

Texas Commission on Environmental Quality
WATER UTILITY OPERATOR LICENSING ADVISORY COMMITTEE

July 17, 2023
9:00 a.m.

**12100 Park 35 Circle, F2210, Austin, Texas and
Virtual Meeting through Microsoft Teams**

Meeting Minutes

Members Attending

Larry Bell
Angel Bustamante
David Garza
David Harris
Melissa Loyd
Karen Menard
Joseph McDaniel
Cory Moose
Raymond Perez
Robb Starr
Crystal Ybanez

Members Absent

Harold Burris
Jake Hollingsworth

Visitors

Joey Miller
Leonard Leinfelder
Russell Hamilton
Donna Cospers
James Fischer
Fanta Bayo
Gary Sober
Celia Eaves
Ariane Walker
Jose Cardenas
Nancy Hernandez
Tom Acker
Edward J Williams
Laura Wilson
Steve Ash
Gabriel Cantu

TCEQ Staff Attending

Jaya Zyman, Occupational Licensing and Registration Division (OLRD)
Tamara Calhoun, OLRD
Megan Brown, OLRD
Benjamin Sakmar, OLRD
Samantha Royall, OLRD
Rose Hodges, OLRD
Erika Crespo, WQD
Dorothy Young, WSD
Leticia DeLeon, WSD
Brian Matthews, WSD
Stephanie Stevens-Hicks, WSD
Jason Robinson, SBLG

Call to order:

Quorum check - quorum present.

A motion to approve the meeting minutes from April 19, 2023, was made by Joseph McDaniel and seconded by Cory Moose, all members approved.

Attendee introduction:

All current and new members introduced themselves.

Water Supply Division (WSD) Updates: Dorothy Young

20th Public Drinking Water Conference

- August 8th and 9th and free
- Hybrid Online/In-person (Full) at the Renaissance hotel in Austin
- One workshop is TWICC on funding & other assistance

Texas Water Infrastructure Coordination Committee (TWICC)

TWICC is a voluntary umbrella organization of funding regulatory assistance providers. The group includes the EPA, Texas Rural Water Communities, Texas Unlimited, USDA, Texas Department of Agriculture, and others to try to provide one stop shopping for typically small water systems that are really struggling. The next meeting will be hosted by the USDA in Temple, Tx. The [TWICC website](#) has a lot of good information on the members, funding, and other conferences.

Texas Water Development Board (TWDB)

The Bipartisan Infrastructure Law went into effect which provides additional money for infrastructure funding for water systems. Additional applications include Lead line replacement money, which includes inventories. In the future, there will be emerging contaminant funds. Workshops are held around the state and information and webinars are available on the [TWDB website](#).

Rules for SB3

- Hearing on August 11th, at TCEQ, Building E at 2pm
- Comments on these rules due August 14th

Leticia DeLeon, Technical Specialist WSD**Resiliency**

- In the first half of 2023 we hosted generator maintenance workshops. These were very well received are now available for free on YouTube. The intention is to host another 3 for next fiscal year.
- Emergency Preparedness Team EPP processing update: Coming up on 1000 approvals. Another 2000 to be reviewed. Thank you all for your patience.
- Weatherization: Be prepared for hot weather 105°F & ERCOT struggling.

Reminder: Report your water use restrictions through our [Online Reporting Form for Drought Contingency Plan Water Use Restrictions](#).

Drinking Water Advisory Work Group (DWAAG)

- Next Meeting July 18th
- [DWAAG Registration information](#)

Water Quality Division (WQD) Updates: Erika Crespo

UPCOMING CONFERENCES

The 20th Annual CMOM (Capacity, Management, Operation, and Maintenance) Workshop is being held on August 7th and 8th, 2023, at the Austin Convention Center.

TCEQ, in collaboration with EPA Region VI, Austin Water, and WEAT, will be hosting this conference to promote a dynamic framework that prioritizes the identification and correction of performance problems in WWTP collection systems.

13.5 hours of CEU wastewater credit hours have been requested from the TCEQ Occupational Licensing and Registration Division, and P.E.s will receive 15 PDHs (including ethics).

The early registration deadline for CMOM 2023 is Friday, July 21st, 2023. Please see the flyer handout or <https://www.weat.org/events/cmom-2023> for more information.

WATER QUALITY ADVISORY GROUPS

There are several surface water quality advisory groups that WUOLAC members and meeting attendees may be interested in. Additional information on all of these available advisory work groups can be found online at

https://www.tceq.texas.gov/agency/decisions/participation/advise/water_surface.html.

Upcoming Meetings:

- **Water Quality Advisory Work Group – July 25, 2023**
 - Live Webcast: <https://www.tceq.texas.gov/agency/decisions/agendas/webcasts.html>
 - TCEQ YouTube page: <https://www.youtube.com/user/TCEQNews>

Please feel free to send an email to Outreach@tceq.texas.gov if you would like to join any of our water quality stakeholder groups, and please include the name of the stakeholder group that you would like to join in the email subject line. We will send out notifications about future stakeholder meetings to each designated stakeholder group's email distribution listserv, so please stay tuned for those notifications to be sent out.

UPDATE ON WOD RULEMAKING

30 TAC Chapter 217 - Wastewater Treatment Systems Design Criteria

We are currently working on revisions to the design criteria requirements for wastewater treatment systems in 30 TAC Chapter 217.

- WQD held a kickoff meeting in November 2020, and we received initial comments for consideration from stakeholders in November 2021.
- Stakeholder meetings were held on:
 - January 23, 2023 - Collection systems and alternative collection systems
 - February 13, 2023 - Activated Sludge
 - March 13, 2023 - Disinfection and Safety
 - April 24, 2023 - Preliminary treatment, natural treatment units, sludge processing, and subsurface drip irrigation
 - June 5, 2023 -held an Advisory Group meeting to present completed draft revisions.
- Comments from all stakeholder meetings will be considered.
- The proposed revisions that our division-level engineers are currently working on include:
 - making changes to Subchapter C for collections system requirements, particularly expanding the section on reclaimed water distribution systems
 - updating the emergency power requirements for critical components of both the collection systems and the wastewater treatment facilities
 - adding new requirements for nutrient removal
 - moving Chapter 222, subchapter D for SADDs to Chapter 217 as new subchapter I, and repealing Chapter 222, subchapter D

PFAS & WASTEWATER

WQD is aware of the recent federal activities and updates. We have not moved forward with any action on PFAS in regards to wastewater permitting yet, and it is our current position to implement only what is in the state and federal rules, not recommendations or guidance. WQD will continue to weigh options, consult with agency management, and await federal rules on the matter.

MANDATORY PRE-APPLICATION MEETINGS

Pre-application meetings are now mandatory for all new and major amendment permit actions, and these pre-application meetings must be scheduled and occur prior to the new or major amendment application submissions being made. Please reach out to the WQD permitting program-areas directly or send an email to WOAP@tceq.texas.gov to schedule a pre-application meeting for any upcoming new or major amendment application submissions.

ELECTRONIC TPDES/TLAP APPLICATION SUBMISSIONS

WQD is asking for all applicants and permittees to voluntarily submit electronic individual wastewater permit applications to us for review through the TCEQ's secure File Transfer Protocol Server (FTPS) using the WODeCopy@tceq.texas.gov email address. This request is being made in an effort to expedite our internal administrative and technical review processes so that we can issue our permits in a time-efficient manner. Additional information can be found on our website (<https://www.tceq.texas.gov/permitting/wastewater>).

PUBLIC NOTICE PUBLICATIONS

Both public participation notices associated with the TPDES/TLAP permitting process need to be published in a timely manner, and the proof of these publications need to be submitted to TCEQ within the established timeframes. WQD has been tracking when public notices are mailed and when proof of publication is received since 2019. Applications may be returned for failure to publish notice in a timely manner or failure to provide proof of publication with the established timeframes. Before the application is returned, a certified letter will be sent giving 30 days to submit proof of publication documents to the TCEQ Office of the Chief Clerk.

RENEWAL OF WASTEWATER DISCHARGE APPLICATIONS

Every TPDES permit includes a provision stating that the permittee must submit an application for renewal at least 180 days before the expiration date of the permit. Failure to comply with this requirement may result in a violation, and WQD will refer instances of noncompliance to the TCEQ Office of Compliance and Enforcement.

UPDATE ON WQD WASTEWATER GENERAL PERMITS

There are several WQD wastewater general permits that WUOLAC members and meeting attendees may be interested in. Additional information on all of the wastewater general permits available can be found online at <https://www.tceq.texas.gov/permitting/wastewater/general/index.html>.

Occupational Licensing (OL) Updates: Jaya Zyman, Tamara Calhoun

Licensing Statistics for 3rd quarter of FY23 reviewed.

Water A License Examination Review Update:

Due to a low pass rate for some exam questions on the water A exam, the TCEQ OL Training group is conducting a review of the examination questions to ensure accuracy and that questions are worded correctly. The intention is not to have a tricky exam, but test knowledge. Multiple questions with lower pass rates have been reviewed. Where necessary, the questions will be reworded, changed, or confirmed using source materials of rules & student manuals. A few questions have been identified for a subject matter expert to confirm.

Resiliency - Anticipated implementation early 2024

Currently only for the Water license program and applies to all water license levels.

Resiliency Topics:

- Incident Command
- State Disaster Assistance
- Emergency Preparedness Plans
- Mutual Aid Agreements
- Critical Components.

For training providers who volunteer to participate there are two different license type needs (New versus Renewal) and options in them.

New Licenses

Two Options:

- **Option 1** - Revise the basic water to add 2 hours to the core training to cover ALL resiliency topics as an overview.
- **Option 2** - Second option is to create standalone 2-hour training to cover ALL resiliency topics as an overview.

Both options listed above are an overview that must go over ALL the resiliency topics listed above spending a total of 2 hours covering these topics. This overview is a basic introduction opportunity for new license applicants to become familiar with these topics. We recognize not all operators are going to be the ones creating emergency preparedness plans and using incident command procedures in depth, but the intent is to make them aware these exist. Your employees need to have these procedures in place and know the importance of following them.

Somebody new to the industry may find it beneficial to only have to find, register for, and take one class rather than taking your basic water and then finding a separate time to take a standalone resiliency overview course. We're not requiring one or the other. Both options are valid opportunities and again participating in the resiliency training program is voluntary.

Renewal Licenses

Minimum of 2 hours of resiliency continuing education training that covers one or more resiliency topic in more detail than the overview courses taken for new licenses. This is where training providers can go into detail about these topics and design their course to cover topics in ways that are directly applicable to their operators.

You can have a training that incorporates 2 hours of resiliency in that training which will count. There can be an 8-hour course/event submitted to us for review and we determine out of those 8 hours all apply to the water program but only X number of hours cover resiliency. The course would be approved for 8 hours of water credit including 2 hours of resiliency. This is still a total of 8 hours of credit for this 8-hour course/event.

For the first two renewal cycle the overview is allowed to be counted towards continuing education. After this time, it will not be allowed to be taken for continuing education.

The vision of the future is that students take the core course, which includes the overview, and then more in-depth continuing education resiliency courses every three years as they renew their license.

Please contact the TCEQ OL Training group if you think some of your current training is applicable to any of the resiliency topics. It'll be more of an expedited review where we tag resiliency to an already approved training in our system, but we need still need to go through that process and make that association.

Updates to RG-373:

- Resiliency Updates
- Live-Online requirements
- Reformatting.

High school program

In Texas, there are a few schools where there's partnerships between training providers and school districts. We want to expand this to be a stable program available for all high schools.

The Texas Chapter of the American Water Works Association is developing a SETH program to be taken online and throughout Texas. Using prerecorded video will help to close the gap between having a certified teacher and having an approved training provider.

The intention is for high school students to apply for the full license 120 days before they're going to graduate from high school. If all requirements are met, they will receive a conditional approval allowing them to take the test. Once they get their high school diploma, they can convert their conditional approval to have a license issued to them.

Certification through TDCJ

Prior to COVID, the Texas Department of Criminal Justice (TDCJ) worked with the TCEQ to administer exams to inmate trustees who meet certain requirements, for them to be certified to operate some of the TDCJ facilities that have wastewater treatment plants. Recently the program has come back. Ten "D" level wastewater exams have been administered to 10 inmates this quarter.

They can't get a license because our statute prevents incarcerated individuals from having a license. The certificate only allows them to operate that wastewater treatment plant at their facility. Once they're released, then at that time they can request the certification be converted to a license to join the workforce. All trustees must still pass the criminal history check to obtain the license and not everyone will be able to convert their certificate to a license based on their past criminal history; however, being a trustee they're usually minor crimes which are not violent in nature.

If any training providers or municipalities want to work with TDCJ, you can reach out to them directly.

Legislative Bills

Six bills were passed & signed into law that impact Occupational Licensing.

HB 1845 - Provisional Class D Water/Wastewater License

This bill amends Texas Water Code Chapter 37, Occupational Licensing and Registration, to add new §37.0045, Qualifications for Certain Licenses

SB 510 & HB 3130 - Confidential Information

The bill amends Texas Government Code Chapter 552, Public Information, to add new Section 552.11765, Confidentiality of Certain Information Maintained by State Licensing Authority.

SB 422 - Licensing of Military Individuals

The bill requires state licensing agencies to process the applications within 30 days to qualified military service members, veterans, or spouses with a license from a jurisdiction with substantially equivalent requirements.

HB 2453 - Legal authority to provide digital licenses in the future.

HB 4123 - Maintains continued access to the national Criminal history database & Fingerprinting.

Provisional Class D Water/Wastewater License - HB 1845

In this legislative session there were two bills both in the House and the Senate to provide provisional licenses to wastewater operators. We think this is going to pass.

This bill would provide a provisional license for anybody who doesn't have a high school diploma. Adults that need to go back and get their GED and high school students could be provisionally licensed for a two-year period while they obtain either their high school diploma or a GED. Then they can submit this to TCEQ to convert their provisional license to a full license. This provisional license would expire after two years and will not be renewable.

This provisional license program is anticipated to mimic the current provisional license program that is already in place.

Confidentiality - SB 510 & HB 3130

- Expands what information is considered confidential online.
- Updates to meet these requirements will be implemented to our webpages. License search results will be very basic.
- Secure password-portals will become available for licensees to login and view their license & training details.

Military Applications - SB 422

Updates to Occupational Licensing Electronic Application (OLEA) to flag these applications and ensure we process within 30 days.

Fingerprinting HB 4123

When rulemaking occurs requiring fingerprinting for criminal history will be under consideration instead of using the current attestation process. This would make criminal history checks more efficient and prevent out of state offenses from being omitted. Fingerprinting will also send notifications to TCEQ for new felony convictions for licensed individuals and TCEQ can consider if their license should be revoked instead of having to wait until they apply for renewal. This will be open to public comment during rulemaking.

Digital License - HB 2453

No changes at this time. Digital Licenses may become an option in the future.

Adjourn

Joseph McDaniel made a motion to adjourn, seconded by David Garza. Meeting adjourned.

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