their certificates every three years. These perpetual certificate holders would also be subject to the continuing education requirements appropriate for their class. These costs are estimated at \$100 per 20-hour training course.

The rules would require anyone performing process control activities at a public water system to receive a certification from the commission. Approximately 5,704 public water systems are required to have certified operators, and the commission estimates that 1,900, or one-third, of these systems will now be required to certify an additional operator to perform systems process control activities. Because the rules pose no additional work requirement, the commission does not anticipate an increase in the number of operators at any facility. This certification could be at any level and the commission anticipates that operators will apply for the lowest Class, Class D. The estimated cost of training is \$100. This cost estimate includes \$100 for a 20-hour training course.

The rules would also require Class D operators who operate multiple systems where the total number of connections exceeds 250 connections to upgrade their certification to a Class C. The estimated cost for training to upgrade this certification is \$200. This estimate includes the cost of two required 20-hour training courses at \$100 per course to go from a Class D to a Class C certification.

In 2003, surface water systems will be required to have a Class B surface water operator on staff. There are approximately 475 surface water systems and the commission estimates that 30%, or 142 systems, do not currently employ a Class B surface water operator. The estimated cost of upgrading from a Class C to a Class B certification is \$300. This estimate includes the cost of three 20-hour training courses at \$100 per course to go from a Class C to a Class B certification.

Operations companies will be required to register the number the systems served and the individual operating them. The commission estimates that there are 100 water operations companies, and the fee

will be based on the number of systems served. The fee for companies operating zero to four systems would be \$75; for five to nine systems, \$150; for 10 to 19 systems, \$250; and for 20 or more systems, \$400.

The rules would also require water systems and wastewater facilities to designate a chief operator or operators who must be present at the facility daily. For purposes of this fiscal note, the commission assumes that most systems currently have a person present at the facility daily that could be designated as a chief operator.

The proposed rules would change the renewal period for both Class A and Class B wastewater plant operators. The approximately 840 Class A operators would be required to renew their certifications every three years instead of the current eight years, and the approximately 2,070 Class B operators would also be required to renew their certifications every three years instead of the current five years.

Wastewater collection systems transporting over one million MGD will be required to have at least one operator certified at the Class III or Class B level. There are 359 permitted domestic waste treatment facilities with a permitted daily average flow of one MGD or greater, and approximately 35 separate collection systems with a daily average flow of one MGD or greater. The commission believes that the majority of these systems currently comply with the proposed rules. The estimated cost of upgrading from a Class C to a Class B certification is \$200. This estimate includes the cost of two 20-hour training courses at \$100 per course to go from a Class C to a Class B certification.

Operators of mobile or remote sludge facilities will be required to hold a Class D Wastewater Operator Certificate. The commission does not know how many mobile facilities are currently in operation; however, there are two known remote sludge facilities in Texas, and both currently have operators certified above the Class D level. The estimated cost of Class D certification is \$100, which includes the required 20-hour training course at \$100.

The rules would also require the estimated 300 wastewater plant operators who hold a perpetual certificate to renew their certificates every three years. These perpetual certificate holders would also be subject to the continuing education requirements appropriate for their classes. These costs are estimated at \$100 per 20-hour training course.

Finally, anyone requesting a duplicate or replacement water or wastewater certificate would be required to pay a \$10 fee. The agency currently produces 50 to 100 duplicate certificates per year. However, it is assumed that the number of requests will go down once a fee is charged for this service.

DRAFT REGULATORY IMPACT ANALYSIS

The commission has reviewed the proposed rulemaking in light of the regulatory analysis requirements of TGC, §2001.0225, and has determined that the rulemaking is not subject to §2001.0225 because it does not meet the definition of a "major environmental rule" as defined in TGC. Furthermore, it does not meet any of the four applicability requirements listed in §2001.0225(a). The proposed repeals and new sections reduce risks to human health from environmental exposure by ensuring that water and wastewater treatment plants as well as facilities for water distribution and collection will be operated

correctly. Although the rules are proposed to reduce the risk to human health from environmental exposure, this is not a major environmental rule because the rules will not adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, while they maintain the public health and safety of the state. The rules update the state's current water certification standards to be compliant with newly established federal requirements, which were effective February 5, 1999 (64 FR 5916) and which were issued under the authority of the Safe Drinking Water Act Amendments of 1996, 42 USC §§300f et seq. The proposed rules ensure competent operation of water and wastewater facilities, which in turn provide an overall benefit to the affected economy, sectors of the economy, productivity, competition, jobs, the environment, and the public health and safety of the state and affected sectors of the state.

The proposed rules do not exceed a standard set by federal law, exceed an express requirement of state law, exceed a requirement of a delegation agreement, or propose to adopt a rule solely under the general powers of the agency. This proposal does not exceed a standard set by federal law, because the purpose of this proposal is to adopt state rules which are substantially equivalent to the corresponding federal requirements. This proposal does not exceed an express requirement of state law, because the express requirements of state law are equivalent to the requirements set forth in this proposal. This proposal does not exceed a requirement of a delegation agreement or contract between the state and an agency or representative of the federal government to implement a state and federal program. In addition to the repeal of Chapter 290, Subchapters B and C, the commission proposes water treatment plant operator certification rules under Chapter 325 that are substantially equivalent to federal

requirements in order to receive the maximum amount of federal funds for the state's drinking water state revolving fund.

Water and wastewater operator certifications have been mandatory requirements under state law since 1945. This proposal makes minor changes to the wastewater operator certification rules under Chapter 325 that do not exceed state law. This proposal does not adopt a rule solely under the general powers of the agency (e.g., Texas Water Code (TWC), §5.103 and §5.105), but rather under a specific state law (i.e., HSC, §§341.031, 341.033, and 341.034; and TWC, §26.0301).

TAKINGS IMPACT ASSESSMENT

The commission has prepared a takings impact assessment for these proposed repeals under TGC, §2007.043. The following is a summary of that assessment. The purpose of the proposed repeal of Chapter 290, Subchapters B and C and the proposed new provisions of Chapter 325 bring the water treatment plant operator certification rules into compliance with the federal requirements issued under the Safe Drinking Water Act Amendments of 1996, 42 USC §§300f et seq. effective February 5, 1999 (64 FR 5916). Chapter 325 proposes new, revised rules and reorganizes the wastewater operator certification rules for greater consistency and clarity. The proposed rules substantially advance this stated purpose by introducing language intended to ensure that state rules regarding water operator certification are substantially equivalent to the corresponding federal requirements. Promulgation and enforcement of these proposed rules do not affect private real property which is the subject of the rules because the proposed rules bring certain water operator certification regulations into equivalence with federal requirements and ensure that wastewater rules are consistent with state law requirements. There

is no burden on private real property because the rules do not subject any private real property to regulation. Also, the following exception to the application of TGC, §2007.003(b) applies to a portion of these proposed rules: this action is reasonably taken to fulfill an obligation mandated by federal law.

COASTAL MANAGEMENT PROGRAM CONSISTENCY REVIEW

The commission has reviewed this rulemaking and found that the proposal is not a rulemaking subject to the Texas Coastal Management Program (CMP) because the rulemaking is neither identified in the Coastal Coordination Act Implementation rules, 31 TAC §505.11, nor will it affect any action or authorization identified in 31 TAC §505.11. Therefore, the proposal is not subject to the CMP. The purposes of these rules are to bring the water treatment plant operator certification rules into compliance with the federal requirements adopted under the Safe Drinking Water Act Amendments of 1996, 42 USC §§300f et seq. effective February 5, 1999 (64 FR 5916); to conduct the required quadrennial rule review; and to revise the wastewater operator certification rules for greater consistency and clarity. The rulemaking does not govern air pollutant emissions, on-site sewage disposal systems, or underground storage tanks which would make it subject to the CMP under 31 TAC §505.11(b)(2)). The rulemaking also does not govern or authorize actions listed in Coastal Coordination Act Implementation Rules (i.e., 31 TAC §505.11(a)(6)), and is not a rule certified under the CMP.

PUBLIC HEARING

A public hearing on this proposal will be held in Austin on August 24, 2000 at 10:00 a.m. at the Texas Natural Resource Conservation Commission Complex in Building F, Room 3202A, located at 12100

Park 35 Circle. The hearing will be structured for the receipt of oral or written comments by interested persons. Individuals may present oral statements when called upon in order of registration. There will be no open discussion during the hearing; however, an agency staff member will be available to discuss the proposal 30 minutes prior to the hearing and will answer questions before and after the hearing.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the hearing should contact the Office of Environmental Policy, Analysis, and Assessment at (512) 239-4900. Requests should be made as far in advance as possible.

SUBMITTAL OF COMMENTS

Comments regarding this proposal may be submitted to Lisa Martin, Office of Environmental Policy, Analysis, and Assessment, MC 205, P.O. Box 13087, Austin, Texas 78711-3087, or faxed to (512) 239-4808. All comments should reference Rule Log Number 1999-013-290-WT. Comments must be received by 5:00 p.m., August 28, 2000. For further information or questions concerning this proposal, please contact Juanita Lopez, Manager, Operator Certification Section, (512) 239-6165, or Michelle Lingo of the Office of Environmental Policy, Analysis, and Assessment, (512) 239-6757.

STATUTORY AUTHORITY

The repeals are proposed under TWC, §5.103 and §5.105, which provide the commission with the authority to adopt any rules necessary to carry out its powers and duties under the provisions of the TWC or other laws of this state; and under HSC, §§341.031, 341.033, and 341.034, which authorize the commission to adopt and enforce rules to implement the federal Safe Drinking Water Act (42 USC §§300f et seq.).

The proposed repeals implement HSC, §§341.031, 341.033, and 341.034.

CHAPTER 290. PUBLIC DRINKING WATER

SUBCHAPTER B: CERTIFICATION OF WATERWORKS PERSONNEL

§§290.27 - 290.36

§290.27. General.

§290.28. Definitions.

§290.29. Administration.

§290.30. Qualifications.

§290.31. Applications.

§290.32. Examinations.

§290.33. Certificates.

§290.34. Training Approval.

§290.35. Reciprocity.

§290.36. Fees.

SUBCHAPTER C: PERMIT APPLICATION

30 TAC §290.37

STATUTORY AUTHORITY

The repeal is proposed under TWC, §5.103 and §5.105, which provide the commission with the authority to adopt any rules necessary to carry out its powers and duties under the provisions of the TWC or other laws of this state; and under HSC, §§341.031, 341.033, and 341.034, which authorize the commission to adopt and enforce rules to implement the federal Safe Drinking Water Act (42 USC §§300f et seq.).

The proposed repeal implements HSC, §§341.031, 341.033, and 341.034.

§290.37. Processing Permit Applications for Water Hygiene Operations.