

Texas Commission on Environmental Quality
WATER UTILITY OPERATOR LICENSING ADVISORY COMMITTEE

April 25, 2019

9:00 a.m.

TCEQ

12100 Park 35 Circle, Bldg. B, Room 201

Austin, Texas

Meeting Summary

Members Attending

Robb Starr
Paul Kite
Russell Hamilton
Tanny Busby
Gary Sober
Kenneth Hutchins
Cory Moose
Leonard Leinfelder
Donald Reese
Celia Eaves
Joseph McDaniel

Members Absent

Rey Davila
David Garza

Visitors Attending

David James
Melissa Sansing
James Fischer
Steve Ash

TCEQ Staff Attending

Linda Saladino, PRS
Paul Munguia, PRS
Sarita Nazareth, PRS
Jenn Grossman, PRS
Laia Robichaux, PRS
Shannon Watson, PRS
Tamara Calhoun, PRS
Erwin Madrid, PRS
Laurie Fleet, WQD
Dorothy Young, WSD
Leticia DeLeon, WSD

Call to order:

Quorum check - quorum present.

A motion to approve the meeting summary from January 4, 2019 was made and seconded, and all members approved.

Attendee introduction:

Round table introduction.

Water Supply Division (WSD) Updates: Dorothy Young & Leticia “Letty” DeLeon

Dorothy provided a capacity development handout (attached) to the group and informed them of upcoming training and meetings:

- May 16, 2019, *Building Community-Based Water Resilience (Webinar)* - TCEQ approved for one (1) credit hour to water and wastewater operators - <https://www.eventbrite.com/e/building-community-based-water-resilience-webinar-tickets-58459961318>
- May 21-22, 2019, *Small Drinking Water System Training on DBPs, Chemistry, and Rules* - TCEQ approved for nine (9) credit hours to water operators - <https://ordregion6.eventbrite.com>
- May 23, 2019, The next TWICC meeting will be hosted by TCEQ on Thursday. Information on TWICC members, funding sources and other resource links are available at www.twicc.org.
- August 8 -9, 2019, Annual Public Drinking Water Conference - registration opens 5/21. <https://www.tceq.texas.gov/drinkingwater/conference.html>
 - o Moving to a different venue (Renaissance Hotel in Austin) should have room for 400 more participants this year.
 - o More hands-on workshops and more room for exhibitors.

Letty provided an overview for homeland security and emergency preparedness. 896 Emergency Contact Update forms were processed from January to March 2019. Additional Emergency Response Plan (ERP) workshops have been scheduled for April 30th in Conroe and May 23rd in Kingsville. The workshops are free to attend and allow the operator to earn up to four (4) continuing education hours towards renewal of their licenses.

From the America's Water Infrastructure Act (AWIA): Each community water system serving more than 3,300 persons shall submit to the EPA Administrator a certification that the system has conducted a risk and resilience assessment in accordance with the Act. Each community's water system serving more than 3,300 persons shall also certify its completion of an emergency response plan as soon as reasonably possible, but no later than six months after certifying completion of its risk and resilience assessment. Questions regarding these plans should be referred to the EPA as TCEQ does not have regulatory authority to review these plans. Full details can be found in the April 16, 2019 DWA WG Minutes (Program Updates) <http://www.tceq.texas.gov/assets/public/permitting/watersupply/groups/cc/dwawg/20190416/041619SU.pdf>

AWWA offers training on risk assessment: <https://www.awwa.org/Resources-Tools/Resources/Risk-Resilience>.

There is currently pending legislation that would help independent operators take over systems; however, the Public Utility Commission cannot guarantee rates. Temporary management can raise rates but once the utility is acquired. TCEQ gives flexibility to independent operators that acquire or accept systems in receivership. A written compliance agreement is provided to allow independent operators more time to address outstanding issues and penalties are not passed onto the new manager or operator.

Water Quality Division (WQD) Updates: Laurie Fleet

Laurie Fleet provided a summary of HB 4116, which would allow an agreement to be made between the permit holder and interested parties in the community affected by the facility or proposed facility. The program would allow the permit holder to deposit with TCEQ an amount of money or equivalent financial assurance to be used in the event that the permit holder caused a discharge that violated the terms of the agreement. HB 4116 authorizes the agreement to be entered into at any time before the issuance of the relevant National Pollutant Discharge Elimination System permit, and sets out requirements relating to the contents of the agreement. Agreements could only include provisions restricting discharges if the provisions specified:

- The amount of discharge allowed;
- The frequency of discharge allowed; and
- The minimum flow that must be present in order for a discharge to be allowed.

Agreements also would have to include the total amount of financial assurance and specific amounts to be deducted of the permit holder violated the agreement. Full details can be found on the Texas Legislature Online website:
<https://capitol.texas.gov/BillLookup/Text.aspx?LegSess=86R&Bill=HB4116>.

The WQD is also working on various efforts to improve the efficiency of the permitting process. By rule, deficiencies must be sent via certified letter. They will continue this practice, but also scan and email to the applicants and consultants with the hope of receiving quicker responses. TCEQ rule allows 30 days to respond to a deficiency, which will remain in place. Additionally, the WQD will start emailing draft permits to the applicant and consultants in hopes of discouraging requests for extensions. The drafts will also still be sent via USPS.

Laurie explained that these efficiency efforts are dependent on the responsiveness of the applicant. The WQD has a legislative mandate for 85% of permits to be issued on time. Many permits are delayed by the applicant failing to publish notices in a timely manner. The Chief Clerk's office will not accept the permit application until Notice of Receipt and Intent is complete, which is incumbent on the applicant. The WQD asks that the members of the WUOLAC help spread the word regarding the importance of a timely response to deficiencies and publishing notices.

Linda Saladino recognized that permits which require a Class D wastewater treatment operator are issued for a 5-year term. In addition, when these permits are renewed, the language requiring a Class D license often remains. Occupational licenses are issued for 3 years and most Class D licenses are not renewable - requiring an upgrade to a Class C license. This may create a potential conflict between the permit language and the licensing requirements. Occupational licensing will be working with WQD on an internal solution. TCEQ licensing staff will begin to check program/permit information in PARIS to verify information sent in on license renewals and questionnaires is accurate. Staff training is a needed prerequisite for implementation of this process.

The group sought clarification regarding the Chapter 30 rule regarding daily inspections in the wastewater collection system, as some felt that the monitoring of systems is being interpreted/enforced differently across the state. Robb Starr suggested the rule was perhaps adopted in the 1970's and may need to be revised.

Occupational Licensing (OL) Update – Sarita Nazareth, PRS-OL

Sarita provided the group the draft appendix including edits and comments by Tanny Busby for the regulatory guidance ([RG-002](#)): *Process Control Tests for Domestic Wastewater Treatment Facilities*. David Garza had also provided comments which were highlighted for review. Sarita requested that all final comments be provided within the next 30 days. The next step in the process is to send the document to Agency Communications to begin their review. TCEQ's Agency Communications has stated that this document must remain a "regulatory guidance (RG)" document. Gary Sober cautioned that TCEQ investigators may interpret limits outside of those in the guidance as a violation. Tanny stated that the word "limit" is probably not the correct word to use and that "Typical Ranges" may be preferable. James Fischer suggested perhaps adding a clarification statement that some plants or facilities may operate well outside of these parameters or ranges. Linda Saladino suggested including permit boiler plate language letting operators and permittees know that any process control monitoring results at permitted outfalls must be reported to the TCEQ for compliance purposes. So it is critical to consider operational sampling locations carefully. Lastly, David James suggested source references be included in the document.

Available Spanish training/manuals – James Fischer, TEEEX

Currently, only the Texas Engineering Extension Service (TEEX) Basic Water Works Operations manual is offered in Spanish but requires edits and updates to correlate to recent changes to the English version of the same manual. The Spanish version of the Instructor Guide will also need to be updated. The translation of the Basic Wastewater manual was not completed, nor was it submitted to TCEQ for review. Some of the trainers at the TEEEX Frank Tejada center are using them as reference materials when providing technical assistance to small PWS. There is some interest from the City of Laredo, but all the manuals need updates and TEEEX a curriculum review. James Fischer explained that when they provide the Basic Water class, both the Spanish and English manuals are available to students. James explained that it typically takes 10-12 students for them to hold a TEEEX course.

Electrical and Mechanical Training Opportunities – James Fischer, TEEEX

TEEX training programs regarding electrical and mechanical training in water and wastewater is limited. Robb Starr mentioned that there are a lot of people doing electrical work that would benefit from specialized training that is industry specific. TEEEX, as well as other training providers (AWWA (M2 manual), TRWA, WEAT, etc.) do offer electrical and mechanical training; however, they are not all industry specific and not all of them are TCEQ-approved for credit. Russell Hamilton acknowledged that it might be possible for this to be a "special topic" at TWUA's regional schools. James Fischer will look at other divisions of TEEEX to see if training is available to address the need for electrical & mechanical training for the water utility industry.

Occupational Licensing Update – Linda Saladino, Erwin Madrid, & Tamara Calhoun (PRS-OL)

Erwin provided statistics regarding wastewater operator exams and pass rates (attached). Tamara provided statistics regarding water operator exams and pass rates (attached). She also provided a live demonstration of the new Licensing Exam Registration (LEXR) system, which is an online scheduling tool for paper-based exams in Austin, TCEQ regional offices and Special Events (example: Regional Schools). The program should go live in May 2019. During transition to the new system, exam scheduling will be offline for 1-2 days. A note will be on the website during this time. The program will allow for Class A exam scheduling as well as the registration for special exam events proctored by TCEQ. LEXR will also have a cancellation feature and will show applicants:

- the exams they have approval to take, and
- the date their application will expire.

Linda informed the group that TCEQ is working with the Texas Department of Criminal Justice (TDCJ) to allow incarcerated trustees who have completed the training and passed the exam to obtain a class D Wastewater Treatment Operator certificate to operate a wastewater facility within the prison system. This certificate allows them to gain experience towards a possible operator license. Once released, these individuals would still have to contact TCEQ to let Occupational Licensing know they want to convert their certificate into a license. These applicants will still need to meet other licensing requirements, including passing the criminal history review.

Linda explained that there have been requests for programs at the high school level to bring more awareness about working with utilities as water and wastewater system operators. Normally, high schools are partnering with near-by utilities and approved training providers with qualified instructors to help facilitate the training and exams for the class D water and/or wastewater operator and the class I collection system operator. These utilities may possibly gain future employees. Now, the goal has shifted to exploring the possibility of a state-wide curriculum model meeting both TCEQ and the Texas Education Agency's requirements. The students can then obtain both high school credit and meet the licensing requirements to allow students to qualify to take the licensing examination. A high school student's licensing application(s) would be issued a deficiency for no diploma, but they would be conditionally approved to test. Students then have 120 days from the date of the deficiency notice to provide a copy of their diploma and clear the deficiency. If students pass the licensing exam and meet all other requirements, they can be issued a license.

Celia Eaves discussed some of the things TRWA is working on with Career Technology Education (CTE) departments and alternative schools where there is more scheduling flexibility. Robb Starr discussed his work with the Science, Technology, Engineering & Mathematics (STEM) programs. There was some discussion about schools partnering with local utilities so that high school students or junior college students could obtain on-the-job training, but there are liability concerns. Some junior, community, and technical colleges are incorporating

licensing training into Associate Degree programs (Blinn Jr. College is working on a 2-year program that will include some of the TEEEX courses and ultimately tie-in to TAMU San Antonio's 4-year degree as well as a master's degree in Water Technology). A few of the hurdles discussed for high school students are providing training materials/cost of materials and providing methods for these students to get help with the license application fees. Available TCEQ-approved correspondence courses were also discussed and how they would require interaction with utilities and the subject-matter experts provided by the training provider.

Linda provided a brief follow up on the dissolved oxygen (DO) issue related to design criteria and compliance. The discussion was temporarily tabled due to the tank fires in Houston. If available, Linda will provide more information at the next WUOLAC meeting.

There was a brief discussion about computer-based testing (CBT) site issues. CBTs should no longer offer more than one immediate retest in one scheduled CBT exam session and a clarification of the definition of immediate re-testing was sent to all CBT centers. OL needs operators and utilities to make us aware of issues at CBT centers so that they can be addressed. Also, PRS-OL is soliciting private entities to provide CBT services in Texas with an emphasis on the Lubbock region. The proposals are due by June 12, 2019.

Wrap-Up Discussion:

Adjourn

WUOLAC members met in a closed meeting to discuss occupational licensing exam questions.