

Texas Commission on Environmental Quality



DECISION OF THE COMMISSION REGARDING THE PETITION FOR RULEMAKING FILED BY TEXAS SEPTIC SYSTEMS COUNCIL

Docket No. 2016-1896-RUL
Rule Project No. 2017-006-PET-NR

On December 15, 2016, the Texas Commission on Environmental Quality (Commission) considered the petition for rulemaking filed by the Texas Septic Systems Council (petitioner). The petitioner filed the request on November 3, 2016, and requested that the Commission create a new occupational certification, called Certified Designer, for individuals that design certain on-site sewage facilities (OSSFs). The new certification would be an additional requirement for a Registered Professional Sanitarian and a Registered Professional Engineer who design OSSFs. The petitioner also outlined a framework where the Commission would review and approve a third party to train and conduct exams necessary to obtain certification as a Certified Designer.

IT IS THEREFORE ORDERED BY THE COMMISSION, pursuant to Administrative Procedure Act, Texas Government Code, § 2001.021 and Texas Water Code, § 5.102 and § 5.103, that the petition be denied. The decision to deny the petition is based on the Commission's conclusion that existing professional licenses require sufficient educational and experience requisites to equip licensees to interpret and comply with the OSSF rules and properly design these systems, as expressed in the Executive Director's response memorandum to the Petition dated November 22, 2016. The Commission believes the comprehensive regulatory program for the management of OSSFs in 30 TAC Chapter 285 and the occupational licensing requirements in 30 TAC Chapter 30, Subchapter G, are appropriate for the protection of human health and the environment.

This Decision constitutes the decision of the Commission required by the Texas Government Code, § 2001.021(c).

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

A handwritten signature in black ink that reads "Bryan W. Shaw".

Bryan W. Shaw, Ph.D., P.E., Chairman

17-20-16

Date Signed