

**Texas Commission on Environmental Quality
Drinking Water Advisory Work Group (DWA WG)**

July 19, 2011

Program Updates

Occupational Licensing Update

Elston Johnson –

Elston Johnson is the Section Manager for Public Drinking Water (PDW).

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Welcome

Russell Gardner/Terry Thompson/Meagan Warncke -

Russell Gardner is the Section Manager for Occupational Licensing (OL).

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Terry Thompson is the Special Assistant for the for Occupational Licensing (OL).

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Meagan Warncke - Point Of Contact (POC) for occupational licensing

Terry Thompson - POC for Rules or Policy changes.

- **Water Operator Licensing Statistics: September 1, 2010 – July 17, 2011**

| | |
|-------------------------------------------------|--------------|
| Number of Applications Received (new & renewal) | 6205 |
| Number of Examinations Administered | 4427 |
| Number of New Licenses Issued | 2004 |
| Number of Licenses Renewed | 3259 |
| Number of Licensed Water Operators | 16431 |

- **Online Registration for Exams**

Currently, applicants can register online for exam sessions for:

Region 4 - Dallas/Fort Worth

Region 9 - Waco

Region 11 – Austin Central Office

Region 12 – Houston

Region 13 - San Antonio

Coming soon:

Region 2 - Lubbock
Region 3 - Abilene
Region 8 - San Angelo
Region 14 - Corpus Christi
Region 15 - Harlingen

Once these go live for each region, applicants will be required to pre-register for the exam sessions in those regions. Walk-ins will only be allowed if there are available seats. All regions should have online registration by the end of the calendar year.

- **82nd Session Bill Summarization**
 - **SB 867 adds Section 54.003 to Chapter 54 of the Occupations Code, which requires the TCEQ to provide reasonable exam accommodations to an examinee diagnosed with dyslexia. This bill will not require any rulemaking changes, as the TCEQ rules already include language stating that “any qualified applicant with a physical, mental, or developmental disability may request reasonable accommodations to take an examination.”**
 - **SB 1733 amends Chapter 55, Occupations Code, by adding Section 55.004 which requires the TCEQ to adopt rules for the issuance of a license to an applicant who is the spouse of a person serving on active duty as a member of the armed forces of the United States, provided the applicant can demonstrate competency for the license.**
 - **HB 965 amends Section 37.008 of the Water Code to require the TCEQ to accept internet based continuing education programs for occupational licenses issued by the TCEQ. The bill adds new Subsection (d), of the Water Code section 37.008. This requires TCEQ, to provide a way for certain license holders (Class ‘A’ and ‘B’ Water and Wastewater Operators) to certify at the time their license is renewed that they have complied with the commission’s continuing education requirements.**
 - **HB 1674 amends Sections 232.0135(a), (b), (c), and (d), of the Family Code to authorize the TCEQ to refuse to accept an application for issuance of a new occupational license or renewal of an existing occupational license, if the TCEQ receives notice from a child support agency that the applicant has failed to pay child support for six months or more.**

Plan & Groundwater Review Section
Technical Review and Oversight Team (TROT) Update

Ada Lichaa is the Section Manager for the Planning and Groundwater Review Team (PGR). (512) 239-6728 or Ada.Lichaa@tceq.texas.gov

Joel Klumpp is the Acting Team Leader of TROT. (512) 239-4453
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Utilities & Districts Section Update

Tammy Benter -

Tammy Benter is the Section Manager for Utilities and Districts (UD).

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- ***Utilities & Districts Updates –***

- ***TWICC Update –***

**Texas Water Infrastructure Coordinating Council
(TWICC)**

TWICC- Texas Water Infrastructure Coordinating Council. The TWICC attendees are from the funding agencies- TWDB, TDRA, and USDA-RD; regulatory agencies- TCEQ and EPA; as well as other interested agencies, trade associations, water systems and consultants. This group coordinates funding and regulatory activities to make these processes more efficient and effective. The next TWICC meeting is October 27, if you are interested please contact Elston, Dorothy or Doug.

Public Drinking Water (PDW) Section
Drinking Water Quality Team (DWQT) Update

Alicia Diehl –

Alicia Diehl is the Team Leader for the Drinking Water Quality Team (DWQT).

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- **Update**

Public Drinking Water (PDW) Section
Drinking Water Protection Team (DWPT) Update

John Schildwachter –

John Schildwachter is the Team Leader for the Drinking Water Protection Team

(DWPT). (512) 239-2355 or John.Schildwachter@tceq.texas.gov

- **Presentation**

EPA Enforcement Response Policy (ERP)

Field Operations Support Division (FOSD)
Public Drinking Water Update

June Ella Martinez -

June Ella Martinez is the Water Program Liaison for the Field Operations Support Division (FOSD).

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Region Activity. **Information below represents the number of regional activities conducted from April 20, 2011 and July 18, 2011:**

- 169 complaints
- 37 focused investigations
- 6 compliance record reviews (CRRs)
- 14 follow-up investigations
- 10 reconnaissance investigations (Recons)
- 660 comprehensive compliance investigations (CCIs)

To date the following activities have been conducted for FY11 (9/01/10 to 8/31/11) and include the numbers noted above:

- 569 complaints
- 189 focused investigations
- 35 CRRs
- 61 follow-up investigations
- 68 Recons
- 2,021 CCIIs

CCEDS Checklists. As mentioned at the last DWAAG, the Office of Compliance and Enforcement is working on a project to post all investigation checklists on the agency's website so they are available to the public and the regulated community. At this time, they have not been posted. The numbers provided above are all associated to a specific checklist. The checklists are housed in one database known as the Consolidated Compliance and Enforcement Data System (CCEDS) which we use to track, monitor and implement enforcement programs across the agency.

Texas Water Infrastructure Coordinating Committee. The TWICC attendees are from the funding agencies- TWDB, TDRA, and USDA-RD; regulatory agencies- TCEQ and EPA; as well as other interested agencies, trade associations, water systems and consultants. This group coordinates funding and regulatory activities to make the process more efficient and effective. There will be a TWICC presentation and workshop at the Public Drinking Water Conference on August 9th. The presentation is scheduled for 1:30 pm that day and I'm assuming that the workshop will follow the presentation and last for a few hours. Each funding agency will be available during the workshop to answer any questions and provide assistance. If you would like to find out more information about the committee, please go to www.TWICC.org. The webpage just went live a few weeks ago and will continue to be a work in progress.

Direct Supervision. The term "direct supervision" is used within the Texas Administrative Code (TAC), but is not defined within the rule. TCEQ Investigators have noticed that, because of the lack of a clear definition, regions and public water systems (PWSs) inconsistently apply the rules regarding the employment of a water works operator. Because we cannot open the rule to include a definition for direct supervision at this time, it was suggested that staff guidance be developed. Therefore, the regions proposed the following language to be incorporated in the guidance and have been applying it during investigations:

- Direct Supervision can be accomplished by an appropriately licensed individual according to §290.46(e), on-site or by remote means, including but not limited to telephone or radio. An individual not holding a Class D or higher public water system operator license must not perform process control duties, even under the direct supervision of an appropriately licensed individual.
- The guidance will also state that a Field Citation or other enforcement action may be issued against the unlicensed individual for performing process control duties without an appropriate level of operator license when one is required.

There may have been confusion by calling it a definition. It will actually serve as a staff guidance to provide clarification on direct supervision for the regions and systems to ensure consistency.

The Direct Supervision Subcommittee had the first meeting on June 30th. The language above was discussed by the group and the following revisions were requested:

- Direct Supervision can be accomplished by an appropriately licensed individual according to §290.46(e), on-site or by remote means, including but not limited to telephone or radio. ~~An individual not holding a Class D or higher public water system operator license must not perform process control duties, even under the direct supervision of an appropriately licensed individual.~~
- Consider replacing “by remote means” with “visual and verbally” or “within sight and verbal contact”
- Consider including the operator-in-training requirement:
 - An individual entering the field of public water system operation for the first time, who has less than one year of experience, and is in training to perform process control duties in production or distribution of public drinking water [30 TAC §30.387(4)]

The revisions were discussed internally and it was determined that the operator-in-training requirement did not specifically state that an individual could perform process control duties. The Texas Health and Safety Code §341.034 states that an individual performing process control duties must be licensed. It is yet to be determined if this will be included in the staff guidance, as it applies to training the individual.

Charles Maddox with the City of Austin was appointed as the representative for the group. At this time I will let him discuss the concerns and issues expressed at the meeting.

The next subcommittee meeting schedule will be discussed.
Public Drinking Water (PDW) Section

Drought Update ([Map Attached](#))

Elston Johnson –

(Drought Contacts)

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July 15, 2011

Water Utilities Status

On July 15, 2011, there were 589 public water systems on the drought list that are asking customers to restrict water use by following outdoor water use restrictions. Of these systems, 351 are asking customers to follow a mandatory watering schedule and 238 are asking customers to follow a voluntary watering schedule.

Seasonal forecasts continue to predict the drought to persist or intensify in many areas of the state. Increasing demands are resulting in more water systems implementing the various response stages of their Drought Contingency Plans.

Drought Information: <http://www.tceq.texas.gov/response/drought>

Google Application