TEXAS SEPTIC SYSTEMS COUNCIL
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EXECUTIVE DIRECTOR

Date of submittal: 10 January 2017

Executive Director
Texas Commission on environmental Quality
POB 13087
Austin, Texas 78711-3087

Sir:

In accordance with TAC Title 30, Chap. 20, Rule: 20.15, Petition for Adoption of Rules, we hereby submit a proposed rule amendment as follows:

(a) (1): Frank Aguirre is born of and a resident of Texas
(2): Texas Septic Systems Council, is a dba of Frank Aguirre & Associates, Inc., same address and contact information as in the letter head
(3): It is a "c" corporation, registered in Texas.
(4): It is a private organization and not a Texas state agency.

(b) (1): This is a sole rule petition.
(2): Name and address of the petitioner shown in letterhead
(3): Includes the following:

(A) A brief explanation of the proposed rule

Few people dispute the fact that Texas is in a "mega-drought."

The new legislative session will again address the issue from a variety of perspectives.

HB 1902, passed in the 84th legislative session, addresses the issue of graywater reuse but the state is in desperate need of a more comprehensive response to the overall issue of water shortage and depletion of resources while maintaining beautification and other desirables.

One obvious and much clamored for solution is the promotion of water and wastewater REUSE.

This proposed rule change addresses the overall water reuse issue through a specific application that will apply to the 20% of all Texas residences that utilize a septic system.

It brings into existence a new certification program of the design, construction and maintenance of water/wastewater REUSE facilities and appurtenances.

(B) Text of the proposed rule prepared in a manner to indicate the words to be added or deleted from the text of the current rule... [SEE TEXT BELOW, CHANGES IN RED]

NOTE: The goal of the proposal is to establish the new licensure of the REUSE TECHNICIAN, while the reuse manual is yet under construction and while many administrative procedures and educational structures are yet to be determined.

(C) The Statement of statutory authority under which the proposed rule will be promulgated [Required by 30 TAC §20.15(b)(3)(C)]: Texas Health & Safety Code, § 366.011. GENERAL SUPERVISION AND AUTHORITY and § 366.012. RULES CONCERNING ON-SITE SEWAGE DISPOSAL SYSTEMS.

(D) Allegation: The current "mega-drought" conditions hampering all Texans will continue their ill effect without relief as represented by this single avenue of decreasing demand for potable water.

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Texas Administrative Code

TITLE 30	ENVIRONMENTAL QUALITY
PART 1	TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
CHAPTER 285	ON-SITE SEWAGE FACILITIES
SUBCHAPTER A	GENERAL PROVISIONS
RULE §285.1	Purpose and Applicability

(a) Purpose.....The licensing of installers, designated representatives, site evaluators, **and reuse technicians** and the registration of apprentices is included in Chapter 30 of this title (relating to Occupational Licenses and Registrations). Unauthorized discharge of effluent into or adjacent to the waters in the state is prohibited.

TITLE 30	ENVIRONMENTAL QUALITY
PART 1	TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
CHAPTER 285	ON-SITE SEWAGE FACILITIES
SUBCHAPTER A	GENERAL PROVISIONS
RULE §285.2	Definitions

The following words and terms in this section are in addition to the definitions in Chapter 3 and Chapter 30 of this title (relating to Definitions and Occupational Licenses and Registrations). The words and terms in this section, when used in this chapter, have the following meanings.

.....(8) Certified professional soil scientist--An individual who has met the certification requirements of the American Society of Agronomy to engage in the practice of soil science.

(9) Certified Reuse Technician - An individual who holds a valid registration issued by the executive direction to design, construct and maintain water/wastewater reuse facilities and appurtenances.

[SUBSEQUENT NUMBERS REVISED ACCORDINGLY]

TITLE 30	ENVIRONMENTAL QUALITY
PART 1	TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
CHAPTER 285	ON-SITE SEWAGE FACILITIES
SUBCHAPTER F	LICENSING AND REGISTRATION REQUIREMENTS FOR INSTALLERS, APPRENTICES, DESIGNATED REPRESENTATIVES, SITE EVALUATORS, MAINTENANCE PROVIDERS, ~~AND~~ MAINTENANCE TECHNICIANS, **AND REUSE TECHNICIANS.**
RULE §285.50	General Requirements

(a) The procedures for issuing licenses and registrations for on-site sewage facilities (OSSF) installers, designated representatives, apprentices, site evaluators, maintenance providers, ~~and~~ maintenance technicians, **and reuse technicians** are in Chapter 30 of this title (relating to Occupational Licenses and Registrations).

(g) Any individual who acts in any capacity for a permitting authority shall not, within that permitting authority's area of jurisdiction:
(1) work as an apprentice to an OSSF installer;
(2) work as an OSSF installer;
(3) work for an OSSF maintenance provider or maintenance technician;
(4) work as a site evaluator; ~~or~~

(5) **work as a reuse technician; or**
(6) perform any other OSSF-related activities which fall under the permitting authority's regulatory jurisdiction, except those activities directly related to the individual's duties as an employee of, appointee to, or contractor for the permitting authority.

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RULE §285.62	Duties and Responsibilities of Designated Representatives

A designated representative shall:

(19) while employed by, appointed to, or contracted by the authorized agent, refrain from performing any of the following activities within the authorized agent's area of jurisdiction:
(A) working as an apprentice to an OSSF installer;
(B) working as an OSSF installer;
(C) working for an OSSF maintenance provider;
(D) working as a site evaluator; ~~or~~
(E) working as a reuse technician; or
(F) performing any other OSSF-related activities which fall under the authorized agent's regulatory jurisdiction, except those activities directly related to the individual's duties as a designated representative for the authorized agent;
(20) verify the existence of a maintenance contract between an owner and the maintenance provider according to §285.7(d) of this title (relating to Maintenance Requirements);
(21) maintain a current address and phone number with the executive director and submit any change in address or phone number in writing within 30 days after the date of the change; and
(22) receive written permission from the designated representative's employer if the designated representative desires to perform any OSSF-related activities for compensation outside of the authorized agent's regulatory jurisdiction, to be kept on file in the designated representative's office.

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CHAPTER 285 ON-SITE SEWAGE FACILITIES

SUBCHAPTER F LICENSING AND REGISTRATION REQUIREMENTS FOR INSTALLERS, APPRENTICES, DESIGNATED REPRESENTATIVES, SITE EVALUATORS, MAINTENANCE PROVIDERS, ~~AND~~ MAINTENANCE TECHNICIANS AND REUSE TECHNICIANS

RULE §285.65 Duties and Responsibilities of Reuse Technicians

A reuse technician shall:

(1) posses a current reuse technician certificate before beginning work on any reuse facility or appurtenance;
(2) record the reuse technician's license number on all bids, proposals, contracts, invoices, proposed construction drawing or other correspondence with owners, the executive director or authorized agents:
(3) provide true and accurate information on any application or another other documentation;
(4) being the construction of the reuse facility or appurtenance only after obtaining documentation that the owner, or owner's agent, has the permitting authority's authorization to construct, unless a permit is not required;
(5) notify the permitting authority of the date on which the reuse technician plans to begin the construction of the facility or appurtenance, unless a permit is not required;
(6) construct the reuse facility or appurtenance to meet the minimum criteria required by the executive director's reuse manual or the more stringent requirements of the permitting authority;
(7) construct the reuse facility or appurtenance that has been authorized by the permitting authority for the specific location identified in any planning materials;
(8) stop construction and return to the permitting authority to change the planning materials for the permit if conditions make compliance with the planning materials impossible;
(9) be present at the job site during the construction of the reuse facility or appurtenance;
(10) be present at the job site at least once each work day;
(11) request any required inspection or inspections from the permitting authority;

(12) maintain a current address and phone number with the executive director and submit any change of address or phone number in writing within 30 days after the date of the change;

(13) make all reuse facility or appurtenance repairs in accordance with any approved planning materials that may be required and this chapter.

(14) perform maintenance on each reuse facility or appurtenance under executed contract, keep a maintenance record, and submit maintenance reports to the property owner and to the permitting authority if required.;

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RULE §285.66	Suspension or Revocation of License or Registration

(a) Suspension. In addition to the grounds listed in Texas Water Code, §7.303, the commission may suspend an OSSF installer's license, a designated representative's license, a site evaluator's license, an apprentice's registration, a maintenance provider's license, ~~or~~ a maintenance technician's registration **or a certified reuse technician** for violation of duties and responsibilities listed in this subchapter, as recommended by the executive director. Additional grounds for suspension of these licenses and registrations include (and are not limited to) the following reasons.

(b) Revocation. In addition to the grounds listed in Texas Water Code, §7.303 the commission may revoke an OSSF installer's license, a designated representative's license, a site evaluator's license, an apprentice's registration, a maintenance provider's license, ~~or~~ a maintenance technician's registration**, or a certification of a reuse technician** for violation of duties and responsibilities listed in this subchapter, as recommended by the executive director. Additional grounds for revocation of these licenses and registrations include (and are not limited to) the following reasons.

(b)(7) A reuse technician's certification can be revoked for:

(A) failing to perform any maintenance as my be required by the executive director;

(B) failing to properly submit maintenance reports as may be required by the executive director, and

(C) failing to maintain their certification as a reuse technician.

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TITLE 30	ENVIRONMENTAL QUALITY
PART 1	TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
CHAPTER 30	OCCUPATIONAL LICENSES AND REGISTRATIONS
SUBCHAPTER A	ADMINISTRATION OF OCCUPATIONAL LICENSES AND REGISTRATIONS

RULE §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 - L of this chapter (relating to Backflow Prevention Assembly Testers; Customer Service Inspectors; Landscape Irrigators, Irrigation Technicians, and Irrigation Inspectors; Leaking Petroleum Storage Tank Corrective Action Project Managers and Specialists; Municipal Solid Waste Facility Supervisors; On-Site Sewage Facilities Installers, Apprentices, Designated Representatives, Maintenance Providers, Maintenance Technicians, Reuse Technicians, and Site Evaluators; Water Treatment Specialists; Underground Storage Tank On-Site Supervisor Licensing and Contractor Registration; Wastewater Operators and Operations Companies; Public Water System Operators and Operations Companies; and Visible Emissions Evaluator Training and Certification) contain the program-specific requirements related to each program.

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RULE §30.7 Definitions

(3)Certification - A license, granted by the executive director,that affirms that an individual has met the requirements of a reuse technician.

[SUBSEQUENT NUMBERS REVISED ACCORDINGLY]

PART 1	TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
CHAPTER 30	OCCUPATIONAL LICENSES AND REGISTRATIONS
SUBCHAPTER A	ADMINISTRATION OF OCCUPATIONAL LICENSES AND REGISTRATIONS
RULE §30.10	Administration

The executive director is responsible for:

(1) reviewing and approving the qualification examination, prepared and administered for the certification of reuse technicians.

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SUBCHAPTER A	ADMINISTRATION OF OCCUPATIONAL LICENSES AND REGISTRATIONS
RULE §30.20	Examinations

(a) The executive director shall prescribe **or review and approve** the content of licensing examinations. Examinations shall be based on laws, rules, job duties, and standards relating to the particular license. The contents of any examination required for licensure under this chapter are confidential and examinees may not share them with anyone.

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TITLE 30	ENVIRONMENTAL QUALITY
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CHAPTER 30	OCCUPATIONAL LICENSES AND REGISTRATIONS
SUBCHAPTER G	ON-SITE SEWAGE FACILITIES INSTALLERS, APPRENTICES, DESIGNATED

REPRESENTATIVES, MAINTENANCE PROVIDERS, MAINTENANCE TECHNICIANS, ~~AND~~ SITE EVALUATORS, AND CERTIFIED REUSE TECHNICIANS

RULE §30.231 Purpose and Applicability

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

(1) constructs any part of an on-site sewage facility;
(2) performs the duties of a designated representative;
(3) performs the duties of a site evaluator;
(4) performs the duties of an apprentice;
(5) performs the duties of a licensed maintenance provider; ~~or~~
(6) performs the duties of a maintenance technician; or
(7) performs the duties of a certified reuse technician.

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RULE §30.240	Qualifications for Initial License

(f) Effective [September 1, 2017], to obtain a Certified Reuse Technician, in individual must have:

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

(2) met the following requirements:

(A) complete the reuse technician course by a service provider, and

(B) pass the reuse technician examination.

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APPRENTICES, DESIGNATED REPRESENTATIVES, MAINTENANCE PROVIDERS, MAINTENANCE TECHNICIANS, ~~AND~~ SITE EVALUATORS, AND CERTIFIED REUSE TECHNICIANS

RULE §30.242 Qualifications for License Renewal

(a) To renew an Installer I, Installer II, designated representative, maintenance provider, ~~or~~ site evaluator or certified reuse technician **license** , an individual must have:

[The End]