

The Texas Natural Resource Conservation Commission (commission) proposes new §§30.1, 30.3, 30.5, 30.7, 30.10, 30.14, 30.18, 30.20, 30.24, 30.26, 30.28, 30.30, 30.33, 30.35, 30.51, 30.57, 30.60, 30.62, 30.81, 30.87, 30.90, 30.92, 30.95, 30.111, 30.117, 30.120, 30.122, 30.125, 30.129, 30.171, 30.177, 30.180, 30.185, 30.190, 30.192, 30.195, 30.201, 30.207, 30.210, 30.212, 30.231, 30.237, 30.240, 30.242, 30.244 - 30.246, 30.261, 30.267, 30.270, 30.272, 30.274, 30.279, 30.301, 30.307, 30.310, 30.312, 30.315, 30.317 - 30.319, 30.331, 30.337, 30.340, 30.342, 30.346, 30.348 - 30.350, 30.355, 30.381, 30.387, 30.390, 30.392, 30.396, 30.398 - 30.400, and 30.402.

BACKGROUND AND SUMMARY OF THE FACTUAL BASIS FOR THE PROPOSED RULES

The proposed rules implement requirements in House Bill (HB) 3111 and HB 2912 of the 77th Legislature, 2001, as well as Sunset Commission recommendations 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 required the commission to implement this consolidation by December 2001. The proposed rules also establish uniform procedures for issuing and renewing licenses, setting terms and fees, enforcing licensing requirements, and approving training. A person must be licensed or registered by the commission before engaging in an activity, occupation, or profession described by TWC, §§26.0301, 26.3573, 26.452, 26.456, 34.007, or 37.003, or Texas Health and Safety Code (THSC), §§341.033, 341.034, 341.102, 361.027, 366.014, or 366.071. This rulemaking would also implement HB 2912, Articles 7 and 18.04, which require the commission to adopt rules for the licensing of water treatment specialists, and establish renewal requirements, fees, and sanctions for this new program. The proposed rules also implement HB 2912, Article 8, amending THSC, Chapter 341,

establishing new requirements for irrigators and on-site sewage facility (OSSF) installers. The proposed rules also reinstate the site evaluators licensing for the OSSF programs.

This rulemaking also incorporates the proposed quadrennial review of Chapter 290, Subchapter A, Residential Water Treatment Facility Operators, being concurrently proposed in this issue of the *Texas Register*. Chapter 290, Subchapter A, is proposed to be repealed and proposed as new language in Chapter 30, Subchapter H, Water Treatment Specialists. In 1992 when the certification program was transferred to the commission, the existing rules which had been promulgated by Texas Department of Health as 25 TAC Chapter 337, Subchapter A, were also transferred.

The commission administers ten occupational licensing programs which originated in several agencies, under statutory authority in TWC, THSC, and Texas Plumbing License Law. As a result, requirements for applications, fees, renewals, continuing education, revocation, and suspension have varied.

The proposed rules would create new Chapter 30, Occupational Licenses and Registrations. This new chapter would consolidate the administrative requirements for backflow prevention assembly testers; customer service inspectors; landscape irrigators and installers; leaking petroleum storage tank (LPST) corrective action project managers and specialists; municipal solid waste facility supervisors; OSSF installers, apprentices, designated representatives, site evaluators; water treatment specialists; underground storage tank contractors and on-site supervisors; wastewater operators and operations companies; and public water system operators and operations companies. The proposed rules also establish uniform procedures for issuing and renewing licenses and registrations, setting terms and fees,

enforcement activities, and training approval. The proposed rules also allow the Compliance Support Division (CSD) to contract for certain functions of occupational licensing if necessary. The proposed rules also establish rules for renewal requirements, fees, and sanctions for the customer service inspectors, and backflow prevention assembly testers programs for the first time. The commission has determined that the standard licensing fee for all programs will be \$70 for a two-year license. The registration fees will be established in the subchapters for the applicable programs.

New Subchapter A, Administration of Occupational Licenses and Registrations, contains information related to administration of all the licensing and registration programs included in this chapter. The main objective is to consolidate the administrative requirements for these ten licensing and registration programs administered in the CSD. New Subchapters B - K contain the program-specific requirements such as work experience; levels of licensing; and appropriate training and education requirements identified by job analysis for the particular programs. Each subchapter would address a specific occupation administered by the CSD. The current program rules are amended to accommodate moving the licensing requirements into Chapter 30. The standards in the program rules would remain in effect to address the technical portions of the programs such as design criteria, construction, and planning while excluding the elements included in the administration of occupational licensing. As the ten occupational licensing rules are created in the new chapter, the affected rules would change while all the licensing and registration requirements are standardized.

The Sunset Commission recommendations addressed by these proposed rules include: establish requirements for standard time frames for licensees who are delinquent in the renewal of licenses;

require continuing education; provide timely examination results and analyses to persons taking examinations; establish procedures for licensing applicants who hold a license in another state; establish the staggered renewal of licenses; use the full range of penalties; and revise restrictive rules to allow advertising and competitive bidding practices that are not deceptive or misleading.

SECTION BY SECTION DISCUSSION

Subchapter A - Administration of Occupational Licenses and Registrations

New §30.1, Authority, cites TWC, Chapter 37, which establishes the authority for Chapter 30 relating to occupational licensing and registration.

New §30.3, Purpose and Applicability, containing portions of existing 30 TAC §§285.50, 325.2, 325.101, 330.381, and 334.451, consolidates the administrative requirements and establishes uniform procedures for issuing, renewing, denying, suspending, and revoking occupational licenses and registrations. This section also identifies the ten occupational licenses and registrations administered under this chapter.

New §30.5, General Provisions, containing portions of existing §§285.50, 325.2, 325.101, 325.106, 325.110, 325.126, 334.401, 334.414, 334.453, and 344.20, is consolidated to state that persons must be licensed or registered before engaging in any activities requiring a license under this chapter.

Licenses or registrations would be issued only after applicants meet the requirements specified in this chapter. This section prohibits persons that are not licensed or registered from advertising and transferring licenses or registrations. This section also prohibits issuing new licenses to employees of

this commission, and establishes provisions for contracting for services and functions, and collecting fees for contract services and functions.

New §30.7, Definitions, contains definitions used throughout this chapter. A new definition is provided for continuing education. The commission proposes a new definition for license, as defined in existing §§285.2, 325.4, 325.102, and 334.412. The proposed new definition combines portions of the definitions from these existing sections. The phrase “certificate of competency” is proposed from existing §325.4 and §325.102 with the term “license” replacing “certificate of competency” to comply with the new statutory requirements. The new definition of registration as defined in existing §325.4 and §325.10, is proposed with the deletion of the words “certificate of” to comply with the new statutory requirements. The new definition of new training credit as defined in existing §§330.382, 325.4, and 325.102 is proposed and consolidated.

New §30.10, Administration, is existing language in §§285.52, 330.383, 344.20, 344.80 - 344.83, 344.85, 325.6, and 325.104, is consolidated and addresses the administrative duties of the commission pertaining to occupational licensing and registration.

New §30.14, Applications for Initial Registrations, containing portions of existing §§334.402, 334.403, 334.456, 334.458, 325.7, 325.12, 325.105, 325.126, and 325.128, is consolidated to establish the procedures for submittal of applications and issuance of registrations.

New §30.18, Applications for Initial License, containing portions of existing §§285.53, 285.56, 325.7, 325.12, 325.105, 325.110, 325.112, 330.384, 334.416, 334.417, 334.420, 334.457, 334.458, 344.23, 344.26, 344.27, 344.29, 344.30, 344.43, and 344.46, is consolidated and grammatical corrections are made to standardize the procedures for applying and issuing new licenses.

New §30.20, Examinations, containing portions of existing §§285.55, 325.12, 325.110, 330.385, 334.418, 334.419, 334.457, 344.34, and 344.37 - 344.42, is consolidated with grammatical improvements to authorize the executive director to prescribe the content of licensing examinations based on laws, rules, job duties, and standards relating to the particular license. This section establishes that the commission would grade examinations and notify applicants of the results and analysis. This section also states that individuals with disabilities may request accommodations to take examinations.

New §30.24, License and Registration Applications for Renewal, containing portions of existing §§285.58, 325.18, 325.28, 325.116, 325.126, 330.386, 334.404, 334.421, 334.460, 344.51, and 344.55 - 344.57, is consolidated to address the administrative procedures for the renewal of licenses and registrations. This section also refers to the subchapters for the continuing education requirements that have been specified by job analysis, fees related to registration companies, or for prorated fees to applicable programs to stagger the renewal dates of the licenses mandated by HB 2912 of the 77th Legislature, 2001.

New §30.26, Recognition of Licenses from Out-of-State, containing portions of existing §§325.16, 325.114, 330.385, 344.20, and 344.28, is consolidated to provide for the recognition of similar licenses and requirements from other states. Recognition of licenses from out-of-state was also mandated by HB 2912. Proposed new §30.26(a), in accordance with TWC, §37.005(b), would allow the executive director to waive qualifications, training, or examination for individuals with a good compliance history who hold a current license from another state, territory, or country if that state, territory, or country has requirements equivalent to those in this chapter.

New §30.28, Approval of Training, containing portions of existing §§285.54, 325.26, 325.124, 330.385, 334.416, 334.459, and 344.20, is consolidated to establish requirements to approve training that will be used for obtaining and renewing a license.

New §30.30, Terms and Fees for Licenses and Registrations, containing portions of existing §§285.60, 325.14, 325.112, 325.116, 330.389, 334.406, 334.423, 334.467, 344.26, 344.42, 344.50, 344.51, 344.55, and 344.56, is consolidated to standardize language establishing a \$70 license fee for all licensing programs and a two-year term for licenses and registrations. The registration fees are established in the specific subchapters which have a registration fee.

New §30.33, License or Registration Denial, Warning, Suspension, or Revocation, containing portions of existing §§285.59, 285.64, 325.30, 325.120, 325.122, 325.128, 330.387, 334.405, 334.409, 334.411, 334.422, 334.426, 334.428, 334.461 - 334.463, 334.465, 334.466, and 344.84, is consolidated to establish requirements applicable to all licenses and registrations. Proposed new

§30.33, in accordance with TWC, §37.005(c), would also allow the executive director, after notice and opportunity for a hearing, to deny an application for a license or registration by an applicant who provides fraudulent information or falsifies the application or has a poor compliance history as a licensee in another state, in the commission's program, or another agency's program.

New §30.35, Hearings, containing portions of existing §§285.65, 330.387, 334.410, 334.427, and 344.84, is consolidated to standardized language which references 30 TAC Chapter 70, Enforcement, and 30 TAC Chapter 80, Contested Case Hearings.

Subchapter B - Backflow Prevention Assembly Testers

New §30.51, Purpose and Applicability, establishes the purpose of this subchapter. New §30.51(a) states that the purpose of this subchapter is to establish qualifications for issuing and renewing licenses. New §30.51(b) indicates that individuals who test and repair backflow prevention assemblies must be qualified and licensed. New §30.51(c) establishes that previously held accreditations will expire on December 1, 2002.

New §30.57, Definitions, provides the definition of backflow prevention assembly tester, which is an individual who tests and repairs backflow prevention assemblies.

New §30.60, Qualification for Initial License, explains the minimum qualifications, education, training, and work experience required to obtain a license.

New §30.62, Qualification for License Renewal, describes the renewal requirements which include meeting the requirements of Subchapter A, continuing education, and approved practical skills training.

Subchapter C - Customer Service Inspectors

New §30.81, Purpose and Applicability, establishes the purpose of this subchapter. New §30.81(a) establishes qualifications for issuing and renewing licenses for individuals who conduct customer service inspections. New §30.81(b) establishes that individuals who perform customer service inspections must meet the qualifications of this subchapter and Subchapter A. New §30.81(c) establishes that previously held endorsements will expire and individuals will be required to apply for a renewable license at the time their water operator license expires. New §30.81(d) establishes that an individual with a customer service license may not conduct plumbing inspections.

New §30.87, Definitions, provides definitions for this subchapter. Definitions are provided for cross-connection, customer service inspection, and customer service inspector.

New §30.90, Qualifications for Initial License, establishes the minimum qualifications, education, training, and work experience required to obtain a license.

New §30.92, Qualifications for License Renewal, references renewal requirements according to Subchapter A and establishes continuing education requirements.

New §30.95, Exemptions, exempts plumbing inspectors and water supply protection specialists licensed by the State Board of Plumbing Examiners from the licensing requirements of this subchapter.

Subchapter D - Landscape Irrigators and Installers

New §30.111, Purpose and Applicability, provides a uniform procedure for issuing licenses to licensed irrigators and licensed installers.

New §30.117, Definitions, proposes amended definitions of irrigator and installer from existing §344.1 with modifications to improve readability. No change in the meaning or purpose was created by these changes. These two definitions will also remain in 30 TAC Chapter 344, Landscape Irrigators and Installers.

New §30.120, Qualifications for Initial License, lists the minimum requirements for obtaining a license and states that additional requirements are located in Subchapter A.

New §30.122, Qualifications for License Renewal, lists the specific requirements to renew a license and states that additional requirements are located in Subchapter A. This section also establishes the number of continuing education hours required for a two-year renewal period.

New §30.125, Renewal of Certificates of Registrations, existing §344.51 and §344.56, defines the term of the licenses. The proposed language clarifies the change of the section title from “Certificates of Registration” to “Licenses.” This change would become effective when the certificates of registration

expire on August 31, 2002. The proposed language establishes the term of the licenses for two years, alternates the term of the license expiration, and defines the manner in which this change would be implemented by the commission. The proposed language establishes that the licenses will continue to be renewed.

New §30.129, Exemptions, existing §344.2(a) is proposed with changes. New §30.129(a) changes the word “licensure” to “license” to improve readability. New §30.129(a)(1), existing §344.2(a)(1), changes the existing language from “any person” to “an individual”, to clarify that the exemption applies to an individual as defined in 30 TAC Chapter 3, Definitions. New §30.129(a)(2), existing §344.2(a)(2), changes the existing language from “a” to “an individual,” and adds “or licensed” to improve readability. The existing language is also changed to remove gender references. New §30.129(a)(3) and (4), existing §344.2(a)(3) and (4), is changed to remove gender references. New §30.129(a)(5) and (6), existing §344.2(a)(5) and (6), is proposed with no changes. New §30.129(a)(7), existing §344.2(a)(7), adds the new language “irrigation or yard sprinkler work done by a person using,” and adds the word “including” before soaker hose. The amendment is made for clarity to show that the activity rather than the product is exempt. New §30.129(a)(8), existing §344(a)(8), changes “a portable or solid set or other type of” to “activities involving a.” This amendment is being made for clarity to show that the activity rather than the product qualifies for an exemption. New §30.129(a)(9), existing §344.2(a)(9), changes “himself or herself” to “work performed by the owner” to eliminate a gender reference. New §30.129(a)(10), existing §344.2(a)(10), is proposed without changes. New §30.129(a)(11) and (12), contains language from existing §344.1(A) and (B), concerning the definition of an irrigator. The new language clarifies the exemption under the statute. New §30.129(b), existing

§344.2(b), adds the phrase “Chapter 344 of this title. The term.” This amendment also reverses the order which the reference is given for the Texas Agricultural Code and the cite. These amendments improve readability and do not change the intent or the meaning of the existing rule.

Subchapter E - Leaking Petroleum Storage Tank Project Managers and Corrective Action Specialists

New §30.171, Purpose and Applicability, provides uniform procedures for issuing licenses to corrective action project managers and for issuing registrations to corrective action specialists. Portions of the new language are existing §334.451, and is proposed with amendments to improve readability.

New §30.177, Definitions, provides definitions for corrective action and LPST and are proposed without change. Corrective action services and corrective action specialist are proposed new definitions.

New §30.180, Qualifications for Initial License, is proposed new language from existing §334.457. Portions of the new language are proposed with changes to the format, to make the section grammatically correct, and to improve readability. The title changed by replacing “Application” with “Qualifications” and removing “Certificate of Registration for Corrective Action Project Manager” and replacing this with “Initial License” to incorporate the new requirements from revisions to TWC, Chapter 37, by the 77th Legislature, 2001. Also, language from existing §334.457 is proposed in §30.180 with changes by deleting “certificate of registration” and replacing it with “license.” The proposed amendment is to implement the changes to the new title of the license and also to add “corrective action project manager” to clarify the type of license issued by the commission.

New §30.185, Qualifications for License Renewal, existing §334.460, is reformatted to make the section grammatically correct and improve readability. The title is changed by adding “Qualifications for License” and removing “of Certificate of Registration for Corrective Action Specialist and Corrective Action Project Manager” to incorporate new revisions to TWC, Chapter 37. Also, language in existing §334.457 is proposed in §30.185 with changes by deleting “certificate of registration” and replacing it with “license.” The proposed amendment is to implement the changes to the new title of the license, and to delete “corrective action specialist” to clarify the type of license issued by the commission.

New §30.190, Qualifications for Initial Registration, containing portions of existing §334.456, is reformatted to make the section grammatically correct and improve readability. The title is changed by removing “Application” and “Certificate of” and replacing these with “Qualifications” and “Initial,” and removing “of Corrective Action Specialist” to incorporate the new revisions to TWC, Chapter 37. Also, existing language in §334.456 is new language in §30.190 with changes by deleting “registered” when referring to a corrective action project manager and replacing it with “licensed” to implement changes to TWC, Chapter 37.

New §30.192, Qualifications for Registration Renewal, containing portions of existing §334.460, is reformatted to make the section grammatically correct and improve readability. The title is changed by adding “Qualifications for Registration” and removing “of Certificate of Registration for Corrective Action Specialist and Corrective Action Project Manager” to incorporate the new requirements. Also, existing language in §334.460 is proposed in §30.192 with changes by deleting “certificates.” The

proposed amendment is to implement the changes to the new title of the registration; to delete “corrective action project manager”; and to clarify the type of registration. Additional language is proposed from existing §334.467 establishes fees and is changed to reflect the new fee amount.

New §30.195, Exemptions, containing portions of existing §334.452, is reformatted to make the section grammatically correct, improve readability, and eliminate gender references. The title is proposed with a change by deleting “from Subchapter J” to correct the cross-reference. Also, existing language in §334.452 is proposed in §30.195 with changes by deleting “registered” and replacing it with “licensed” to incorporate the changes to TWC, Chapter 37.

Subchapter F - Municipal Solid Waste Facility Supervisors

New §30.201, Purpose and Applicability, is new language from existing §330.381. New §30.201(a) establishes a license for individuals who supervise or manage the operation of municipal solid waste facilities or the collection, or transportation of municipal solid waste. New §20.201(b) states that an individual must meet licensing and registration requirements in Subchapter A. New §330.381(c) establishes that letters of competency issued before the effective date of these rules will remain in effect until their expiration date, and at the time of renewal, these letters of competency will be replaced with a license. Current municipal solid waste facility supervisors who are not licensed at the time these rules are adopted, must obtain a municipal solid waste facility supervisor license or become a supervisor in training by January 2004.

New §30.207, Definitions, is proposed new language from existing §330.382. The definition of “experience” replaces of the words “letter of competency” with “license” to allow consistency with new definitions. A new definition is provided for “solid waste facility supervisor.”

New §30.210, Qualifications for Initial License, existing §330.385, adds the phrase “for initial license.” New §30.210(a) specifies requirements to be met in this subchapter. New §30.210(a)(1) replaces the phrase “letter of competency (solid waste facility operation) a person must have” with the word “license.” New §30.210(a)(1)(A) and (B) is proposed with reformatting for readability. New §30.210(a)(2) replaces the phrase “letter of competency (solid waste facility operation)” with “license.” New §30.210(a)(2)(A) and (C) is proposed for reformatting and for readability. New §30.210(a)(3) replaces of the phrase “letter of competency (solid waste facility operation)” with the word “license.” New §30.210(a)(3)(A) and (B) is proposed with reformatting for readability. New §30.210(a)(4) replaces of the phrase “letter of competency (collection system)” with the word “license.” New §30.210(a)(4)(A) and (B) is proposed with reformatting for readability. New §30.210(a)(5) is proposed with modification to clarify the use of the provisional letter. New §30.210(a)(5)(A) replaces the word “persons” with the word “individual,” and the phrase “position of responsibility that equates to the class of letter applied for,” with “equivalent to the applicable class of license.” New §30.210(a)(5)(B) replaces of the word “individuals” with the word “persons.” New §30.210(b), existing §30.385(a)(6), replaces of the word “engaged” with the phrase “who engages.”

New §30.212, Qualifications for License Renewal, existing §330.386, adds the phrase “qualification for license.” New §30.212(1) establishes requirements for Subchapter A must be met to renew a

license. New §30.212(2), existing §330.386, is reformatted to improve readability. New §30.212(2)(A) (D), existing §330.386(1) - (4), reduces continuing education requirements to renew a license for consistency with other programs.

Subchapter G - On-Site Sewage Facilities Installers, Designated Representatives, and Site Evaluators

New §30.231(a), Purpose and Applicability, describes the purpose of the rule. These statements clearly indicate that the purpose is to provide a comprehensive licensing program for individuals who perform work associated with OSSFs. New §30.231(b) adds that all individuals performing the tasks identified in proposed §30.231(a) must meet the general licensing requirements in Subchapter A and the technical requirements in 30 TAC Chapter 285. New §30.231(c) provides that all licenses, registrations, and certificates of registration issued prior to January 1, 2002, will remain in effect until they expire, or are replaced or revoked. This language matches the new licensing requirements established in these proposed rules as a result of new provisions in TWC, Chapter 37.

New §30.237, Definitions, provides definitions that have either been moved from existing §285.2 or have been added as a result of provisions in TWC, Chapter 37, as explained earlier in this preamble. The definitions for “alter,” “apprentice,” “authorized agent,” “construct,” “extend,” “install,” “installer,” and “repair” are proposed from existing §285.2 with no changes. The definition for “designated representative” is proposed from existing §285.2 with changes as required by the language in TWC, Chapter 37. The definition for “site evaluator” has been added to agree with the definition provided in TWC, Chapter 37.

New §30.240, Qualifications for Initial License, contains requirements to obtain an initial license. New §30.240(a) - (c), existing §285.53(a) - (c) and §285.56(b), is proposed to be amended for readability and references licensing requirements in Subchapter A.

New §30.242, Qualifications for License Renewal, adds requirements necessary to obtain a license for site evaluator, which has been added as a result of language in TWC, Chapter 37. New §30.342(a) adds the renewal requirements for Installer I, Installer II, and designated representative licenses after January 1, 2002, and includes language from existing §285.54(b) and a reference to Subchapter A.

New §30.242(b) provides requirements for renewal of a site evaluator license, which has been added as a result of language in TWC, Chapter 37.

New §30.244, Exemptions, is language from existing §285.51. Language has been added to the end of proposed §30.244(a) to clarify that the owner must have a site evaluation performed by an individual who possesses either a current site evaluator license or a professional engineer license. New §30.244(b) specifies that an electrician is not required to have an installer license. New §30.244(c), adds the exemption to the site evaluator license allowed in TWC, Chapter 37 regarding professional engineers.

New §30.245, Registration of Apprentices, existing §285.57, is changed for readability and clarity and references language in Subchapter A. New §30.245(a) contains general requirements. New §30.245(b) provides information on completing applications. New §30.245(c) contains notification requirements.

New §30.245(d) provides information on expirations or terminations. New §30.245(e) contains information on renewals.

New §30.246, Application for Site Evaluator, provides the requirements for applying for a site evaluator license. The language includes the process for submitting an application if the individual previously possessed a site evaluator license, previously took the site evaluator basic training course and passed the site evaluator examination, but did not hold a site evaluator license, and had never held a site evaluator license. Language has been proposed for the renewal of licenses for individuals with odd license numbers for one-year initially and renewal of licenses for individuals with even license numbers for two years. This language matches the new licensing terms established in these proposed rules.

Subchapter H - Water Treatment Specialists

New §30.261, Purpose and Applicability, establishes the purpose of this subchapter. New §30.261(a) establishes qualifications for issuing and renewing licenses to water treatment specialists. New §30.261(b) establishes that an applicant must meet the qualifications and licensing requirements under this subchapter and the requirements in Subchapter A.

New §30.267, Definitions, provides definitions for this subchapter. New definitions are provided for “installation of water treatment appliances,” “water treatment,” “water treatment equipment,” and “water treatment specialist.”

New §30.270, Qualifications for Initial License, existing §290.23, replaces of the word “requirements” with “for initial license” in the title. The figure contained in §30.270(a)(2) deletes the “validity column” which is covered in Subchapter A.

New §30.272, Qualifications for License Renewal, existing §290.23(b), replaces the phrase “of certificate” with “qualifications for license” in the title. New §30.272(1) establishes requirements of Subchapter A must be met to renew a license. New §30.272(2), existing §290.24(b)(1), is reformatted and grammatical changes made to improve readability.

New §30.274, Classification of Licenses, existing §290.22, is proposed with a change in title from “types of certificates.” This section is reformatted to improve readability.

New §30.279, Exemptions, exempts licensed plumbers, and employees of industrial facilities who install or service water treatment equipment at their facilities. The exemption also includes employees of public water systems who have a Class C license and install water treatment equipment at their system.

Subchapter I - Underground Storage Tank On-Site Supervisor Licensing and Contractor Registration

New §30.301, Purpose and Applicability, adds language to clarify who can apply for a license or registration and to establish qualifications for issuing and renewing licenses and registrations.

New §30.307, Definitions, contains eight definitions from existing §334.412, and two definitions that are from existing §334.2. The definitions of “corrosion specialist,” “corrosion technician,” and “underground storage tank” are proposed without changes from §334.2. The definition of “engineering construction” is changed to remove the word “that.” The definition of “on-site supervisor” is revised to improve readability and clarity. The definition of “removal” is changed to correct a cross-reference. Definitions of “repair,” “underground storage tank contractor,” and “underground utilities” are changed to improve readability and clarity.

New §30.310, Qualifications for Initial License, is proposed language from existing §334.416. New §30.310(1) explains that an applicant must meet the requirements in Subchapter A. New §30.310(2), existing §334.416(c), is changed to improve readability. New §30.310(3), existing §334.416(d), adds the word “document” and “repair, or removal of underground storage tanks” to improve readability; to clarify the qualification requirements; and to provide consistency of terms with other sections of these rules. New §30.310(4), existing §334.417(a)(6), replaces the word “agency” with “executive director” to provide consistency of terms with other sections of these rules. New §30.310(5), existing §334.417(a)(7), adds the word “submit” to improve readability and clarity. New §30.310(6) containing portions of existing §334.416(g) - (h), is changed to improve readability and clarity. New §30.310(7), existing §334.416(f), is changed to improve readability and clarity.

New §30.312, Qualifications for License Renewal, includes language from existing §334.421. New §30.312 explains the requirements to renew a license if issued after January 1, 2002. New §30.312(1)

explains that an applicant must meet the requirements in Subchapter A. New §30.312(2) containing portions of existing §334.421(g), is changed to improve readability and clarity.

New §30.315, Qualifications for Initial Registration, includes language from existing §334.402. New §30.315(1) explains the requirements that must be met in Subchapter A. New §30.315(2), existing §334.402(2)(D), replaces the words “documentation of” to “provided” to improve readability and clarity. New §30.315(2)(A), existing §334.402(2)(i), removes the words “Texas Natural Resource Conservation” and replaces the word “agency” to “executive director” to provide consistency of terms with other sections of these rules. New §30.315(2)(B), existing §334.402(2)(ii), changes the word “indicating” to “documentation” to explain that the applicant must provide a document indicating the applicant’s net worth. New §30.315(3), existing §334.402(2)(F), is proposed without changes. New §30.315(4), existing §334.406(1)(A), is changes the phrase “initial application/issuance” to “submitted an application fee of” to improve readability and clarity. New §30.315(5), existing §334.402(2)(E), adds the word “provided” to improve readability and clarity. New §30.315(5)(A), existing §334.402(2)(E)(i), replaces the word “agency” to “executive director” to provide consistency of terms with other sections of these rules. The words “(references)” and “other” are deleted to improve readability and clarity. New §30.315(5)(B), existing §334.402(2)(E)(ii), explains in more detail what the applicant must provide when sworn statements are not provided.

New §30.317, Qualifications for Registration Renewal, includes language from existing §334.404. New §30.317(1) explains that the applicant must meet the requirements in Subchapter A. New §30.317(2) - (3), existing §334.404(e), is changed to improve readability, and to clarify the

qualification requirements. New §30.317(4), existing §334.406(1)(B), changes the phrase “annual renewal fee - \$75” to “submitted a renewal fee of \$150.” This new language provides the fee change for the two-year renewal and to improve readability and clarity.

New §30.318, Renewal of Licenses and Registrations Issued before the Effective Date of these Rules, includes language from existing §334.421 and §334.404. New language and requirements were added for licenses and registrations to have a first-year transition period for a biennial renewal. License and registration numbers with odd license numbers and registration numbers will renew for one-year for the first year of transition, and license and registration numbers with even license and registration numbers will renew for two years. New §30.318(c)(1)(D), existing §334.406(B), adds the words “submitted a renewal fee of \$75” to be consistent with other terms in this chapter, and to explain the fee required for registrations renewing for one year. New §30.318(2)(D), existing §334.406(B), adds the words “submitted a renewal fee of \$150” to be consistent with other terms in this chapter and to explain the fee required for registrations with odd registration numbers renewing for one year. New §30.318(d)(4), existing §334.406(B), adds the words “submitted a renewal fee of \$150” to be consistent with other terms in this chapter and to explain the fee required for registrations with even registration numbers renewing for two years.

New §30.319, Exemptions, is a proposed section that includes language from existing §334.425 and §334.408. New §30.319(a), existing §334.425, adds the word “is”; and adding “installs, repairs, or removes”; and deletes the word “installer” to improve readability and to provide consistency of terms with other sections of these rules. New §30.319(b) adds another exemption for persons who assist with

the installation, repair, or removal of an UST who is under the direct or on-site supervision of a licensed on-site supervisor. New §30.319(c), existing §334.408, adds the words and phrases “A,” “is,” “that installs, repairs and removes,” and replaces “underground storage tank” with “UST,” to improve readability and to provide consistency with other sections of these rules.

Subchapter J - Wastewater Operators and Operations Companies

New §30.331, Purpose and Applicability, is proposed language from existing §325.101. New §30.331(a), existing §325.101(b), changes the phrase “...these rules is to provide a uniform procedure for issuing certificates...” to “...this subchapter is to establish qualifications for issuing and renewing...” New §30.331(b) is proposed with grammatical changes from existing §325.106(a) and (b) and §325.126(a), and establishes who is required to be licensed or registered and adds the requirement to comply with all applicable commission rules. New §30.331(c), existing §325.128(a), deletes the sentence “Operator performance that results in permit violations may subject the operator to administrative penalties or other sanctions imposed by the executive director as described in this section.” The meaning of this deleted sentence was transferred to Subchapter A. New §30.331(d), existing §325.101(e), changes the word “certificates” to “licenses.” New §30.331(e), existing §325.118(b), explains that an individual possessing an honorary license may not operate a domestic wastewater treatment facility or supervise a wastewater collection system. New §30.331(f), establishes that licenses, certificates of competency, and registrations issued prior to January 1, 2002, remain in effect until they expire or are replaced or revoked. New §30.331(g), existing §325.128(f), changes the word “certificate” to “license or registration” and “certified” to “licensed.”

New §30.337, Definitions, is from existing §325.102. A new definition is provided for “honorary license.” The word “certificate” or “certificate of competency” is replaced by the word “license,” and “certified” the word “licensed” throughout this section. The new definition of “operator-in-charge” deletes the word “responsible” because the operator in charge is defined as the responsible operator. The new definition of “operator-in-training” replaces “person” with “individual” to maintain consistency with new definitions and adds the phrase “who has less than one year of experience and is in training to operate a wastewater treatment facility or supervise a wastewater collection system.” The definition for “Wastewater collection system operator” replaces the word “person” with “individual” to allow for consistency with new definitions. The definition for “wastewater system operations company” replaces the phrase “business, company, corporation, firm, partnership, individual” with the word “person” to allow for consistency with new definitions. The definition for “Wastewater treatment facility operator” replaces the word “person” with “individual” to allow for consistency with new requirements.

New §30.340, Qualifications for Initial License, existing §325.108, adds the phrase “initial license” and the deletes the phrase “for wastewater treatment facility and collection system operators.” The word “certificate” is changed to “license” throughout this section for consistency. New §30.340(a) contains proposed language from existing §325.108(b) with no changes. The language specifies that operators must meet the requirements in Subchapter A and this subsection. New §30.340(b) and (c) is proposed from existing §325.108(c) and (d) with no changes. New §30.340(d) is proposed from existing §325.108(e) with grammatical changes. New §30.340(e) is proposed from existing §325.108(f) with no changes. New §30.340(f), existing §325.108(g), adds two elective courses for the Class A

license. New §30.340(g) clarifies that an individual who previously held a Class D license may not apply for a new Class D license if the individual currently operates facilities listed in §30.342(c). The abbreviation of “RBC” is replaced with “rotating biological contactor” and adds an explanation of these facilities.

New §30.342, Qualifications for License Renewal, is proposed new language from existing §325.116. The word “certificate(s)” is changed to “license(s)” throughout this section for consistency. New §30.342(a) provides the license renewal requirements. New §30.342(a)(1), contains the figure from existing §325.116(d) and is reformatting from chart to narrative form and deletes the information in the fee column, which is covered in Subchapter A. It also reduces the term of Class A, B, C, III, and II licenses to two years and reduces the required continuing education to 20 hours. New §30.342(a)(2) explains an individual may renew a license by examination if the individual meets the requirements in Subchapter A. New §30.342(b), existing §325.116(h), adds of the word “operation.” New §30.342(c), existing §325.116(b), replaces the abbreviation “RBC” replaced with “rotating biological contactor” and adds an explanation of these facilities.

New §30.346, Qualifications for Initial Registration, states that an applicant must meet the requirements of Subchapter A to obtain initial registration.

New §30.348, Qualifications for Registration Renewal, states that an applicant must meet the requirements of Subchapter A to renew a registration.

New §30.349, Registration Fees, existing §325.126(d), deletes of the phrase “prior to issuance or renewal of a wastewater system operations company certificate, an application must be submitted with the appropriate fee.” The meaning of this deleted phrase was transferred to Subchapter A.

New §30.350, Classification of Wastewater Treatment Facilities, Wastewater Collection Systems, and Licenses Required, existing §325.106, changes the word “Certificates” to “Licenses” in the title.

Throughout this section, the word “certificate” and “certificate of competency” is changed to “license” or “registration” as applicable, and “certified” is changed to “licensed” for consistency. New §30.350(a) - (i), existing §325.106(c) - (k), is changed for consistency with new requirements and changes the word “person” changed to “individual” in subsection (c). New §30.350(j), existing §325.106(l), clarifies that each category of facility must be operated a minimum of five days per week by the chief operator or operator holding a license of the same class or higher, and must be available by telephone or pager seven days per week. New §30.350(k) - (n) is proposed from existing §325.106(m) - (p) with no changes.

New §30.355, Additional Requirements for Wastewater Operations Companies, changes the words “certificate” or “certified” to “license” or “licensed” throughout this section for consistency. New §30.355(a), existing §325.126(g), replaces the word “yearly” with “annual.” New §30.355(b) - (c), existing §325.126(h) and (k), is proposed with no changes. New §30.355(d), existing §325.126(l), replaces the phrase “governmental entities or quasi-governmental entities, such as river authorities” with “political subdivisions” and changes a citation for correct reference.

Subchapter K - Public Water System Operators and Operations Companies

New §30.381, Purpose and Applicability, is proposed language from existing §325.2. New §30.381(a), existing §325.2.(b), deletes of the phrase “the rules in” and deletes the phrase “establish qualifications for issuing and renewing licenses.” New §30.381(a)(1) establishes that individuals who perform process control duties must be licensed. New §30.381(a)(2) establishes registrations for persons that operate public water systems on a contract basis. New §30.381(b) establishes licensing and registration requirements. New §30.381(c) establishes that licenses, certificates of competency, and registrations issued before January 1, 2002, remain in effect until they expire, or are replaced or revoked. New §30.381(d), existing §325.2.(h), is proposed with grammatical changes and corrects the cross-reference. New §30.381(e) establishes that an individual issued a license under this subchapter must perform adequate process control as recognized by current best management practices. New §30.381(f), existing §325.20(b), explains that an individual possessing an honorary license may not perform process control duties for a public water system. These amendments incorporate changes to TWC, Chapter 37, with grammatical corrections and to provide consistency with new definitions.

New §30.387, Definitions, proposes new definitions and contains some definitions from existing §325.4. New definitions are provided for “honorary license,” “process control duties,” and “public water system operator.” The definition for “chief operator” replaces the word “person” with “individual” to allow consistency with new definitions. The definition for “operator-in-charge” deletes the word “responsible” and replaces the phrase “certified operator who has been charged with the on-site supervision of the” with “an individual who has overall responsibility for the operation of a.” The definition for “operator-in-training” replaces the word “person” with “an individual” to maintain

consistency with new definitions. The definition for “process control duties” is a new term used in the this subchapter. The definition for “public water system operator” replaces the phrase “a person” with “any business, company, corporation, firm, partnership, individual” because the word “person” is defined in 30 TAC Chapter 3.

New §30.390, Qualifications for Initial License, existing §325.10, adds the phrase “initial license” and deletes the phrase “for public water system operators” to the title. New §30.390(a) specifies requirements to be met in this subsection. Changes were made to the figure to clarify educational requirements. New §30.390(b), existing §325.10(d), improves readability and clarifies work experience substitution requirements. New §30.390(c), existing §325.10(c), clarifies that Class C or B licenses must obtain at least one-half of the total work experience in that specified field. New §30.390(c)(1) - (3), existing §325.10(c)(1) - (3), is reformatted only. New §30.390(d), existing §325.10(c)(4), clarifies that laboratory experience must involve consultation with individuals who perform process control duties. New §30.390(e), existing §325.10(e), is reformatted only. New §30.390(f), existing §325.10(f), reformats the figure only. In the figure which includes the Class B water distribution license training requirements, the training classes under elective courses “Pump and Motor Maintenance” and “Valve and Hydrant Maintenance” are deleted as a result of these classes being erroneously listed as elective courses when they are actually required training classes for the Class B distribution license. These two training classes were also listed under both required courses and elective courses. New §30.390(g) clarifies that an individual who previously held a Class D license may not apply for a new Class D license if the individual currently operates facilities listed in §30.390(g)(1) - (5).

New §30.392, Qualifications for License Renewal, is existing language in §325.18. New §30.392(a) states the license renewal requirements. New §30.392(a)(1), is the figure that is contained in existing §325.18(d) and is reformatted from chart to narrative form. The information in the fee column is provided in Subchapter A. New §30.392(a)(2) explains that an individual may renew a license by examination if the individual meets the requirements of Subchapter A. New §30.392(b), existing §325.18(h), is proposed with no change. New §30.392(c) and (c)(1) - (4), existing §325.18(b) and (b)(1) - (4), is reformatted only. New §30.392(c)(5) prohibits an individual from renewing a Class D license if the individual operates multiple groundwater systems and the cumulative number of connections exceeds 250.

New §30.396, Qualifications for Initial Registration, establishes that an applicant must meet the requirements of Subchapter A to obtain a registration.

New §30.398, Qualifications for Registration Renewal, establishes that an applicant must meet the requirements of Subchapter A to renew a registration.

New §30.399, Registration Fees, existing §325.28(d), deletes the phrase “prior to issuance or renewal of an operations company’s certificate, an application must be submitted with the appropriate fee” because this requirement is provided in Subchapter A.

New §30.400, Additional Requirements for Public Water System Operations Companies, is a proposed new section. New §30.400(a) - (d), existing §325.28(g), (i), (k), and (l), is proposed with grammatical changes to improve readability.

New §30.402, Exemptions, is a proposed new section. New §30.402(a), existing §325.2(d) and (d)(1) and (2), is proposed with formatting changes which combine §325.2(d) and (d)(1) and (2) into one subsection. Grammatical changes are made to improve readability. New §30.402(b) exempts an operator-in-training from the licensing requirements of this chapter. This new language is necessary to allow individuals an opportunity to enter the field of public drinking water for the purpose of training. New §30.402(c), existing §325.8(f), is grammatical changed to improve readability.

FISCAL NOTE: COSTS TO STATE AND LOCAL GOVERNMENT

John Davis, Technical Specialist with Strategic Planning and Appropriations, determined that for the first five-year period the proposed rules are in effect, there will be fiscal implications, which are not anticipated to be significant, for any single unit of state and local government as a result of administration and enforcement of the proposed rules. The commission proposes to standardize the occupational license renewal fee by setting the fee for individuals to \$70, payable every two years. The commission estimates that 23,919 requests for occupational licenses will be received every two years. The overall fiscal impact to units of state and local government which pay the fees for individuals licensed by the commission will be approximately \$707,130 in increased fees paid every two years. There will be no fiscal impacts to units of state and local government that are not required to pay for renewal of occupational licenses. It is anticipated that the new fee level will result in approximately

\$1.8 million in additional revenues to the commission, which will be used to recover the costs of administering and enforcing the occupational licensing program.

The proposed rules are intended to implement provisions of HB 3111 (an act relating to occupational licenses and registrations issued by the commission), and certain provisions of HB 2912 (an act relating to the continuation and functions of the commission; providing penalties), 77th Legislature, 2001.

House Bill 3111 requires the commission to establish rules standardizing fees and administration for ten occupational licensing programs by December 1, 2001. The proposed rules intend to achieve this requirement by consolidating into one chapter the administrative requirements for backflow prevention assembly testers (BPAT), customer service inspectors (CSI), landscape irrigators and installers, LPST corrective action project managers and specialists. Additionally, the administrative requirements for municipal solid waste (MSW) facility supervisors, OSSF installers, apprentices, site evaluators, and designated representatives, water treatment specialists, underground storage tank (UST) contractors and on-site supervisors, wastewater operators and operations companies, and public water system operators and operation companies would also be consolidated into the same regulatory chapter. The bill also consolidates the deposit of licensing fees from different funds or accounts into the Occupational Licensing Account, and exempts geoscientists from certain commission licensing fees and requirements.

House Bill 2912 requires the commission to adopt rules for the licensing of water treatment specialists and establishes new requirements for the irrigator and OSSF licensing program. The commission

anticipates no additional fiscal impacts due to implementation of the HB 2912 provisions, because they only change the license renewal term for water treatment specialists.

House Bill 3111 requires the commission to establish, standardize, and collect fees sufficient to recover the costs of administering and enforcing the occupational licensing programs administered by the commission. In order to meet these requirements, the commission proposes a standard individual licensing fee of \$70 payable every two years. The new fee level would decrease the amount paid by landscape irrigators and installers, LPST corrective action project managers, OSSF Installers, OSSF designated representatives, and UST on-site supervisors. The registration fee for affected companies would be set at \$150 payable every two years. The registration fee for wastewater, water, and underground storage companies would not change, while the two year registration fee for LPST companies would decrease from \$350 to \$150.

The commission estimates that approximately 23,919 license holders that work for units of state and local government would be required to pay more for each license to comply with the proposed rules. These license holders are MSW operators, OSSF designated representatives, wastewater operators, and water operators. The total impact to units of state and local government due to the increased two-year license renewal fee is estimated to be approximately \$707,130. The following table provides further details concerning the overall fiscal impact to units of state and local government.

Figure: 30 TAC Chapter 30 Preamble-1

Programs	Projected to Apply	Current 2 Year License Fee *	Proposed 2 Year License Fee	Difference	Change of Terms	Additional Cost/(Savings)
Municipal Solid Waste - Type A	400	\$20	\$70	\$50	4 to 2 yrs	\$20,000
Municipal Solid Waste - Type B	100	\$15	\$70	\$55	4 to 2 yrs	\$5,500
Municipal Solid Waste - Type B	500	\$10	\$70	\$60	4 to 2 yrs	\$30,000
Wastewater Operator	9,320	\$40	\$70	\$30	3 to 2 yrs	\$279,600
Water Operator	13,000	\$40	\$70	\$30	3 to 2 yrs	\$390,000
OSSF Designated Representative	599	\$100	\$70	(\$30)	No Change	(\$17,970)
Total	23,919					\$707,130

* Based on current term. For example, MSW-A license holders pay \$40 every four years, which equates to \$20 every two years.

House Bill 3111 exempts geoscientists from certain commission licensing fees and requirements. The commission estimates that approximately 300 geoscientists would not be required to pay the license renewal fee, resulting in a loss of \$21,000 in revenues to the commission. However, the commission anticipates the restructured occupational licensing fee will be sufficient to recover costs to administer and enforce the occupational licensing program.

PUBLIC BENEFITS AND COSTS

Mr. Davis also determined that for each year of the first five years the proposed rules are in effect, the public benefit anticipated from enforcement of and compliance with this rulemaking will be the implementation of certain provisions of HB 3111 and HB 2912, and increased compliance through the consolidation and standardization of commission occupational licensing programs.

The proposed rules are intended to implement provisions of HB 3111 and certain provisions of HB 2912. House Bill 3111 requires the commission to establish rules standardizing fees and administration for ten occupational licensing programs by December 1, 2001. The bill also consolidates the deposit of licensing fees from different funds or accounts into the Occupational Licensing Account, and exempts geoscientists from certain commission licensing fees and requirements.

House Bill 2912 requires the commission to adopt rules for the licensing of water treatment specialists and establishes new requirements for the irrigator and OSSF licensing program. The commission anticipates no additional fiscal impacts due to implementation of the HB 2912 provisions, because they only change the license renewal term for water treatment specialists.

House Bill 3111 requires the commission to establish, standardize, and collect fees sufficient to recover the costs of administering and enforcing the occupational licensing programs administered by the commission. In order to meet these requirements, the commission proposes a standard individual licensing fee of \$70 payable every two years. This fee would decrease the amount paid by landscape irrigators and installers, LPST corrective action project managers, OSSF installers and designated

representatives, and UST on-site supervisors. The registration fee for affected companies would be set at \$150 payable every two years. The registration fee for wastewater, water, and underground storage companies would not change, while the two-year registration fee for LPST companies would decrease from \$350 to \$150.

The commission estimates that approximately 17,454 license holders that work for industry would be affected by the new fee requirements. These license holders include: BPATs, CSIs, OSSF site evaluators, residential water treatment specialists, wastewater operators, and water operators. Backflow prevention assembly testers, CSIs and OSSF site evaluators were not previously required to pay renewal fees. Backflow prevention assembly testers and CSIs were not previously required to pay renewal application fees, while site evaluators licensing is a new requirement. Although some businesses will be required to pay more for licensing of employees, the overall fiscal impact to industry is a \$548,870 reduction in licensing fees.

Additionally, in order to be eligible for license renewal, BPATs, CSIs, and site evaluators will have to attend continuing education classes prior to each renewal. The cost per person is estimated to be as high as \$400, with a total additional cost of \$2.4 million every two years. The overall net fiscal impact on individuals and businesses due to the \$70 two-year license renewal fee and education requirement is estimated to be approximately \$1,851,530. The following table provides further details concerning the overall fiscal impact to individuals.

Figure: 30 TAC Chapter 30 Preamble-2

Programs	Projected to Apply	Current 2 Year License Fee	Proposed 2 Year License Fee	Difference	Change of Terms	Additional Cost/(Savings)
BPAT	3,500	\$0	\$70	\$70	0 to 2 yrs	\$245,000
CSI	1,500	\$0	\$70	\$70	3 to 2 yrs	\$105,000
OSSF Site Evaluator	1,000	\$0	\$70	\$70	No Change	\$70,000
OSSF Installer	3,000	\$150 *	\$70	(\$80)	No Change	(\$240,000)
Landscape Irrigator	5,500	\$170 *	\$70	(\$100)	1 to 2 yrs	(\$550,000)
Landscape Installer	300	\$100 *	\$70	(\$30)	1 to 2 yrs	(\$9,000)
LPST Licenses	450	\$150 *	\$70	(\$80)	No Change	(\$36,000)
UST Licenses	679	\$350 *	\$70	(\$280)	1 to 2 yrs	(\$190,120)
Residential Water Treatment	525	\$20 *	\$70	\$50	2,3,5 to 2 yrs	\$26,250
Wastewater Operator	500	\$40 *	\$70	\$30	3 to 2 yrs	\$15,000
Water Operator	500	\$40 *	\$70	\$30	3 to 2 yrs	\$15,000
Total Licenses	17,454				Cost Sub Total	(\$548,870)
BPAT/CSI/OSSF Site Evaluator Classes	6,000				Cost for Classes	\$2,400,000 (\$400 per class)
					Total Cost	\$1,851,130

* Based on current term. For example, Wastewater license holders pay \$60 every three years, which equates to \$40 every two years.

SMALL BUSINESS AND MICRO-BUSINESS ASSESSMENT

There will be adverse fiscal impacts, which are not anticipated to be significant for certain small or micro-business that pay occupational license fees to the commission as a result of the proposed rules, which are intended to implement provisions of HB 3111 and certain provisions of HB 2912. There should be no fiscal implications to small and micro-businesses which do not pay occupational license fees to the commission.

The proposed rules are intended to implement provisions of HB 3111 and certain provisions of HB 2912. House Bill 3111 requires the commission to establish rules standardizing fees and administration for ten occupational licensing programs by December 1, 2001. The bill also consolidates the deposit of licensing fees from different funds or accounts into the Occupational Licensing Account, and exempts certain commission licensing fees and requirements.

House Bill 2912 requires the commission to adopt rules for the licensing of water treatment specialists and establishes new requirements for the irrigator and OSSF licensing program. The commission anticipates no additional fiscal impacts due to implementation of the HB 2912 provisions, because they only change the license renewal term for water treatment specialists.

House Bill 3111 requires the commission to establish, standardize, and collect fees sufficient to recover the costs of administering and enforcing the occupational licensing programs administered by the

commission. In order to meet these requirements, the commission proposes a standard individual licensing fee of \$70 payable every two years. This fee would decrease the amount paid by landscape irrigators and installers, LPST corrective action project managers, OSSF installers and designated representatives, and UST on-site supervisors. The registration fee for affected companies would be set at \$150 payable every two years. The registration fee for wastewater, water, and underground storage companies would not change, while the two-year registration fee for LPST companies would decrease from \$350 to \$150.

The commission estimates that the majority of the approximately 17,454 affected license holders that work for industry will be employed by small or micro-businesses. These license holders include BPATs, CSIs, OSSF site evaluators, residential water treatment specialists, wastewater operators, and water operators. Backflow prevention assembly testers, CSIs and OSSF site evaluators were not previously required to pay renewal fees. Backflow prevention assembly testers and CSIs were not previously required to pay renewal application fees, while site evaluators licensing is a new requirement. Although some businesses will be required to pay more for licensing of employees, the overall fiscal impact to industry is a \$548,870 reduction in licensing fees.

Additionally, in order to be eligible for license renewal, BPATs, CSIs, and site evaluators will have to attend continuing education classes prior to each renewal. The cost per person is estimated to be as high as \$400, with a total additional cost of \$2.4 million every two years. The overall net fiscal impact on individuals and businesses (including small and micro-businesses) due to the \$70 two-year license renewal fee and education requirement is estimated to be approximately \$1,851,530.

House Bill 3111 exempts geoscientists from certain commission licensing fees and requirements. The commission estimates that approximately 300 geoscientists, many of which work for small or micro-businesses, would not be required to pay the license renewal fee, resulting in a cost savings of approximately \$21,000.

The following is an analysis of the potential costs per employee for small or micro-businesses affected by the proposed rules. Small and micro-business are defined as having fewer than 100 or 20 employees respectively. A small or micro-business that currently is not required to pay for license renewal, and is required to send certain staff to continuing education classes prior to license renewal would incur costs of approximately \$470 per employee every two years to comply with the proposed rules.

LOCAL EMPLOYMENT IMPACT STATEMENT

The commission has reviewed this proposed rulemaking and determined that a local employment impact statement is not required because the proposed rules do not adversely affect a local economy in a material way for the first five years that the proposed rules are in effect.

DRAFT REGULATORY IMPACT ANALYSIS DETERMINATION

The commission reviewed the proposed rules in light of the regulatory analysis requirements of the Texas Government Code, §2001.0225, and determined that the proposed rules are not subject to that statute. 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 proposed rules 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 proposed rules, but it is not the specific intent of the proposed rules. Furthermore, the proposed rules 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 rules would simply consolidate existing rule language into one chapter. Thus, the proposed rules do not meet the definition of a “major environmental rule” as defined in the Texas Government Code, §2001.0225(g)(3), and thus, do not require a full regulatory impact analysis. The commission invites public comment on the draft regulatory impact analysis determination.

TAKINGS IMPACT ASSESSMENT

The commission has prepared a takings impact assessment for these proposed rules pursuant to Texas Government Code, §2007.43. The following is a summary of that assessment. The specific purpose of the proposed rules is to consolidate the requirements for the various occupations, licensed or registered by the commission, into one chapter. The proposed rules would substantially advance this specific purpose by setting forth detailed procedures for obtaining an occupational licenses or registration including procedures for: the initial application; examinations; and renewal applications. The proposed rules do not constitute a takings because they would not burden private real property.

CONSISTENCY WITH THE COASTAL MANAGEMENT PROGRAM

The commission reviewed the proposed rulemaking and found that the rules are neither identified in Coastal Coordination Act Implementation Rules, 31 TAC §505.11(b)(2), relating to Actions and Rules

Subject to the Texas Coastal Management Program (CMP), nor would it affect any action or authorization identified in Coastal Coordination Act Implementation Rules, 31 TAC §505.11(a)(6).

Therefore, the proposed rules are not subject to the CMP.

ANNOUNCEMENT OF HEARING

A public hearing on the proposal will be held October 11, 2001, at 10:00 a.m. in Room 131E, Building C, at the Texas Natural Resource Conservation Commission complex, located at 12100 Park 35 Circle, Austin. The hearing is structured for the receipt of oral or written comments by interested persons.

Individuals may present oral statements when called upon in order of registration. Open discussion will not occur during the hearing; however, an agency staff member will be available to discuss the proposal 30 minutes prior to the hearing and answer questions before and after the hearing.

Persons with disabilities who have special communication or other accommodation needs who are planning to attend the meeting should contact the agency at (512) 239-4900. Requests should be made as far in advance as possible.

SUBMITTAL OF COMMENTS

Comments may be submitted to Angela Slupe, 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 2001-044-325-WT. Comments must be received by 5:00 pm., October 18, 2001. For further information, contact Melissa Estes, Policy and Regulations Division, at (512) 239-3937.

STATUTORY AUTHORITY

The new sections are proposed under the authority granted to the commission by the Texas Legislature in TWC, Chapter 37. Furthermore, TWC, Chapter 37 provides the commission the authority to: establish classes and terms of occupational licenses and registrations; establish procedures for granting, denying, suspending occupational licenses and registrations; establish fees for occupational licenses and registrations; and establish training, continuing and examination requirements.

The new sections are also authorized under the general authority granted in TWC, §5.013, which establishes the general jurisdiction of the commission over other areas of responsibility as assigned to the commission under TWC and other laws of the state; TWC, §5.103 and §5.105, which authorize the commission to adopt rules and policies necessary to carry out its responsibilities and duties under the TWC, §5.013(15); and TWC, §7.002, which authorizes the commission to enforce provisions of the TWC and THSC.

The new sections implement TWC, §37.002, which requires the commission to adopt rules to establish occupational licenses and registrations for: BPATs, (THSC, §341.033 and §341.034); CSIs, (THSC, §341.033 and §341.034); landscape irrigators and installers, (TWC, §34.007); LPST project managers and corrective action specialists, (TWC, §26.3573); solid waste facility supervisors, (THSC, §361.027); OSSF installers, apprentices, designated representatives, and site evaluators (THSC, §366.071); water treatment specialists, (THSC, §341.033 and §341.034); UST contractors and on-site supervisors, (TWC, §26.452); wastewater operators and operations companies, (TWC, §26.0301); and public water system operators and operations companies, (THSC, §341.033 and §341.034).

**SUBCHAPTER A: ADMINISTRATION OF OCCUPATIONAL LICENSES
AND REGISTRATIONS**

§§30.1, 30.3, 30.5, 30.7, 30.10, 30.14, 30.18, 30.20, 30.24, 30.26, 30.28, 30.30, 30.33, 30.35

§30.1. Authority.

The provisions in this chapter are issued under the authority of Texas Water Code, Chapter 37.

§30.3. Purpose and Applicability.

(a) The purpose of this chapter is to consolidate the administrative requirements and establish uniform procedures for the occupational licensing and registration programs prescribed by Texas Water Code, Chapter 37. This subchapter contains general procedures for issuing, renewing, denying, suspending, and revoking occupational licenses and registrations. Subchapters B - K of this chapter (relating to Backflow Prevention Assembly Testers; Customer Service Inspectors; Landscape Irrigators and Installers; Leaking Petroleum Storage Tank Corrective Action Project Managers and Specialists; Municipal Solid Waste Facility Supervisors; On-Site Sewage Facilities Installers, Apprentices, Designated Representatives, and Site Evaluators; Water Treatment Specialists; Underground Storage Tank On-Site Supervisor Licensing and Contractor Registration; Wastewater Operators and Operations Companies; and Public Water System Operators and Operations Companies) contain the program-specific requirements related to each program.

(b) This chapter applies to applications for issuance or renewal of licenses or registrations that are received on or after January 1, 2002.

(c) The requirements of this chapter apply to the following occupational licenses and registrations:

(1) backflow prevention assembly testers;

(2) customer service inspectors;

(3) landscape irrigators and installers;

(4) leaking petroleum storage tank corrective action specialists and project managers;

(5) municipal solid waste facility supervisors;

(6) on-site sewage facility (OSSF) installers, designated representatives, apprentices, and site evaluators;

(7) water treatment specialists;

(8) underground storage tank contractors and on-site supervisors;

(9) wastewater operators and operations companies; and

(10) public water system operators and operations companies.

§30.5. General Provisions.

(a) A person must be licensed or registered by the commission before engaging in an activity, occupation, or profession described by Texas Water Code, §§26.0301, 26.3573, 26.452, 26.456, 34.007, or 37.003, or Texas Health and Safety Code, §§341.033, 341.034, 341.102, 361.027, 366.014, or 366.071. The commission shall issue a license or registration only after an applicant has met the minimum requirements for a license or registration as specified in this chapter.

(b) A person may not advertise or represent themselves to the public as a holder of a license or registration unless they possess a current license or registration. A person may not advertise or represent to the public that it can perform services for which a license or registration is required unless it holds a current license or registration, or unless it employs individuals who hold current licenses.

(c) The executive director may contract with persons to provide services required by this chapter. The commission may authorize contractors to collect reasonable fees for the services provided.

(d) Licenses and registrations are not transferrable.

(e) New licenses shall not be issued to employees of the commission who have regulatory authority over the rules of this chapter.

§30.7. Definitions.

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) **Continuing education** - Job-related training approved by the executive director used for renewal of licenses and registrations.

(2) **License** - An occupational license issued by the commission to an individual authorizing the individual to engage in an activity covered by this chapter.

(3) **Registration** - An occupational registration issued by the commission to a person authorizing the person to engage in an activity covered by this chapter.

(4) **Training credit** - Hours of credit allowed by the executive director for attendance at an approved training event.

§30.10. Administration.

The executive director is responsible for:

- (1) reviewing applications;
- (2) developing, administering, and grading examinations;
- (3) issuing and renewing licenses and registrations;
- (4) maintaining records related to licenses and registrations;
- (5) maintaining a roster of current licenses and registrations;
- (6) collecting fees;
- (7) approving training for licensing credits; and
- (8) responding to complaints against licensees and registrants.

§30.14. Applications for Initial Registration.

(a) Applications for initial registrations shall be made on a standard form approved by the executive director. The application must be submitted to the executive director with the appropriate fee.

(b) Supplemental information for each individual program shall be submitted according to the specific requirements for each program.

(c) Within 45 days after the date the executive director receives the application, the executive director shall notify the applicant in writing if all the registration requirements have been met.

(d) All statements and qualifications provided by the applicant are subject to verification by the executive director.

(e) Misrepresentation or falsification of any information may be grounds for rejection of an application or for enforcement action.

(f) All applications must be completed in full. All deficiencies must be corrected within two months of notification, or the application shall be considered invalid.

(g) After verification that the requirements for registration have been met, the executive director shall mail the registration no later than 45 days after the effective date of the registration. The registration shall be for the term specified in §30.30 of this title (relating to Terms and Fees for Licenses and Registrations). The effective date of the registration shall be the date the executive director issues the registration.

§30.18. Applications for an Initial License.

(a) Applications for initial licenses shall be made on a standard form provided by the executive director. The application must be submitted to the executive director with the fee according to §30.30 of this title (relating to Terms and Fees for Licenses and Registrations). The application must be submitted to the executive director before the applicant may take the examination.

(b) Supplemental information for each individual program shall be submitted according to the specific requirements for each program.

(c) Within 45 days after the date the executive director receives the application, the executive director shall notify the applicant in writing if the applicant is eligible to take the examination.

(d) An approved application shall be valid for one year from the date of approval.

(e) All statements and qualifications provided by each applicant are subject to verification by the executive director.

(f) Misrepresentation or falsification of any information may be grounds for rejection of an application or for enforcement action.

(g) All applications must be completed in full. All deficiencies must be corrected within two months of notification, or the application shall be considered invalid.

(h) An applicant must furnish evidence of any training credit, proof of education, or work experience when requested.

(i) After verification that the requirements for license have been met, the executive director shall mail the license no later than 45 days after the effective date of the license. The license shall be for the term specified in §30.30 of this title. The effective date of the license shall be the date the executive director issues the license.

§30.20. Examinations.

(a) The executive director shall prescribe the content of licensing examinations. Examinations shall be based on laws, rules, job duties, and standards relating to the particular license.

(b) Examinations shall be graded and the results forwarded to the applicant no later than 45 days after the examination date. The minimum passing score for an examination is 70%.

(c) Any individual who fails an examination may repeat the examination after waiting 60 days. The examination may not be repeated more than three times within 12 months of the initial application approval. After one year or four examinations, whichever occurs first, a new application with a new fee must be submitted before the applicant may take the examination again.

(d) Any qualified applicant with a physical, mental, or developmental disability may request reasonable accommodations to take an examination.

(e) Examinations shall be given at places and times approved by the executive director.

(f) The executive director shall provide an analysis of an examination when requested in writing by the applicant. The executive director shall ensure that an examination analysis does not compromise the fair and impartial administration of future examinations.

§30.24. License and Registration Applications for Renewal.

(a) A license or registration may be renewed unless it has been:

(1) expired for more than 30 days;

(2) revoked; or

(3) replaced by a higher class of license.

(b) Applications for renewal must be made on a standard form provided by the executive director.

(1) The executive director shall mail a renewal application at least 60 days before the license or registration expires to the most recent address provided to the executive director. If a person does not receive a renewal application, the person is not relieved of the responsibility to timely submit a renewal application.

(2) The person is responsible for ensuring that the completed renewal application, the renewal fee, and other required information are submitted to the executive director by the expiration date of the license or registration.

(c) The continuing education used to renew a license must be earned after the issuance date and before the expiration date of the license. Any remaining continuing education hours shall not be carried over to the next renewal period.

(d) The executive director may renew a license or registration, within 30 days after the license expires, if the person meets the requirements for renewal by the expiration date of the license or registration and pays all fees.

(e) An individual who fails to renew a license within 30 days after the license expiration date must meet the current education, training, and experience requirements, submit a new application with the appropriate fee, and pass the examination. A person who fails to renew a registration within 30 days after the expiration date must submit a new application with the appropriate fee and meet all applicable requirements for a new registration.

(f) The executive director may require specific training courses for renewal of a license on a case-by-case basis.

(g) All licensees must notify the executive director of any change in the previously submitted application information within ten days from the date the change occurs.

(h) All registration holders must notify the executive director of any change in the previously submitted application information within ten days after the month in which the change occurs.

(i) Licenses and registrations that have renewal cycles in transition shall follow the renewal requirements in the applicable subchapter.

(j) The executive director shall determine whether an applicant meets the renewal requirements of this subchapter. If all requirements have been met, the executive director shall renew the license or registration and send it to the applicant within 45 days after the date the executive director receives the renewal application.

(k) The license or registration shall be valid for the term specified.

(l) If the application is denied because the applicant does not meet the requirements, the executive director shall notify the applicant in writing within 45 days after the date the executive director receives the renewal application.

(m) A person whose license or registration has expired may not engage in activities that require a license or registration until the license or registration is renewed or a new license or registration has been obtained.

§30.26. Recognition of Licenses from Out-of-State.

(a) Except for landscape irrigators and installers, the executive director may waive qualifications, training, or examination for individuals with a good compliance history who hold a current license from another state, territory, or country if that state, territory, or country has requirements equivalent to those in this chapter.

(b) A license may be issued after review and approval of the application, receipt of the appropriate fee, and verification of the license from the corresponding state, territory, or country.

(c) The executive director may waive any of the prerequisites for obtaining a landscape irrigator or installer license, if the applicant is licensed as an irrigator in another jurisdiction that has a reciprocity agreement with the State of Texas.

(d) The executive director may require the applicant to provide information about other occupational licenses and registrations held by the person, including:

(1) the state in which the other license or registration was issued;

(2) the current status of the other license or registration; and

(3) whether the other license or registration was ever denied, suspended, revoked, surrendered, or withdrawn.

§30.28. Approval of Training.

(a) Training used to meet the requirements for obtaining or renewing a license must be approved by the executive director before the training begins.

(b) The executive director shall determine the number of hours of credit that shall be granted for approved training.

(c) Training credit may be approved by the executive director for:

(1) attendance at training courses, events, and seminars;

(2) completion of computer or web-based training, correspondence course, or similar training;

(3) association meetings, only when the meetings include training sessions containing subject matter related to the particular license; or

(4) other professional activities, such as publication of articles or teaching training courses.

(d) The executive director may rescind or deny training approval for good cause.

§30.30. Terms and Fees for Licenses and Registrations.

(a) All licenses and registrations are valid for two years from the date of issuance.

(b) The following licenses and registrations shall be transitioned from a one-year cycle to a two-year cycle:

(1) landscape irrigator and installer, according to Subchapter D of this chapter (relating to Landscape Irrigators and Installers); and

(2) underground storage tank on-site supervisor and contractor, according to Subchapter I of this chapter (relating to Underground Storage Tank Contractors and On-Site Supervisor Licensing and Contractor Registration).

(c) The license fee is \$70 for the entire term of the license. It shall be paid with each initial and renewal application and is nonrefundable.

(d) Registration fees are established in the applicable subchapters of this chapter.

(e) A fee of \$20 shall be charged for each copy of the license or registration, or to replace a lost or damaged license or registration.

(f) A convenience fee may be set by the executive director or service provider for alternative fee payment methods. A person using an alternative payment method is responsible for paying the convenience fee.

(g) An examination or reexamination fee may be charged if the executive director designates an entity to administer the examinations.

§30.33. License or Registration Denial, Warning, Suspension, or Revocation.

(a) Denial. The executive director may deny an initial or renewal application for:

(1) insufficiency. The executive director shall notify the applicant of the executive director's intent to deny the application and advise the applicant of the opportunity to file a motion for reconsideration under §50.39 of this title (relating to Motion for Reconsideration). The executive director may determine an application is insufficient for the following reasons:

(A) failing to meet the licensing or registration requirements of this chapter;

(B) being delinquent in the payment of any fee or penalty imposed by the commission, unless:

(i) a person pays the fee or penalty to the executive director within 30 days after submitting an application; or

(ii) the executive director has agreed to a payment plan within 30 days after a person submits an application;

(C) being in default on loans guaranteed by Texas Guaranteed Student Loan Corporation (TGSLC) (the executive director shall proceed as described in Texas Education Code, Chapter 57) if identified by TGSLC and the application is for a renewal license or registration; or

(D) if an out-of-state licensing program does not have requirements substantially equivalent to those of this chapter;

(2) cause. After notice and opportunity for a hearing, the executive director may deny an application for a license or registration by an applicant who:

(A) provides fraudulent information or falsifies the application;

(B) has a poor compliance history as a licensee in another state; or

(C) has a poor compliance history in this or another agency program.

(b) Warning. If a person causes, contributes to, or allows a violation of this chapter, the executive director may issue a warning letter. The letter shall be placed in the person's permanent file

maintained by the executive director. This letter shall be a warning that further violations or offenses by the person may be grounds for suspension, revocation, enforcement action, or some combination thereof. A warning is not a prerequisite for initiation of suspension, revocation, or enforcement proceedings.

(c) Suspension or revocation. After notice and opportunity for a hearing, the executive director may suspend or revoke a license or registration on any of the grounds in Texas Water Code, §7.303(b). A license may also be suspended if a person is identified by the Office of the Attorney General as being delinquent on child support payments (upon receipt of a final order suspending a license or registration, the executive director shall proceed as described in Texas Family Code, Chapter 232).

(d) A license or registration may be suspended for a period of up to one year, depending upon the seriousness of the violations. A license or registration shall be revoked automatically upon a second suspension.

(e) The commission may revoke a license or registration for a designated term or permanently. If a license or registration is revoked a second time, the revocation shall be permanent.

(f) The following procedures for renewal apply to persons who have had their license or registration suspended.

(1) If a license or registration expiration date falls within the suspension period, a person may renew the license or registration during the suspension period according to §30.24 of this title (relating to License and Registration Applications for Renewal) and the applicable subchapters.

(2) After the suspension period has ended, the license or registration shall be automatically reinstated unless the person failed to renew the license or registration during the suspension period.

(g) Persons who have had their license or registration revoked shall not have their license or registration automatically reinstated after the revocation period. After the revocation period has ended, a person may apply for a new license or registration according to this chapter.

§30.35. Hearings.

All hearings are to be conducted according to Chapters 70 and 80 of this title (relating to Enforcement and Contested Case Hearings).

SUBCHAPTER B: BACKFLOW PREVENTION ASSEMBLY TESTERS

§§30.51, 30.57, 30.60, 30.62

STATUTORY AUTHORITY

The new sections are proposed under the authority granted to the commission by the Texas Legislature in TWC, Chapter 37. The new sections are authorized under the general authority granted in TWC, §5.013, which establishes the general jurisdiction of the commission over other areas of responsibility as assigned to the commission under TWC and other laws of the state; TWC, §5.103 and §5.105, which authorize the commission to adopt rules and policies necessary to carry out its responsibilities and duties under TWC, §5.013(15); and TWC, §7.002, which authorizes the commission to enforce provisions of TWC and THSC.

The new sections implement TWC, §37.002 and THSC, §341.033 and §341.034, which provide that the commission must ensure that connections between a public drinking water supply and a sprinkling, condensing, cooling plumbing or other system will prevent backflow.

§30.51. Purpose and Applicability.

(a) The purpose of this subchapter is to establish qualifications for issuing and renewing licenses to an individual who tests and repairs backflow prevention assemblies.

(b) An individual who tests and repairs backflow prevention assemblies must meet the qualifications of this subchapter and be licensed according to Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations).

(c) All previously issued backflow prevention assembly tester accreditations shall expire December 1, 2002. To obtain a license, an individual holding an accreditation must submit a new application with the appropriate fee. If an individual with an accreditation does not obtain a license by December 1, 2002, the individual must meet the qualifications of this subchapter for initial licenses. Until December 1, 2002, individuals with accreditations may test and repair backflow prevention assemblies.

§30.57. Definitions.

The following word and term, when used in this subchapter, shall have the following meaning, unless the context clearly indicates otherwise. **Backflow prevention assembly tester (BPAT)** - An individual who tests and repairs backflow prevention assemblies.

§30.60. Qualifications for Initial License.

To obtain a license, an individual must have:

(1) met the requirements in Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations);

(2) passed an examination;

(3) received a high school diploma or equivalent certificate;

(4) completed an approved 40-hour training course; and

(5) worked at least two years in an approved area.

(A) Approved areas are:

(i) operating or maintaining a public drinking water system;

(ii) installing or repairing residential, commercial, or industrial drinking water treatment equipment;

(iii) installing or repairing lawn irrigation systems;

(iv) performing activities requiring a master or journeyman plumbing license;

(v) testing and repairing backflow prevention assemblies on fire suppression systems and lines; or

(vi) performing other duties approved by the executive director.

(B) An individual may substitute one year of the required experience with:

(i) one year of college credit (32 semester hours); or

(ii) 20 hours of approved training in addition to the required 40-hour training course.

§30.62. Qualifications for License Renewal.

To renew a license, an individual must have:

(1) met the requirements in Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations); and

(2) completed 16 hours of approved continuing education which includes eight hours of approved practical skills training.

SUBCHAPTER C: CUSTOMER SERVICE INSPECTORS

§§30.81, 30.87, 30.90, 30.92, 30.95

STATUTORY AUTHORITY

The new sections are proposed under the authority granted to the commission by the Texas Legislature in TWC, Chapter 37. The new sections also authorized under the general authority granted in TWC, §5.013, which establishes the general jurisdiction of the commission over other areas of responsibility as assigned to the commission under TWC and other laws of the state; TWC, §5.103 and §5.105, which authorize the commission to adopt rules and policies necessary to carry out its responsibilities and duties under TWC, §5.013(15); and TWC, §7.002, which authorizes the commission to enforce provisions of TWC and THSC.

The new sections implement TWC, §37.002 and THSC, §341.033 and §341.034, which provide that the commission must ensure that the public drinking water supply may not be connected until the commission has approved the connection.

§30.81. Purpose and Applicability.

(a) The purpose of this subchapter is to establish qualifications for issuing and renewing licenses to individuals who conduct and certify customer service inspections.

(b) An individual who performs customer service inspections must meet the qualifications of this subchapter and be licensed according to Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations).

(c) An endorsement for customer service inspections shall expire when an individual renews a water operators license or the license expires. To obtain a customer service inspector license, an individual holding an endorsement must submit a new application with the appropriate fee.

(d) A licensed customer service inspector may not perform plumbing inspections required under Plumbing Licensing Law 15(a)(Texas Civil Statutes, Volume 17-1/2, Article 6243-101).

§30.87. Definitions.

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) **Cross-connection** - A physical connection between a public water system and either another supply of unknown or questionable quality, any source which may contain contaminating or polluting substances, or any source of water treated to a lesser degree in the treatment process.

(2) **Customer service inspection** - An examination of the private water distribution facility for the purpose of providing or denying water service. The inspection is limited to the

identification and prevention of cross-connections, potential contaminant hazards, and illegal lead materials. Customer service inspections are completed before providing continuous water service to new construction, on any existing service where there is reason to believe that cross-connections or other potential contaminant hazards exist, or after any material improvement, correction, or addition to private water distribution facilities (see §290.46(j) of this title (relating to Minimum Acceptable Operating Practices for Public Drinking Water Systems)).

(3) **Customer service inspector** - The person who is licensed by the executive director to perform customer service inspections.

§30.90. Qualifications for Initial License.

To obtain a license, an individual must have:

(1) met the requirements in Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations);

(2) received a high school diploma or equivalent certificate;

(3) completed an approved customer service inspector training course;

(4) worked at least two years in an approved area. Approved areas include, but are not limited to, operation or maintenance of a public drinking water treatment or distribution system, or building or construction inspections;

(5) one year of college (32 semester hours) or an additional 20 hours of training credits may be substituted for one year of the experience requirement.

§30.92. Qualifications for License Renewal.

To renew a license, an individual must have:

(1) met the requirements in Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations); and

(2) completed 16 hours of approved continuing education.

§30.95. Exemptions.

Plumbing inspectors and water supply protection specialists licensed by the State Board of Plumbing Examiners are exempt from these requirements.

SUBCHAPTER D: LANDSCAPE IRRIGATORS AND INSTALLERS

§§30.111, 30.117, 30.120, 30.122, 30.125, 30.129

STATUTORY AUTHORITY

The new sections are proposed under the authority granted to the commission by the Texas Legislature in TWC, Chapter 37. The new sections are also authorized under the general authority granted in TWC, §5.013, which establishes the general jurisdiction of the commission over other areas of responsibility as assigned to the commission under TWC and other laws of the state; TWC, §5.103 and §5.105, which authorize the commission to adopt rules and policies necessary to carry out its responsibilities and duties under TWC, §5.013(15); and TWC, §7.002, which authorizes the commission to enforce provisions of TWC and THSC.

The new sections implement TWC, §37.002 and §34.007, which require the commission to adopt rules to establish occupational licenses and registrations for landscape irrigators and installers.

§30.111. Purpose and Applicability.

(a) The purpose of this subchapter is to establish qualifications for issuing and renewing licenses to individuals who:

- (1) sell, design, install, maintain, alter, repair, or service an irrigation system;

(2) provide consulting services relating to an irrigation system; or

(3) connect an irrigation system to any water supply.

(b) An individual who performs any of the tasks listed in subsection (a) of this section must meet the qualifications of this subchapter and be licensed according to Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations), unless they are exempt under §30.129 of this title (relating to Exemptions); and must comply with the requirements in Chapter 344 of this title (relating to Landscape Irrigation).

(c) Licenses and certificates of registrations issued before January 1, 2002, remain in effect until they expire or are revoked by the commission.

§30.117. Definitions.

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) **Installer** - An individual who connects irrigation systems to any water supply.

(2) **Irrigator** - An individual who sells, designs, installs, maintains, alters, repairs, or services an irrigation system; provides consulting services relating to an irrigation system; or connects

an irrigation system to any water supply.

§30.120. Qualifications for Initial License.

(a) To obtain an installer license, an individual must have:

(1) met the requirements in Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations); and

(2) passed an approved examination.

(b) To obtain an irrigator license, an individual must have:

(1) met the requirements in Subchapter A of this chapter;

(2) completed an approved training course; and

(3) passed all sections of the examination.

§30.122. Qualifications for License Renewal.

(a) To renew an installer license, issued after January 1, 2002, an individual must meet the

requirements in Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations).

(b) To renew an irrigator license, issued after January 1, 2002, an individual must:

(1) meet the requirements in Subchapter A of this chapter; and

(2) complete 16 hours of approved continuing education.

§30.125. Renewal of Certificates of Registrations.

Both installer certificates of registration and irrigator certificates of registration that are current on the effective date of these rules shall be renewed as licenses. The executive director shall determine the expiration dates for the individual licenses. The expiration dates may be set throughout the year. Certificates of registration that expire on August 31, 2002, shall be renewed in the following manner.

(1) Installers.

(A) Installer certificates of registration with odd certificate numbers shall be initially renewed as a license for a period of 12 to 23 months and shall have an expiration date of the last day of a month in that period, as determined by the executive director.

(i) To renew for the first period, an installer must follow the procedures specified in §30.24 of this title (relating to License and Registration Applications for Renewal) and pay the renewal fee as specified in §30.30 of this title (relating to Terms and Fees for Licenses and Registrations); however, the license fee shall be prorated so that the installer only pays for the actual months licensed.

(ii) Following that period, to renew a license the installer must meet the requirements specified in §30.122 of this title (relating to Qualifications for Renewal).

(B) Installer certificates of registration with even certificate numbers shall be renewed as a license for a period of 24 to 35 months and shall expire on the last day of a month in that period, as determined by the executive director. The installer must follow the procedures specified in §30.24 of this title. Additionally, the installer must pay the license fee specified in §30.30 of this title plus a prorated amount for the months beyond two years.

(2) Irrigators.

(A) Certificates of registration with odd numbers shall be initially renewed for a period of 12 to 23 months and shall expire on the last day of a month in that period, as determined by the executive director.

(i) To renew for the first period, an irrigator must follow the procedures specified in section §30.24 of this title, and pay the renewal fee as specified in §30.30 of this title; however, the license fee shall be prorated so that the irrigator only pays for the actual months licensed. Additionally, the irrigator must meet the renewal qualifications specified in §30.122 of this title, except only eight hours of continuing education is required.

(ii) Following that period, to renew a license the irrigator must meet the requirements specified in §30.122 of this title.

(B) Certificates of registration with even certificate numbers shall be renewed as a license for a period of 24 to 35 months and shall expire on the last day of a month in that period, as determined by the executive director.

(i) To renew for the first period, an irrigator must follow the procedures specified in §30.24 of this title, and pay the renewal fee as specified in §30.30 of this title, plus a prorated amount for the month beyond two years. Additionally, the irrigator must meet the renewal qualifications specified in §30.122 of this title.

(ii) Following that period, to renew a license the irrigator must meet the requirements specified in §30.122 of this title.

§30.129. Exemptions.

(a) The license requirements of this chapter do not apply to:

(1) an individual licensed by the Texas State Board of Plumbing Examiners;

(2) an individual registered or licensed as a professional engineer or architect or landscape architect if the work is incidental to the pursuit of the profession;

(3) irrigation or yard sprinkler work done by a property owner in a building or on premises owned or occupied by the owner as the owner's home;

(4) irrigation or yard sprinkler repair work, other than extension of an existing irrigation or yard sprinkler system or installation of a replacement system, done by a maintenance person incidental to and on premises owned by the business in which the individual is regularly employed or engaged and who does not engage in the occupation of licensed irrigator or in yard sprinkler construction or maintenance for the general public;

(5) irrigation or yard sprinkler work done on the premises or equipment of a railroad by a regular employee of the railroad who does not engage in the occupation of licensed irrigator or in yard sprinkler construction or maintenance for the general public;

(6) irrigation and yard sprinkler work done by a person who is regularly employed by a county, city, town, special district, or political subdivision of the state on public property;

(7) irrigation or yard sprinkler work done by a person using a garden hose, hose sprinkler, hose-end product, including soaker hose, or agricultural irrigation system;

(8) activities involving a commercial agricultural irrigation system;

(9) irrigation or yard sprinkler work done by an agriculturist, agronomist, horticulturist, forester, gardener, contract gardener, garden or lawn caretaker, nurseryman, or grader or cultivator of land on land owned by the individual performing the work;

(10) irrigation or yard sprinkler work done by a member of a property owners' association as defined by Property Code, §202.001, on real property owned by the association or in common by the members of the association if the irrigation or yard sprinkler system water real property that is less than ½ acre in size and is used for aesthetic or recreational purposes;

(11) a person who assists in the installation, maintenance, alteration, repair, or service of an irrigation system under the direct supervision of a licensed irrigator; or

(12) an owner of a business that employs a licensed irrigator to supervise the business's sale, design, consultation, installation, maintenance, alteration, repair, and service of irrigation

systems. For the purpose of this subchapter, “employs” means steadily, uniformly or habitually working in an employer-employee relationship with a view of earning a livelihood, as opposed to working casually or occasionally.

(b) A person who is exempt from the license requirements of this subchapter shall comply with the standards established by Chapter 344 of this title (relating to Landscape Irrigations). The term “irrigation system” does not include a system used on or by an agricultural operation as defined in Texas Agriculture Code, §251.002.

SUBCHAPTER E: LEAKING PETROLEUM STORAGE TANK CORRECTIVE ACTION

PROJECT MANAGERS AND SPECIALISTS

§§30.171, 30.177, 30.180, 30.185, 30.190, 30.192, 30.195

STATUTORY AUTHORITY

The new sections are proposed under the authority granted to the commission by the Texas Legislature in TWC, Chapter 37. The new sections are also authorized under the general authority granted in TWC, §5.013, which establishes the general jurisdiction of the commission over other areas of responsibility as assigned to the commission under TWC and other laws of the state; TWC, §5.103 and §5.105, which authorize the commission to adopt rules and policies necessary to carry out its responsibilities and duties under TWC, §5.013(15); and TWC, §7.002, which authorizes the commission to enforce provisions of TWC and THSC.

The new sections implement TWC, §37.002 and §26.3573, which require the commission to adopt rules to establish occupational licenses and registrations for leaking petroleum storage tank project managers and corrective action specialists.

§30.171. Purpose and Applicability.

(a) The purpose of this section is to establish qualifications for issuing and renewing licenses to individuals who supervise leaking petroleum storage tank (LPST) corrective actions. This subchapter also establishes qualifications for issuing and renewing registrations to persons that contract to perform

LPST corrective actions.

(b) An individual who performs or supervises regulated corrective action services as a project manager on LPST sites must meet the qualifications of this subchapter and be licensed according to Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations), unless exempt under §30.195 of this title (relating to Exemptions).

(c) A person that contracts or performs regulated corrective action services on LPST sites as a corrective action specialist must meet the qualifications of this subchapter and be licensed according to Subchapter A of this chapter.

(d) Registrations issued before January 1, 2002, remain in effect until they expire, or are replaced or revoked by the commission.

§30.177. Definitions.

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) **Corrective action** - Any assessment, monitoring, and remedial activities undertaken to investigate the extent of, and to remediate contamination.

(2) **Corrective action services** - Activities required to accomplish regulated corrective action at a leaking petroleum storage tank (LPST) site.

(3) **Corrective action specialist** - A person that is registered to perform regulated corrective action services on LPST sites.

(4) **Leaking petroleum storage tank (LPST)** - An aboveground or underground storage tank which has a confirmed release of a petroleum substance.

(5) **Project manager** - An individual who is licensed to perform or supervise regulated corrective action services on LPST sites.

§30.180. Qualifications for Initial License.

To obtain a license as a corrective action project manager, an individual must have:

(1) met the requirements in Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations);

(2) provided documentation of quality of performance including one of the following:

(A) sworn statements, on forms approved by the executive director, from at least three individuals, not related by blood or marriage, for whom the applicant performed corrective action services, within the preceding 24 months. The statements shall attest to the applicant's job reliability and the client's satisfaction. The statements shall also include a description of the type or types of corrective action services performed by the applicant and the physical address where the services occurred. Corrective action services are not limited to experience gained at leaking petroleum storage tank sites, but may also include corrective actions conducted under any environmental program administered by a state or by the federal government under RCRA; CERCLA; the Oil Spill Prevention and Response Act; 33 United States Code, Chapter 40, Subchapter I; and Texas Water Code, Chapter 26; or

(B) a written explanation of why the sworn statements required by subparagraph (A) of this paragraph are not available. An individual's experience, under the supervision of a licensed corrective action project manager, may be sufficient if the executive director determines that the individual had substantial involvement in the decision-making process during the project. The written explanation shall include a detailed description of three case histories of corrective action services performed by the individual during the previous 24 months;

(3) passed an approved examination;

(4) documented education and experience;

(A) an individual must have received a high school diploma or equivalent and a minimum of four years experience in corrective action services; or

(B) an individual must have received a bachelor's degree in the physical, natural, biological, or environmental sciences, engineering, applied geography, or a subject directly relevant to the environmental field, as approved by the executive director; and documented a minimum of two years' experience in corrective action services; and

(5) submitted a sworn statement from the applicant attesting to the accuracy of the information provided on the application.

§30.185. Qualifications for License Renewal.

To renew a license, an individual must:

(1) meet the requirements in Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations); and

(2) complete 16 hours of approved continuing education;

(3) with the exception of professional engineers and professional geoscientist, an application for renewal of a corrective action project manager license is complete when the executive

director has received an application for renewal on a form provided by the executive director, completed in a manner acceptable to the executive director, and is accompanied with the required training certificate indicating 32 hours of continuing education; and payment of applicable fees specified in §30.30 of this title (relating to Terms and Fees for Licenses).

§30.190. Qualifications for Initial Registration.

To obtain a corrective action specialist registration, a person must have:

(1) met the requirements in Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations);

(2) provided:

(A) proof of a comprehensive general liability insurance policy designating the commission as the certificate holder in an amount of not less than \$1 million and of a type approved by the executive director; and

(B) a financial statement (balance sheet) prepared in conformity with accounting principles as defined by the American Institute of Public Accountants, documenting an applicant's current net worth of not less than \$25,000; or a letter from a certified public accountant who is not employed by the applicant or does not receive payment from the applicant on a regular basis

verifying that the applicant's current net worth is not less than \$25,000;

(3) submitted a sworn statement from the applicant attesting to the accuracy of the information provided on the application;

(4) submitted an application fee of \$150; and

(5) documented quality of performance including one of the following:

(A) sworn statements, on forms approved by the executive director, from at least three persons, not related by blood or marriage, for whom the applicant performed corrective action services, within the preceding 24 months. The statements shall attest to the applicant's job reliability and the client's satisfaction. The statements shall also include description of the type of corrective action services that were performed by the applicant and the physical address where the activity occurred. Applicable corrective action experience is not limited to experience gained at leaking petroleum storage tank sites, but may also include corrective actions conducted under any environmental program administered by a state or by the federal government under RCRA; CERCLA; the Oil Spill Prevention and Response Act; 33 United States Code, Chapter 40, Subchapter I; and Texas Water Code, Chapter 26. The executive director shall evaluate the explanation and case histories on a case-by-case basis; or

(B) a written explanation of why the applicant did not provide the sworn statements required by subparagraph (A) of this paragraph are not available. An applicant's experience, under the supervision of a licensed corrective action project manager, may be sufficient if the executive director determines that the individual had substantial involvement in the decision-making process during the project. The written explanation shall include a detailed description of three case histories of corrective action services performed by the individual during the previous 24 months. The executive director shall evaluate the explanation and case histories on a case-by-case basis.

§30.192. Qualifications for Registration Renewal.

To renew a registration, a person must:

(1) meet the requirements in Subchapter A of this title (relating to Administration of Occupational Licenses and Registrations); and

(2) complete an application for registration renewal for a corrective action specialist approved by the executive director, certifying that the company has continued to meet the financial requirements of §30.190 of this title (relating to Qualifications for Initial Registration for Corrective Action Specialist); and pay a registration renewal fee of \$150.

§30.195. Exemptions.

(a) An individual licensed to practice engineering by the Texas Board of Professional Engineers (TBPE), may become licensed as a corrective action project manager and is exempt from the requirements in this subchapter by submitting:

(1) an application form provided by the executive director;

(2) a signed written request;

(3) a copy of the license as a professional engineer; and

(4) a written statement from the TBPE that the applicant is currently licensed to practice engineering in the State of Texas and that the TBPE is not aware of any reason that the applicant is not qualified to perform corrective action. An engineer who obtains a license as a corrective action project manager in this manner is exempt from the requirements in this subchapter.

(b) A professional geoscientist licensed to engage in the public practice of geoscience in the State of Texas may become licensed as a corrective action project manager by:

(1) submitting an application form provided by the executive director;

(2) a signed written request;

(3) a copy of the license as a professional geoscientist; and

(4) a written statement from the Texas Board of Professional Geoscientists (TBPG) that the applicant is currently licensed to engage in the public practice of geoscience in the State of Texas and that the TBPG is not aware of any reason that the applicant is not qualified to perform corrective action. A geoscientist who obtains a license as a corrective action project manager in this manner is exempt from the requirements in this subchapter.

(c) The commission shall reserve the authority to pursue all appropriate enforcement actions, sanctions, and or penalties, in accordance with applicable law and rules if the TBPE or the TBPG does not pursue appropriate disciplinary or enforcement actions due to a lack of statutory or regulatory authority or jurisdiction, or for any other reason.

(d) A person does not have to have a license to perform corrective action services if the person claiming the exemption can show the corrective action was performed or offered to be performed at leaking petroleum storage tank (LPST) sites which are:

(1) completely exempt from regulation under §334.3(a) of this title (relating to Exemptions for Underground Storage Tanks (USTs) and UST Systems) or §334.123 of this title (relating to Exemptions for Aboveground Storage Tanks (ASTs)); or

(2) completely excluded from regulation under §334.4(a) of this title (relating to Exclusions for Underground Storage Tanks (USTs) and UST Systems) or §334.124 of this title (relating to Exclusions for Aboveground Storage Tanks (ASTs)).

(e) The requirements of this subchapter do not apply to corrective action specialists when the party claiming the exemption can show that corrective action services were completed on or before October 1, 1994. Any corrective action service started by a corrective action specialist on or after October 1, 1994, is subject to the requirements of this subchapter. Any corrective action service started by a corrective action specialist before October 1, 1994, which is still being performed on or after October 1, 1994, is subject to the requirements of Chapter 334 of this title (relating to Underground and Aboveground Storage Tanks).

(f) The requirements of this subchapter do not apply to corrective action project managers when the party claiming the exemption can show that corrective action services were completed on or before January 1, 1995. Any corrective action service started by a corrective action project manager on or after January 1, 1995, is subject to the requirements of this subchapter. Any corrective action service started by a corrective action project manager before January 1, 1995, which is still being performed on or after January 1, 1995, is subject to the requirements of this subchapter.

(g) The requirements of this subchapter do not apply to:

(1) installation, repair, and removal of USTs when the work is conducted and supervised by persons or entities registered or licensed in accordance with Subchapter I of this chapter (relating to Underground Storage Tank On-Site Supervisors Licensing and Contractor Registration); and

(2) the following activities, but only when such activities are performed as part of a UST permanent removal-from-service project conducted under the direct supervision of an on-site supervisor licensed to remove USTs under Chapter 213 of this title (relating to Edwards Aquifer), and further subject to all appropriate requirements and standards in this subchapter, including enforcement authority:

(A) subject to prior written commission approval, excavation of contaminated soil when necessary for corrective action at the LPST site of an amount not to exceed 300 cubic yards of compacted materials (390 cubic yards of uncompacted materials) beyond the backfill unless specific prior written authorization from the commission is granted for additional excavation yardage;

(B) sampling of the excavated materials described in subparagraph (A) of this paragraph, and the floor and walls of the area excavated as necessary to determine levels of contamination as required by Chapter 334, Subchapter C or D of this title (relating to Technical Standards and Corrective Action and Release Reporting);

(C) passive aeration and necessary routine tilling and sampling of the excavated

materials described in subparagraph (A) of this paragraph according to air program regulations; and

(D) lawful disposal of the excavated materials described in subparagraph (A) of this paragraph.

(h) The requirements of this subchapter do not apply to:

(1) providing alternate water supplies; or

(2) analyzing samples by a laboratory.

(i) The requirements of this subchapter do not apply to emergency abatement actions in compliance with §334.454 of this title (relating to Exception for Emergency Abatement Actions).

(j) The requirements of this subchapter do not apply to facilities which are authorized to store or treat petroleum-substance waste from more than one LPST site under the provisions of Chapter 334 of this title.

(k) The requirements of this subchapter do not apply to owners or operators, their direct employees, parent companies, or subsidiaries that on behalf of the owner or operator coordinate with, manage, or supervise corrective action specialists or corrective action project managers, or coordinate with the commission, or review the corrective action reports. The tank owners or operators, their

direct employees, parent companies, or subsidiaries who conduct corrective action services are subject to all provisions of this subchapter.

SUBCHAPTER F: MUNICIPAL SOLID WASTE FACILITY SUPERVISORS

§§30.201, 30.207, 30.210, 30.212

STATUTORY AUTHORITY

The new sections are proposed under the authority granted to the commission by the Texas Legislature in TWC, Chapter 37. The new sections are also authorized under the general authority granted in TWC, §5.013, which establishes the general jurisdiction of the commission over other areas of responsibility as assigned to the commission under TWC and other laws of the state; TWC, §5.103 and §5.105, which authorize the commission to adopt rules and policies necessary to carry out its responsibilities and duties under the TWC, §5.013(15); and TWC, §7.002, which authorizes the commission to enforce provisions of TWC and THSC.

The new sections implement TWC, §37.002 and THSC, §361.027, which require the commission to adopt rules to establish occupational licenses and registrations for solid waste facility supervisors.

§30.201. Purpose and Applicability.

(a) The purpose of this section is to establish qualifications for issuing and renewing licenses to an individual who supervises or manages the operation of municipal solid waste facilities, or the collection or transportation of municipal solid waste.

(b) An individual who supervises or manages the operation of municipal solid waste facilities or the collection or transportation of municipal solid waste must meet the qualifications of this subchapter and be licensed according to Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations).

(c) Letters of competency issued before the effective date of these rules shall remain in effect until their expiration date. At the time of renewal, letters of competency shall be replaced with a license.

§30.207. Definitions.

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) **Experience** - Actual experience gained from participating as a principal operator, foreman, supervisor, or manager of a solid waste facility appropriate to the respective class of license or other solid waste management experience approved by the executive director.

(2) **Solid waste facility supervisor** - An individual who is trained in the practical aspects of the design, operation, maintenance, or supervision of a solid waste facility according to standards, rules, or orders established by the commission.

§30.210. Qualifications For Initial License.

(a) To obtain a license, an individual must have met the following requirements:

(1) Class A license:

(A) high school diploma or equivalent, five years' experience, and 120 hours of training credits; or

(B) eight years' experience and 120 hours of training credits; college credit hours obtained from an accredited institution may be substituted for experience on the basis of 30 hours of credit for one year of experience, up to a maximum of four years.

(2) Class B license:

(A) high school diploma or equivalent, four years' experience, and 80 hours of training credits; or

(B) six years' experience and 80 hours of training credits; college credit hours obtained from an accredited institution may be substituted for experience on the basis of 30 hours of credit for one year of experience, up to a maximum of three years.

(3) Class C license:

(A) high school diploma or equivalent, two years' experience, and 40 hours of training credits; or

(B) four years' experience and 40 hours of training credits; college credit hours obtained from an accredited institution may be substituted for experience on the basis of 30 hours of credit for one year of experience, up to a maximum of one year.

(4) Class D license:

(A) high school diploma or equivalent, two years' experience, and 40 hours of training credits; or

(B) four years' experience and 40 hours of training credits; or college credit hours obtained from an accredited institution may be substituted for experience on the basis of 30 hours of credit for one year of experience, up to a maximum of one year.

(5) Provisional letter. A provisional letter may be issued to an applicant who does not meet all of the requirements for a class A - D license. A provisional letter is not renewable. Before the expiration of the provisional letter, an applicant must complete any missing requirements for the

corresponding license within the time specified by the executive director. A provisional letter shall require the same application fee and shall be issued for the same term as the corresponding license.

(A) An individual may be awarded a provisional letter in each class upon completing the required training credits (which includes passing an examination), completing six months in a position equivalent to the applicable class of license, and possessing the minimum education requirements for that class; or

(B) An individual may be awarded a provisional letter after passing the examination in each class upon meeting the education and experience requirements of paragraphs (1) - (4) of this subsection, but lack the required training credits.

(b) An individual who engages in solid waste management activities and does not meet the education, training, or experience requirements established for a license or provisional letter, may be issued a solid waste facility supervisor in training letter after performing duties similar to those performed by a solid waste facility supervisor for six months or after enrolling in a training program to qualify for a license. The solid waste facility supervisor in training letter may be issued upon application and substantiation of these requirements. The letter is nonrenewable and expires on the day before the anniversary of the date the letter was awarded. The executive director shall evaluate the duties performed by the applicant to determine if the duties are similar.

§30.212. Qualifications For License Renewal.

To renew a license, an individual must have:

(1) met the requirements in Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations); and

(2) completed the following hours of continuing education:

(A) Class A - 20 hours;

(B) Class B - 16 hours;

(C) Class C - 12 hours;

(D) Class D - 12 hours.

**SUBCHAPTER G: ON-SITE SEWAGE FACILITIES INSTALLERS, APPRENTICES,
DESIGNATED REPRESENTATIVES, AND SITE EVALUATORS**

§§30.231, 30.237, 30.240, 30.242, 30.244 - 30.246

STATUTORY AUTHORITY

The new sections are proposed under the authority granted to the commission by the Texas Legislature in TWC, Chapter 37. The new sections are also authorized under the general authority granted in TWC, §5.013, which establishes the general jurisdiction of the commission over other areas of responsibility as assigned to the commission under TWC and other laws of the state; TWC, §5.103 and §5.105, which authorize the commission to adopt rules and policies necessary to carry out its responsibilities and duties under TWC, §5.013(15); and TWC, §7.002, which authorized the commission to enforce provisions of TWC and THSC.

The new sections implement TWC, §37.002 and THSC, §366.071, which require the commission to adopt rules to establish occupational licenses and registrations for OSSF installers, apprentices, designated representatives, and site evaluators.

§30.231. Purpose and Applicability.

(a) The purpose of this subchapter is to establish qualifications for issuing and renewing licenses for an individual who:

(1) constructs any part of an on-site sewage facility (OSSF);

(2) performs the duties of a designated representative;

(3) performs the duties of a site evaluator; or

(4) performs the duties of an apprentice.

(b) An individual who performs any of the tasks listed in subsection (a) of this section must meet the qualifications of this subchapter and be licensed according to Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations), unless exempt under §30.244 of this title (relating to Exemptions), and must comply with the requirements of Chapter 285 of this title (relating to On-Site Sewage Facilities).

(c) Licenses, registrations, and certificates of registrations issued prior to January 1, 2002, remain in effect until they expire, or are replaced or revoked by the commission.

§30.237. Definitions.

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) **Alter** - To change an on-site sewage facility (OSSF) resulting in:

(A) an increase in the volume of permitted flow;

(B) a change in the nature of permitted influent;

(C) a change from the planning materials approved by the permitting authority;

(D) a change in construction; or

(E) an increase, lengthening, or expansion of the treatment or disposal system.

(2) **Apprentice** - An individual who has been properly registered with the executive director according to this chapter, and is undertaking a training program under the direct supervision of a licensed installer.

(3) **Authorized agent** - A local governmental entity that has been delegated the authority by the executive director to implement and enforce the rules adopted under Texas Health and Safety Code, Chapter 366.

(4) **Construct** - To engage in any activity related to the installation, alteration, extension, or repair of an OSSF, including all activities from disturbing the soils through connecting the

system to the building or property served by the OSSF. Activities relating to a site evaluation are not considered construction.

(5) **Designated representative** - An individual who holds a valid license issued by the executive director according to this chapter, and who is designated by the authorized agent to review permit applications, site evaluations, or planning materials, or conduct inspections on OSSFs.

(6) **Extend** - To alter an OSSF resulting in an increase in capacity, lengthening, or expansion of the existing treatment or disposal system.

(7) **Install** - To put in place or construct any portion of an OSSF.

(8) **Installer** - An individual who is compensated by another to construct an OSSF.

(9) **Repair** - To replace any components of an OSSF in situations not included under emergency repairs according to §285.35 of this title (relating to Emergency Repairs), excluding maintenance. The replacement of tanks or drainfields is considered a repair and requires a permit for the entire OSSF system.

(10) **Site evaluator** - An individual who holds a valid license issued by the executive director according to this chapter, or has a current professional engineer license, and who conducts preconstruction site evaluations, including visiting a site and performing soil analysis, a site survey, or

other activities necessary to determine the suitability of a site for an OSSF.

§30.240. Qualifications for Initial License.

(a) To obtain an Installer I license, an individual must have:

(1) met the requirements of Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations);

(2) completed the Installer I basic training course; and

(3) passed the Installer I examination.

(b) To obtain an Installer II license, an individual must have:

(1) met the requirements of Subchapter A of this chapter;

(2) met one of the following requirements:

(A) held an Installer I license for at least two years;

(B) held an Installer II for six months and possessed an apprentice registration for at least one year before June 13, 2001;

(C) held an apprentice registration for at least two years; or

(D) previously possessed an Installer II license;

(3) completed the Installer II basic training course;

(4) passed the Installer II examination; and

(5) met the experience requirements. Applicants for an Installer II license must submit statements attesting to the individual's work experience. Such statements shall include a description of the type of on-site sewage facility (OSSF) work that was performed by the individual and the physical addresses where the activity occurred. The experience shall be actual work accomplished under the license or registration. The number of systems will not substitute for the time required. Experience requirements are:

(A) verified experience as an Installer I. The individual shall submit either:

(i) sworn statements from at least three individuals for whom the applicant performed construction services, statements cannot be provided by individuals related to the

applicant or applicant's spouse, such as a child, grandchild, parent, sister, brother, or grandparent;

(ii) a sworn statement from a designated representative who has approved a minimum of three installations performed by the individual; or

(iii) other documentation of the individual's work experience, approved by the executive director;

(B) verified experience as an apprentice. An individual shall submit either:

(i) a sworn statement from the installer for whom the individual performed construction services;

(ii) a sworn statement from a designated representative who witnessed the individual working on at least six OSSF installations; or

(iii) other documentation of the applicant's work experience, approved by the executive director.

(c) To obtain a designated representative license, an individual must have:

(1) met the requirements of Subchapter A of this chapter;

(2) completed the designated representative basic training course; and

(3) passed the designated representative examination.

(d) To obtain a site evaluator license, an individual must have:

(1) met the requirements of Subchapter A of this chapter; and

(2) previously held a site evaluator license and is currently meeting the license requirements in paragraph (4) of this subsection;

(3) previously taken the site evaluator basic training course and passed the site evaluator examination, but did not possess a site evaluator license, and is currently meeting the license and experience requirements in paragraph (4) of this subsection; or

(4) met the following requirements:

(A) complete the site evaluator basic training course;

(B) pass the site evaluator examination;

(C) possess a current Installer II, designated representative, or professional

sanitarian license; and

(D) have at least two years of verified experience as an Installer II, designated representative, or professional sanitarian. Applicants for a site evaluator license must submit statements attesting to the individual's work experience. The statements shall include a description of the type of OSSF work that was performed by the individual and the physical addresses where the activity occurred or for where the activity was proposed. The experience shall be actual work accomplished under the license specified in subparagraph (C) of this paragraph during the time frames required. The number of systems will not substitute for the time required. The statements must be:

(i) sworn statements from at least six individuals for whom the applicant performed OSSF services. Statements cannot be provided by individuals related to the applicant or applicant's spouse, such as a child, grandchild, parent, sister, brother, or grandparent;

(ii) a sworn statement from a designated representative who has approved a minimum of six installations performed by the individual, reviewed six site evaluations performed by the individual before September 1, 2002, or approved six sets of planning materials submitted by the individual; or

(iii) other documentation of the individual's work experience, approved by the executive director.

§30.242. Qualifications for License Renewal.

(a) To renew an Installer I, Installer II, or designated representative license, issued after January 1, 2002, an individual must have:

(1) met the requirements in Subchapter A of this Chapter (relating to Administration of Occupational Licenses and Registrations); and

(2) completed a minimum of 16 hours of approved continuing education.

(b) In addition to the requirements in subsection (a) of this section, an individual renewing a license for site evaluator shall demonstrate possession of the current license specified in §30.240(d)(4)(C) of this title (relating to Qualifications for Initial License).

§30.244. Exemptions.

(a) The individual owner of a single family dwelling is not required to be a licensed installer in order to install or repair an on-site sewage facility (OSSF) on the owner's property. This provision does not apply to developers or to those that develop property for sale or lease. If the owner compensates a person to construct any portion of an OSSF, the individual performing the work must be a licensed installer. The owner must meet all permitting, construction, and maintenance requirements of the permitting authority. The owner must have the site evaluation performed by an individual who

possesses either a current site evaluator or a professional engineer license.

(b) A licensed electrician who installs the electrical components, or a person who delivers a treatment or pump tank and sets the tank or tanks into an excavation, is not required to have an installer license.

(c) An individual holding a current professional engineer license is not required to possess a site evaluator license.

§30.245. Registration of Apprentices.

(a) General. An individual who begins an apprentice program under the supervision of a licensed installer shall be registered with the executive director.

(b) Application. The completed application and a \$50 fee must be submitted to the executive director by a licensed installer for each individual being registered as an apprentice under that installer's supervision. The application shall be on a form approved by the executive director.

(c) Notification. Within 45 days after the date the executive director receives the application, the executive director will notify the supervising installer in writing of whether the individual has been registered as an apprentice. The apprentice's registration will be effective when the executive director receives the completed apprentice application and fee. An individual's application may be denied

according to §30.33 of this title (relating to License or Registration Denial, Warning, Suspension, or Revocation).

(d) Expiration or termination. The apprentice registration will expire on the same date as the supervising installer's license. Either the supervising installer or the apprentice may terminate the apprentice training program by providing written notice to the executive director. No reason for termination is required. Upon receipt of a letter stating that the apprentice training has been terminated, the executive director shall terminate the apprentice's registration under the supervising installer.

(e) Renewal. It is the responsibility of the supervising installer to renew all of the registrations of his apprentices. If an apprentice registration is renewed late, the apprentice will be assigned a new registration date, but will not lose any experience gained under the previous registration.

§30.246. Application for Site Evaluator.

(a) The executive director shall mail an application to the most recent address provided to the executive director at least 60 days before September 1, 2002, to:

(1) all individuals who have previously held a site evaluator license; and

(2) all individuals who have previously taken the site evaluator basic training course and passed the site evaluator examination, but did not hold a site evaluator license.

(b) An individual who previously held a site evaluator license shall submit the application, application fee, and documentation of a current license specified in §30.240(d)(4)(C) of this title (relating to Qualifications for Initial License). The application shall be processed as follows.

(1) Licenses with odd license numbers shall be for a term of one year or less and shall have an expiration date of the last day of the month the license was first issued. The application fee shall be prorated if the term is less than one year.

(A) To renew at the time of the first renewal, the individual must have:

(i) met the requirements of Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations);

(ii) demonstrated completion of at least eight hours of approved continuing education training; and

(iii) demonstrated possession of a current license as required in §30.240(d)(4)(C) of this title.

(B) If the individual meets the requirements in subparagraph (A) of this paragraph, the license will be renewed for two years according to the requirements of §30.242 of this

title (relating to Qualifications for License Renewal).

(2) Licenses with even license numbers shall be for a term of up to two years, but more than one year, and shall have an expiration date of the last day of the month of the first issue date. The application fee shall be prorated if the term is less than two years. At each subsequent renewal, the individual must meet the requirements in §30.242 of this title.

(c) An individual who has previously taken the site evaluator basic training course and passed the site evaluator examination, but did not hold a site evaluator license, shall submit the application, the required statements for experience, the application fee, and must hold the current license specified in §30.240(d)(4)(C) of this title.

(1) If the individual meets the qualifications of §30.240(d)(4) of this title, the license will be issued for a term of up to two years, but more than one year, and shall have an expiration date of the last day of the month of the date the site evaluator examination was passed.

(2) The application fee shall be prorated if the term is less than two years.

(3) The license shall be renewed for two years according to the requirements in §30.242 of this title.

(d) An individual who begins the process to become eligible for a site evaluator license after

September 1, 2002, shall meet the requirements of §30.240(d)(4) of this title.

SUBCHAPTER H: WATER TREATMENT SPECIALISTS

§§30.261, 30.267, 30.270, 30.272, 30.274, 30.279

STATUTORY AUTHORITY

The new sections are proposed under the authority granted to the commission by the Texas Legislature in TWC, Chapter 37. The new sections are also authorized under the general authority granted in TWC, §5.013, which establishes the general jurisdiction of the commission over other areas of responsibility as assigned to the commission under TWC and other laws of the state; TWC, §5.103 and §5.105, which authorize the commission to adopt rules and policies necessary to carry out its responsibilities and duties under TWC, §5.013(15); and TWC, §7.002, which authorizes the commission to enforce provisions of TWC and THSC.

The new sections implement TWC, §37.002 and THSC, §341.033 and §341.034, which require the commission to adopt rules to establish occupational licenses and registrations for water treatment specialists.

§30.261. Purpose and Applicability.

(a) The purpose of this section is to establish qualifications for issuing and renewing licenses to an individual who installs and repairs water treatment equipment.

(b) An individual who installs, repairs, or services water treatment equipment under contract

must meet the qualifications of this subchapter and be licensed according to Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations).

(c) Licenses issued before January 1, 2002, remain in effect until they expire, or are replaced or revoked by the commission.

§30.267. Definitions.

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) **Installation of water treatment appliances** - Includes connecting the appliances to all necessary utility connections in residential, commercial, or industrial facilities.

(2) **Water treatment** - A business conducted under contract that requires the interpretation of analysis of water samples, including the ability to determine how to treat influent or effluent water, alter or purify water, or add or remove a mineral, chemical, or bacteriological content or substance. The term also includes the installation, exchange, connection, maintenance, service, and repair of potable water treatment equipment and appliances in public or private water systems.

(3) **Water treatment equipment** - Appliances used to alter or purify water or to alter a mineral, or bacteriological content, or substance.

(4) **Water treatment specialist** - A person who is licensed under this chapter to perform water treatment on a contract basis.

§30.270. Qualifications for Initial License.

To obtain a license, an individual must have:

(1) met the requirements in Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations); and

(2) met the following requirements:

Figure: 30 TAC §30.270(2)

<i>License</i>	<i>Minimum Working Experience</i>	<i>Education</i>	<i>Approved Training</i>
Class 1	none	less than high school	none
Class 2	if 3 years	less than high school	basic course
	if 2 years	high school or GED	basic course
	if 1 year	1 year college	basic course
Class 3	if 3 years	high school or GED	basic and advanced courses
	if 2 years	2 years college	basic and advanced courses
	if 1 year	college degree	basic and advanced courses

§30.272. Qualifications for License Renewal.

To renew a license, an individual must have:

(1) met the requirements in Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations); and

(2) completed approved continuing education classes:

(A) Class 1 - eight hours of continuing education;

(B) Class 2 - 16 hours of continuing education;

(C) Class 3 - 16 hours of continuing education.

§30.274. Classification of Licenses.

(a) Class 1 - Individuals issued this license must work under the supervision of an individual holding a higher class license, the local plumbing inspector, or a health official having jurisdiction where the work is performed. Class 1 work is restricted to the following activities:

(1) exchange and regeneration of portable tanks;

(2) regeneration of nonportable tanks; or

(3) other tasks which may be assigned by the supervisor and for which direct supervision is provided.

(b) Class 2 - Individuals issued this license shall have demonstrated a practical working knowledge of the mechanics and servicing principles of water conditioners, and are deemed able to perform water treatment installations, exchanges, services, or repairs of equipment. Holders of this class license are considered to be aware of the public health requirements connected with their activities. Work on reverse osmosis and deionization equipment is specifically excluded unless performed under the supervision of an individual holding a higher class license.

(c) Class 3 - Individuals issued this license meet minimum standards of qualifications established for the installation, exchange, servicing, and repair of water treatment equipment and appliances, including reverse osmosis and deionization equipment.

§30.279. Exemptions.

(a) Individuals who are licensed under the Plumbing License Law (Texas Civil Statutes, Volume 17-1/2, Article 6243-101) are exempt from the requirements of this subchapter.

(b) Employees of industrial facilities who install or service water treatment equipment at their facilities are exempt from the requirements of this subchapter.

(c) Employees of public water systems installing water treatment equipment at their system who hold a Class C license or higher, are exempt from the requirements of this subchapter.

SUBCHAPTER I: UNDERGROUND STORAGE TANK ON-SITE SUPERVISOR

LICENSING AND CONTRACTOR REGISTRATION

§§30.301, 30.307, 30.310, 30.312, 30.315, 30.317 - 30.319

STATUTORY AUTHORITY

The new sections are proposed under the authority granted to the commission by the Texas Legislature in TWC, Chapter 37. The new sections are also authorized under the general authority granted in TWC, §5.013, which establishes the general jurisdiction of the commission over other areas of responsibility as assigned to the commission under TWC and other laws of the state; TWC, §5.103 and §5.105, which authorize the commission to adopt rules and policies necessary to carry out its responsibilities and duties under TWC, §5.013(15); and TWC, §7.002, which authorizes the commission to enforce provisions of TWC and THSC.

The new sections implement TWC, §37.002 and §26.452, which require the commission to adopt rules to establish occupational licenses and registrations for UST contractors and on-site supervisors.

§30.301. Purpose and Applicability.

(a) The purpose of this subchapter is to establish qualifications for issuing and renewing:

(1) licenses to individuals who supervise the installation, repair, or removal of an underground storage tank (UST); and

(2) registrations to persons that offer to undertake, represent themselves as being able to undertake, or undertake the installation, repair, or removal of a UST.

(b) A person that performs any of the tasks listed in subsection (a) of this section must meet the qualifications of this subchapter, and be licensed or registered according to Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations), unless exempt under §30.319 of this title (relating to Exemptions), and must comply with the requirements in Chapter 334 of this title (relating to Underground and Aboveground Storage Tanks).

(c) Licenses and certificates of registrations issued before January 1, 2002, remain in effect until they expire, or are replaced or revoked by the commission.

§30.307. Definitions.

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) **Corrosion specialist** - A person who, by reason of a thorough knowledge of the physical sciences and the principals of engineering and mathematics acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks, and who is either:

(A) certified as a corrosion specialist or a cathodic protection specialist by NACE International; or

(B) licensed as a professional engineer by the Texas Board of Professional Engineers in a branch of engineering that includes education and experience in corrosion control of buried or submerged metal piping systems and metal tanks.

(2) **Corrosion technician** - A person who can demonstrate an understanding of the principals of soil resistivity, stray current, structure-to-soil potential, and component electrical isolation measurements as they relate to corrosion protection and control on buried or submerged metal tanks and metal piping systems; who is qualified by appropriate training and experience to engage in the practice of inspection and testing for corrosion protection and control on such systems, including the inspection and testing of all common types of cathodic protection systems; and who either:

(A) has been certified by NACE International as a corrosion technician, corrosion technologist, or senior corrosion technologist;

(B) is employed under the direct supervision of a corrosion specialist (as defined in paragraph (1) of this section), where the corrosion specialist is responsible for maintaining control and oversight over all corrosion testing and inspection activities; or

(C) has been officially qualified as a cathodic protection tester, according to the assessment and examination procedures prescribed by NACE International.

(3) Critical junctures - In the case of an installation, repair, or removal of an underground storage tank (UST) system, all of the following steps:

(A) preparing the tank bedding immediately before receiving the tank;

(B) setting the tank and the piping, including placement of any anchoring devices, backfill to the level of the tank, and strapping, if any;

(C) connecting piping systems to the tank;

(D) pressure testing the UST, including associated piping, performed during the installation;

(E) completing backfill and filling the excavation;

(F) anytime during the repair in which the piping system is connected or reconnected to the tank;

(G) anytime during the repair in which the tank or its associated piping is tested; and

(H) anytime during the removal of the tank.

(4) **Engineering construction** - Construction designed by a civil or mechanical engineer, as opposed to building construction which is designed by an architectural engineer.

(5) **Installation** - The installation of USTs and ancillary equipment, including, but not limited to, the following activities:

(A) installation of new or used tanks at a new or existing facility;

(B) installation of new or replacement piping for new or existing tanks;

(C) addition of secondary containment equipment for new or existing tanks or piping;

(D) addition or replacement of the following types of equipment at a new or existing facility:

(i) spill and overfill prevention equipment, as required in §334.51 of this title (relating to Spill and Overfill Prevention and Control);

(ii) equipment or devices which are permanently installed for the purpose of providing release detection or release monitoring as required for compliance with §334.50 of this title (relating to Release Detection), except:

(I) observation wells or monitoring wells (excluding equipment and devices therein) constructed by a well driller who possesses the appropriate license required by the Texas Department of Licensing and Regulation pursuant to the Water Well Drillers Act (Texas Civil Statutes, Article 7621e, Water Auxiliary Laws); or

(II) any equipment temporarily installed solely for the purpose of conducting a tank or piping tightness test, as defined in §334.2 of this title (relating to Definitions), except when a tightness test is a prescribed element of a critical juncture of an installation, repair, or removal. Temporarily in this context means the reasonable amount of time required to attach the equipment, make the tests, and remove the equipment, under the given conditions at the site;

(E) installation or replacement of anchoring systems designed to prevent tank flotation;

(F) installation or replacement of vent lines at new or existing facilities;

(G) installation or replacement of submersible pumping systems at new or existing facilities; and

(H) installation or replacement of any underground Stage I or Stage II vapor recovery systems.

(6) **On-site supervisor** - An individual who supervises the installation, removal, or repair of a UST in the State of Texas, and who meets the licensing requirements of this subchapter for one of the following licenses:

(A) License A for an on-site supervisor who supervises the installation or repair of UST systems; or

(B) License B for an on-site supervisor who supervises the removal of UST systems.

(7) **Removal** - The process of removing and disposing of a UST that is no longer in service, the process of abandoning a UST in place after purging the tank of vapors and filling the vessel of the tank with a solid inert material, or the change-in-service of a UST.

(8) **Repair** - The modification or correction of a UST and ancillary equipment. The term does not include:

(A) relining a UST through the application of epoxy resins or similar materials;

(B) performing a tightness test to ascertain the integrity of the tank, except when a tightness test is a prescribed element of a critical juncture of an installation, repair, or removal;

(C) maintaining and inspecting cathodic protection devices by a corrosion specialist or corrosion technician;

(D) performing emergency actions to halt or prevent leaks or ruptures; or

(E) performing minor maintenance on ancillary aboveground equipment.

(9) **Underground storage tank** - Any one or combination of underground tanks and any connecting underground pipes used to contain accumulation of regulated substances, the volume of which, including the volume of the connecting underground pipes, is 10% or more beneath the surface of the ground.

(10) **Underground storage tank contractor (or UST contractor)** - A person that offers to undertake, represents itself as being able to undertake, or undertakes the installation, repair, or removal of a UST, and who meets the registration requirements of this subchapter.

(11) **Underground utilities** - Public underground water systems, sanitary sewers, or storm sewers. The phrase “underground utilities” does not include private underground pipe systems (water or sewer piping), power or communication cables, or natural gas lines.

§30.310. Qualifications for Initial License.

To obtain an on-site supervisor license, an individual must:

(1) have met the requirements in Subchapter A of this chapter (relating to administration of Occupational Licenses and Registrations);

(2) be at least 18 years of age;

(3) document at least two years of active experience in installation, repair, or removal of underground storage tanks (USTs), underground utilities, or other engineering construction;

(4) submit sworn statements, on forms approved by the executive director, from at least four persons (three from clients not related by blood or marriage and one from a current or previous employer, or employer's representative) who have engaged the applicant or the applicant's employer within the previous 24 months to perform: UST installations, repairs, or removals; underground utility construction; or engineering construction. These statements shall attest to the applicant's character, knowledge of construction, and ability to supervise the construction activity.

Such statements shall also include a description of the type of construction performed by the applicant;

(5) submit a sworn statement by the applicant as to the authenticity of the information provided on the application;

(6) submit, before the examination, certificates of completion for one of the following:

(A) for License A - 28 hours of training and education courses in the installation and repair of USTs; or

(B) for License B - 12 hours of training and education courses in the removal of USTs; and

(7) pass the appropriate licensing examination.

§30.312. Qualifications for License Renewal.

To renew an on-site supervisor license issued after January 1, 2002, an individual must have:

(1) met the requirements in Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations); and

(2) completed eight hours of approved continuing education for each license held.

§30.315. Qualifications for Initial Registration.

To obtain an underground storage tank (UST) contractor registration, a person must have:

(1) met the requirements in Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations);

(2) provided:

(A) proof of commercial liability insurance designating the commission as the certificate holder in an amount of not less than \$1 million and of a type approved by the executive director; and

(B) a financial statement (balance sheet) prepared in conformity with accounting principles as defined by the American Institute of Public Accountants, documenting an applicant's current net worth of not less than \$25,000; or a letter from a certified public accountant who is not employed by the applicant or does not receive payment from the applicant on a regular basis verifying that the applicant's current net worth is not less than \$25,000;

(3) submitted a sworn statement from the applicant attesting to the accuracy of the information provided on the application;

(4) submitted an application fee of \$150; and

(5) provided documentation of quality of performance including one of the following:

(A) sworn statements, on forms approved by the executive director, from at least three persons, not related by blood or marriage, who have engaged the applicant within the previous 12 months to perform: UST installations, repairs, or removals; underground utility construction; or engineering construction. These statements shall attest to the applicant's business integrity and quality of performance. Such statements shall also include a description of the type of construction performed by the applicant; or

(B) a written explanation indicating the reason the applicant did not provide the sworn statements required in subparagraph (A) of this paragraph and a detailed description of at least three case histories of typical UST construction activities performed by the applicant during the previous 12 months. The executive director shall evaluate the explanation and case histories on a case-by-case basis.

§30.317. Qualifications for Registration Renewal.

To renew an underground storage tank (UST) contractor registration, issued after January 1, 2002, a person must have:

(1) met the requirements in Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations);

(2) certified that the UST contractor has commercial liability insurance designating the commission as the certificate holder in an amount of not less than \$1 million and of a type approved by the executive director;

(3) certified that the UST contractor has a net worth of not less than \$25,000; and

(4) submitted a renewal fee of \$150.

§30.318. Renewal of Licenses and Registrations Issued before the Effective Date of these Rules.

(a) Licenses with odd license numbers shall be initially renewed for one year.

(1) To renew for the first-year (transitional year), an on-site supervisor must have met the requirements in Subchapter A of this chapter (relating to Administration of Occupational Licenses

and Registrations).

(2) At the end of the transitional year, the next renewal shall be for two years. To renew at the end of the transitional year and for all following renewals, an on-site supervisor must have:

(A) met the requirements in Subchapter A of this chapter; and

(B) completed eight hours of approved continuing education for each license held.

(b) Licenses with even license numbers shall be renewed for two years. To renew for the first two years and for all following renewals, an on-site supervisor must have:

(1) met the requirements in Subchapter A of this chapter; and

(2) completed eight hours of approved continuing education for each license held.

(c) Registrations with odd license numbers shall be initially renewed for one year.

(1) To renew for the first-year (transitional year), an underground storage tank (UST) contractor must have:

(A) met the requirements in Subchapter A of this chapter;

(B) certified that the UST contractor has maintained commercial liability insurance designating the commission as the certificate holder in an amount of not less than \$1 million and of a type approved by the executive director;

(C) certified that the UST contractor has maintained a net worth of not less than \$25,000; and

(D) submitted a renewal fee of \$75.

(2) At the end of the transitional year, the next renewal shall be for two years. To renew at the end of the transitional year and for all following renewals, a UST contractor must have:

(A) met the requirements in Subchapter A of this chapter;

(B) certified that the UST contractor has maintained commercial liability insurance designating the commission as the certificate holder in an amount of not less than \$1 million and of a type approved by the executive director;

(C) certified that the UST contractor has maintained a net worth of not less than \$25,000; and

(D) submitted a renewal fee of \$150.

(d) Registrations with even registration numbers shall be renewed for two years. To renew for the first two years and for all following renewals, a UST contractor must have:

(1) met the requirements in Subchapter A of this chapter;

(2) certified that the UST contractor has maintained commercial liability insurance designating the commission as the certificate holder in an amount of not less than \$1 million and of a type approved by the executive director;

(3) certified that the UST contractor has maintained a net worth of not less than \$25,000; and

(4) submitted a renewal fee of \$150.

§30.319. Exemptions.

(a) A license is not required for an on-site supervisor who installs, repairs, or removes underground storage tank (UST) systems when such systems are completely exempt from regulation under §334.3(a) of this title (relating to Statutory Exemptions) or completely excluded from regulation under §334.4(a) of this title (relating to Commission Exclusions). An on-site supervisor who installs,

repairs, or removes UST systems regulated under Chapter 213 of this title (relating to Edwards Aquifer) are not exempt from the licensing requirements of this subchapter.

(b) A license is not required for an individual who assists with the installation, repair, or removal of UST systems and is under the direct, on-site supervision of a licensed on-site supervisor.

(c) A registration is not required for a person that installs, repairs, or removes UST systems that are completely exempt from regulation under §334.3(a) of this title, or completely excluded from regulation under §334.4(a) of this title. A person that installs, repairs, or removes UST systems regulated under Chapter 213 of this title is not exempt from the contractor registration requirements of this subchapter.

SUBCHAPTER J: WASTEWATER OPERATORS AND OPERATIONS COMPANIES

§§30.331, 30.337, 30.340, 30.342, 30.346, 30.348 - 30.350, 30.355

STATUTORY AUTHORITY

The new sections are proposed under the authority granted to the commission by the Texas Legislature in TWC, Chapter 37. The new sections are also authorized under the general authority granted in TWC, §5.013, which establishes the general jurisdiction of the commission over other areas of responsibility as assigned to the commission under TWC and other laws of the state; TWC, §5.103 and §5.105, which authorize the commission to adopt rules and policies necessary to carry out its responsibilities and duties under TWC, §5.013(15); and TWC, §7.002, which authorizes the commission to enforce provisions of TWC and THSC.

The new sections implement TWC, §37.002 and §26.0301, which require the commission to adopt rules to establish occupational licenses and registrations for wastewater operators and operations companies.

§30.331. Purpose and Applicability.

(a) The purpose of this subchapter is to establish qualifications for issuing and renewing licenses and registrations to:

(1) domestic wastewater treatment facility operators;

(2) wastewater collection system operators; and

(3) companies that operate these facilities on a contract basis.

(b) Persons that operate, assist in the operation, or contract to operate domestic wastewater treatment facilities or supervise wastewater collection activities, other than an operator-in-training, must be licensed or registered and meet the qualifications of this subchapter and Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations); and must comply with the requirements in Chapter 317 of this title (relating to Design Criteria for Sewerage Systems), and all other applicable rules under the jurisdiction of this commission.

(c) Operators are responsible for performing adequate process control of wastewater treatment and collection facilities.

(d) All Class D and Class I licenses previously issued to operators who do not possess a high school diploma or equivalent, may still be renewed according to §30.342 of this title (relating to Qualifications for License Renewal).

(e) An individual who has an honorary license shall not operate a domestic wastewater treatment facility or supervise a wastewater collection system.

(f) Certificates of competency or registration issued before January 1, 2002, remain in effect until they expire, or are replaced or revoked by the commission.

(g) The holder of a license or registration is not subject to revocation or suspension of a license or registration if the licensed operator or registered company is unable to properly operate the wastewater treatment or collection facility due to:

(1) the refusal of the permittee to authorize the necessary funds to operate the wastewater treatment or collection facility properly; or

(2) the failure of the wastewater treatment or collection facility to comply with its wastewater disposal permit resulting from faulty design or construction of the facility.

§30.337. Definitions.

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) **Chief operator** - The licensed operator with overall responsibility for the operation of a wastewater treatment facility.

(2) **Designated courses** - Courses or their equivalent which are required to obtain a wastewater operator license.

(3) **Domestic wastewater** - Waste and wastewater from humans or household operations that are discharged to a wastewater collection system or otherwise enters a wastewater facility.

(4) **Honorary license** - License converted from a perpetual license which has been discontinued by the commission.

(5) **Operator-in-charge** - Licensed operator who has been charged with the on-site supervision and operation of the wastewater facility in the absence of the chief operator.

(6) **Operator-in-training** - An individual entering the field of wastewater treatment or collection for the first time who has less than one year of experience and is in training to operate a wastewater treatment facility.

(7) **Wastewater collection system** - Lines, manholes, pumps, pumping stations, and other components necessary to collect and transport domestic wastewater.

(8) Wastewater collection system operator - Any individual, in active field supervision, who provides frequent on-site inspection and supervision of wastewater collection system operation or maintenance activities.

(9) Wastewater disposal permit - A domestic wastewater disposal permit issued by the commission in accordance with Texas Water Code, Chapter 26.

(10) Wastewater treatment facility - Any facility installed for the purpose of treating, neutralizing, or stabilizing wastewater, the operation of which requires a wastewater disposal permit from the commission.

(11) Wastewater system operations company - Any person or other nongovernmental entity that provides operations services, on a contract basis, to one or more wastewater treatment facilities or collection systems.

(12) Wastewater treatment facility operator - An individual who performs process control tasks at a wastewater treatment facility.

(13) Work experience - The actual performance of job tasks in domestic wastewater, considered essential for the treatment or collection of domestic wastewater.

§30.340. Qualifications for Initial License.

(a) To obtain a license, an individual must have met the requirements of Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations), and the following requirements for each class of license.

Figure: 30 TAC §30.340(a)

License	Education	Required Work Experience	Required Training
Class D or Class I	High School diploma (HSD) or Equivalent	0	20 hours
Class C or Class II	HSD or equivalent	2 years	60 hours
Class B or Class III	Bachelors HSD or equivalent	2½ years 5 years	100 hours 100 hours
Class A	Masters Bachelors HSD or equivalent	4 years 5 years 8 years	160 hours 160 hours 160 hours

(b) At least one-half of the total experience required for a wastewater treatment license must be in actual domestic wastewater treatment facility operation or maintenance duties. Related experience, which involves tasks similar to those required for operation of wastewater treatment facilities, will count at a rate of 50% toward meeting the total experience requirement. For laboratory experience to be applicable, the laboratory must be owned and operated by the permittee and the laboratory technician must consult daily with operational personnel.

(c) Wastewater collection system experience must be in actual wastewater collection system operation or maintenance duties. Credit for experience not directly connected with collection system operation or maintenance shall be approved if the experience involves tasks that are similar to that required for the operation and maintenance of collection systems. Each year of related experience shall count as ½ year of experience. Each year of experience in collection system operation and maintenance shall only count as ½ year of experience toward a wastewater treatment facility operator license.

(d) Individuals who request to substitute a bachelors or masters degree for experience at the Class A, Class B, or Class III level must have a major in chemistry, biology, engineering, microbiology, bacteriology, or another similar discipline, as approved by the executive director on a case-by-case basis.

(e) For applicants with a high school diploma or equivalent, 32 semester hours of college or an additional 40 hours of training credits may be substituted for one year of the experience requirement. The maximum years allowed for substitution are as follows:

(1) Class A, Class B, and Class III applicants may substitute up to two years of the required work experience; and

(2) Class C and Class II applicants may substitute up to one year of the required work experience.

(f) The hours of training credit required for a license must be in approved courses, which include the following or their equivalents.

Figure: 30 TAC §30.340(f)

License	Required Courses	Elective Courses
Class D	Basic Wastewater Operation	None
Class C	Basic Wastewater Operation Wastewater Treatment plus one elective course	Wastewater Collection Wastewater Laboratory Water Utility Calculations Water Utility Safety
Class B	Wastewater Treatment Wastewater Collection Wastewater Laboratory Water Utility Safety plus one elective course	Water Utility Calculations Water Utility Management Advanced Wastewater Laboratory
Class A	Wastewater Treatment Wastewater Collection Wastewater Laboratory Water Utility Management Water Utility Safety plus one elective course	Water Utility Calculations Advanced Wastewater Laboratory Wastewater Technology Advanced Management
Class I	Wastewater Collection	None
Class II	Basic Wastewater Operation Wastewater Collection plus one elective course	Water Utility Safety Pump and Motor Maintenance
Class III	Basic Wastewater Operation Wastewater Collection Water Utility Safety Pump and Motor Maintenance plus one elective course	Water Utility Management Water Utility Calculations Pre-treatment Facility Inspection

(g) An individual who previously held a Class D license may not apply for a new Class D license if the individual currently operates any activated sludge type facilities; or any trickling filter or rotating biological contactor facilities with a permitted daily average flow of 100,000 gallons per day or greater. A trickling filter or rotating biological contactor is a secondary aerobic process that uses microbiological organisms attached to a fixed substrate.

§30.342. Qualifications for License Renewal.

(a) To renew a license, an individual must have:

(1) met the requirements of Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations) and completed 20 hours of approved continuing education for all licenses; or

(2) met the requirements of Subchapter A of this chapter and passed the examination for the license.

(b) The basic wastewater operation course may not be used to renew a Class B or A license.

(c) Class D licenses are not renewable for operators of:

(1) any activated sludge type facilities; or

(2) any trickling filter or rotating biological contractor (RBC) facilities with a permitted daily average flow of 100,000 gallons per day or greater. A trickling filter or RBC facility is a facility that uses secondary aerobic biological processes for treatment of sewage.

§30.346. Qualifications for Initial Registration.

To obtain a registration, a person must meet the requirements of Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations).

§30.348. Qualifications for Registration Renewal.

To renew a registration a person must meet the requirements of Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations).

§30.349. Registration Fees.

The two-year registration fee is based on the number of facilities served:

Figure: 30 TAC §30.349

Number of Facilities Served	Fee
0 - 4	\$70
5 - 9	\$150
10 - 19	\$250
20 or more	\$400

§30.350. Classification of Wastewater Treatment Facilities, Wastewater Collection Systems, and Licenses Required.

(a) Operators of remote or mobile sludge processing facilities are required to hold a valid Class D or higher license.

(b) Operators of domestic wastewater treatment facilities owned and located on industrial sites which are regulated by industrial-type wastewater disposal permits are required to be licensed. This is required only if the point of discharge is separate from any other industrial outfalls and the domestic wastewater is not mixed with other industrial wastewater before discharge.

(c) An individual first entering the field of wastewater treatment or collection may be employed as an operator-in-training for a period up to one year. An operator-in-training must work in the presence of a licensed operator during this time.

(d) Each holder of a wastewater disposal permit for a wastewater treatment facility shall employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid license or registration.

(e) Domestic wastewater treatment facilities shall be classified in accordance with the following criteria.

Figure: 30 TAC §30.350(e)

Treatment System	Permitted Daily Average Flow	Category
No Discharge Treatment Systems	All Flows	D
Pond Systems Preceded by Imhoff Tanks, Primary Clarifiers, or Facultative Lagoons	1.0 million gallons per day (MGD) or less	D
	Greater than 1.0 MGD	C
Activated Sludge (Extended Aeration Mode) and Oxidation Ditch Systems	0.10 MGD or less	D
	Greater than 0.10 MGD to 1.0 MGD	C
	Greater than 1.0 MGD to 10.0 MGD	B
	Greater than 10.0 MGD	A
Activated Sludge (Modes other than Extended Aeration)	0.050 MGD or less	D
	Greater than 0.050 MGD to 1.0 MGD	C
	Greater than 1.0 MGD to 10.0 MGD	B
	Greater than 10.0 MGD	A
Trickling Filter, Rotating Biological Contactor (RBC), or other Fixed Film Processes	0.50 MGD or less	D
	Greater than 0.50 MGD to 2.0 MGD	C
	Greater than 2.0 MGD to 10.0 MGD	B
	Greater than 10.0 MGD	A

(f) Category D wastewater treatment facilities shall be reclassified as Category C facilities if any of the following conditions exist:

(1) a Category D facility incorporating anaerobic sludge digestion, except Imhoff tanks with sludge drawn off to drying beds;

(2) a Category D facility whose permit requires nutrient reduction; or

(3) a Category D facility whose permit requires the final effluent to meet a daily average biochemical oxygen demand₅ or total suspended solids concentration less than ten milligrams per liter.

(g) A wastewater treatment facility having a combination of treatment processes which are in different categories shall be assigned the higher category.

(h) The executive director may increase the treatment facility classification for facilities which include unusually complex processes or present unusual operation or maintenance conditions.

(i) The chief operator of each wastewater treatment facility must possess a license equal to or higher than that of the category of treatment facility.

(j) Each category of facility must be operated a minimum of five days per week by the licensed chief operator or an operator holding a license of the same class or higher. The licensed chief operator or operator holding a license of the same class or higher must be available by telephone or pager seven days per week.

(k) Where shift operation of the wastewater treatment facility is necessary, each shift which does not have the on-site supervision of the licensed chief operator must be supervised by an operator in charge who is licensed at not less than one level below the category of the facility.

(l) Either the licensed chief operator or licensed operator in charge must be present for scheduled commission inspections.

(m) A licensed wastewater treatment facility operator may perform all duties relating to the operation and maintenance of both wastewater treatment facilities and wastewater collection systems. It is not necessary to hold both types of licenses. A licensed collection system operator may perform only those duties relating to the operation and maintenance of wastewater collection systems.

(n) Each classified wastewater collection system must have at least one licensed operator who holds a license class equal to or higher than that category of system. Wastewater collection systems shall be classified as follows.

Figure: 30 TAC §30.350(n)

Category of Collection System	Daily Average Flow	Minimum Class of Operator Required
Category I	Less than 100,000 gallons per day (gpd)	Class I or Class D
Category II	100,000 gpd to 1 million gallons per day (MGD)	Class II or Class C
Category III	Over 1 MGD	Class III or Class B

§30.355. Additional Requirements for Wastewater Operations Companies.

(a) Every wastewater system operations company must submit an annual report to the executive director within one year and 30 days after issuance or renewal of the registration. The report shall include for each wastewater treatment facility or wastewater collection system:

(1) name, location, and mailing address;

(2) permittee's name and mailing addresses;

(3) commission permit number, if applicable;

(4) dates of operation during the reporting year;

(5) names of all operators employed by the operations company, including their mailing addresses, license classes, license numbers, and the name of each wastewater treatment facility or wastewater collection system for which the operators work or have worked;

(6) licensed chief operator for each facility; and

(7) any additional information required by the executive director.

(b) The information in subsection (c) of this section must be submitted with any application for a new or renewal registration, along with the appropriate fee.

(c) If a company is bought or sold and a name change occurs, the company must apply for a new registration.

(d) Once a year, political subdivisions that contract to operate wastewater systems must report to the commission the information required by subsection (a) of this section.

**SUBCHAPTER K: PUBLIC WATER SYSTEM OPERATORS AND
OPERATIONS COMPANIES**

§§30.381, 30.387, 30.390, 30.392, 30.396, 30.398 - 30.400, 30.402

STATUTORY AUTHORITY

The new sections are proposed under the authority granted to the commission by the Texas Legislature in TWC, Chapter 37. The new sections are also authorized under the general authority granted in TWC, §5.013, which establishes the general jurisdiction of the commission over other areas of responsibility as assigned to the commission under TWC and other laws of the state; TWC, §5.103 and §5.105, which authorize the commission to adopt rules and policies necessary to carry out its responsibilities and duties under TWC, §5.013(15); and TWC, §7.002, which authorizes the commission to enforce provisions of TWC and THSC.

The new sections implement TWC, §37.002 and THSC §341.033 and §341.034, which require the commission to adopt rules to establish occupational licenses and registrations for public water system operators and operations companies.

§30.381. Purpose and Applicability.

(a) The purpose of this subchapter is to establish qualifications for issuing and renewing licenses and registrations to:

(1) public water system operators who perform process control duties in production or distribution of drinking water; and

(2) operations companies that operate public water systems on a contract basis.

(b) A person who performs any of the tasks listed in subsection (a) of this section must meet the qualifications of this subchapter and be licensed or registered according to Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations), unless exempt under §30.402 of this title (relating to Exemptions); and must comply with the requirements in Chapter 290 of this title (relating to Public Drinking Water).

(c) Public water system licenses, certificates of competency, and registrations issued before January 1, 2002, remain in effect until they expire, or are replaced, or revoked by the commission.

(d) Renewable Class D licenses, previously issued to individuals who do not possess a high school diploma or equivalent, may be renewed according to §30.392 of this title (relating to Qualifications for License Renewal).

(e) An individual issued a license under this subchapter must perform adequate process control duties as recognized by current best management practices.

(f) An individual who has an honorary license shall not perform process control duties in production or distribution of drinking water for a public water system.

§30.387. Definitions.

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) **Chief operator** - An individual who has overall responsibility for the operation of a public water system.

(2) **Honorary license** - License converted from a perpetual license that has been discontinued by the commission.

(3) **Operator-in-charge** - An individual who has overall responsibility for the operation of a public water system in the absence of the chief operator.

(4) **Operator-in-training** - 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.

(5) **Process control duties** - Activities that directly affect the potability of public drinking water, including: making decisions regarding the day-to-day operations and maintenance of public water system production and distribution; maintaining system pressures; determining the adequacy of

disinfection and disinfection procedures; taking routine microbiological samples; taking chlorine residuals and microbiological samples after repairs or installation of lines or appurtenances; and operating chemical feed systems, filtration, disinfection, or pressure maintenance equipment; or performing other duties approved by the executive director.

(6) **Public water system operations company** - A person or other nongovernmental entity that provides operations services to one or more public water systems on a contract basis.

(7) **Public water system operator** - Licensed operator who performs process control duties in production or distribution of drinking water.

§30.390. Qualifications for Initial License.

(a) To obtain a license, an individual must meet the requirements of Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations), and the following requirements for each class of license.

Figure: 30 TAC §30.390(a)

License	Education	Work Experience	Training Credits
Class D	High School Diploma (HSD) or equivalent	None	20 hours
Class C, Distribution, Groundwater, Surface water	HSD or equivalent	2 years	60 hours
Class B, Distribution and Groundwater	Bachelors HSD or equivalent	2 ½ years 5 years	100 hours 100 hours
Class B, Surface water	Bachelors HSD or equivalent	2 ½ years 5 years	100 hours 100 hours Effective January 1, 2003, 120 hours of training are required.
Class A	Masters Bachelors HSD or equivalent	4 years 5 years 8 years	160 hours 160 hours 160 hours

(b) An individual who applies for a Class C, B, or A license, and relies on a bachelors or masters degree to meet the educational requirements, must have a bachelors or masters degree with a major in chemistry, biology, engineering, microbiology, bacteriology, or other similar discipline approved by the executive director.

(c) An individual who applies for a Class C or B license must obtain at least one-half of the total work experience requirement in the specific field for the license that is requested.

(1) For Class C and B surface water licenses, the experience must be obtained through operations activities at the production or treatment facilities for surface water or groundwater under the direct influence of surface water.

(2) For Class C and B groundwater licenses, the experience must be obtained through operations activities at the production or treatment facilities for groundwater source or groundwater under the direct influence of surface water.

(3) For Class C and B distribution licenses, at least one-half of the required experience must be obtained as a result of operations activities at treated water storage, pumping, or distribution facilities.

(d) For all classes of licenses, laboratory experience must:

(1) be obtained at a laboratory that is owned and operated by the public water system;
and

(2) involve daily consultation with individuals who perform process control duties in production or distribution of drinking water for the water system.

(e) Individuals with only a high school diploma or equivalent may substitute college credits or additional approved training for work experience.

(1) For a Class C license, 32 semester hours of college, or 40 additional hours of approved training may be substituted for one year of work experience, approved by the executive director.

(2) For Class B and A licenses, 64 semester hours of college, or 80 additional hours of approved training may be substituted for two years of work experience, approved by the executive director.

(f) Training credits must be in approved courses that include the following or equivalent.

Figure: 30 TAC §30.390(f)

License	Required Training Courses	Elective Training Courses
Class D	Basic Waterworks Operation	None
Class C Surface Water	Basic Waterworks Operation Surface Water Production I * Surface Water Production II * Must be taken before Surface Water Production II	None
Class C Groundwater	Basic Waterworks Operation Groundwater Production Plus one elective course	Water Distribution Water Laboratory Water Utility Safety Water Utility Calculations Chlorinator Maintenance Pump and Motor Maintenance Valve and Hydrant Maintenance
Class C Water Distribution	Basic Waterworks Operation Water Distribution Plus one elective course	Water Laboratory Water Utility Safety Water Utility Calculations Chlorinator Maintenance Pump and Motor Maintenance Valve and Hydrant Maintenance.
Class B Surface Water	Surface Water Production I * Surface Water Production II Water Distribution Water Utility Safety Water Laboratory Water Utility Management (effective January 1, 2003) * Must be taken before Surface Water Production II	None
Class B Groundwater	Groundwater Production Water Laboratory Water Distribution Water Utility Safety Plus one elective course	Water Utility Management Water Utility Calculations Chlorinator Maintenance Pump and Motor Maintenance Valve and Hydrant Maintenance
Class B Water Distribution	Water Distribution Water Utility Safety	Water Utility Management Water Utility Calculations

Class A	Surface Water Production I Surface Water Production II Groundwater Production Water Distribution Water Laboratory Water Utility Management Water Utility Safety	Plus additional training to meet the 160 hour requirement
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(g) An individual who previously held a Class D license may not apply for a new Class D license if the individual currently operates facilities:

(1) at groundwater treatment systems of 250 connections or more;

(2) at surface water treatment systems;

(3) at groundwater systems under the influence of surface water;

(4) who are supervisors of distribution systems that have over 250 connections; or

(5) who operate multiple groundwater systems and the cumulative number of connections exceeds 250.

§30.392. Qualifications for License Renewal.

(a) To renew a license, an individual must have:

(1) met the requirements of Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations) and completed 20 hours of approved continuing education for all licenses; or

(2) met the requirements of Subchapter A of this chapter and passed the examination for the license.

(b) The basic water training course may not be used to renew a Class B or A license.

(c) Class D licenses are not renewable for licensed operators:

(1) at groundwater treatment systems of 250 connections or more;

(2) at surface water treatment systems;

(3) at groundwater systems under the influence of surface water;

(4) who are supervisors of distribution systems that have over 250 connections; or

(5) who operate multiple groundwater systems and the cumulative number of connections exceeds 250.

§30.396. Qualifications for Initial Registration.

To obtain a registration, a person must meet the requirements of Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations).

§30.398. Qualifications for Registration Renewal.

To renew a registration a person must meet the requirements of Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations).

§30.399. Registration Fees.

The two-year registration fee is based on the number of public water systems served:

Figure: 30 TAC §30.399

Number of Public Water Systems Served	Fee
0 to 4	\$70
5 to 9	\$150
10 to 19	\$250
20 or more	\$400

§30.400. Additional Requirements for Public Water System Operations Companies.

(a) A public water system operating company must submit an annual report to the executive

director within 30 days of the anniversary of the effective date of the registration. The report shall include:

(1) public water system operating company name, registration number, location, and mailing address;

(2) public water system identification number and name;

(3) dates of operation during the reporting year;

(4) names of all operators employed by the operations company, including their mailing addresses, classes and license numbers, and systems for which all employees work or have worked during the reporting year;

(5) licensed chief operators and supervisors; and

(6) any additional information required by the executive director.

(b) A person that operates a public water system under contract must notify the executive director and amend the information included in the annual report described in subsection (a) of this section within ten days following the month in which the change occurs.

(c) A person that operates a public water system under contract must apply for a new registration if a company is bought or sold and the name of the company changes.

(d) Political subdivisions, including river authorities, that operate public water systems under contract must submit the reports required in subsections (b) and (c) of this section to the executive director.

§30.402. Exemptions.

(a) An individual who performs process control duties in production or distribution of drinking water for a transient noncommunity water system as defined in §290.38(46) of this title (relating to Definitions), is exempt from the licensing requirements of this subchapter if the source water for the water system is purchased treated water or groundwater that is not under the direct influence of surface water.

(b) An operator-in-training is exempt from the licensing requirements of this subchapter.

(c) An individual who holds a groundwater or surface water license may perform duties relating to the operation and maintenance of drinking water production, purchased water, and water distribution systems and is not required to hold a distribution license.