

*Texas Commission on Environmental Quality*

**WATER UTILITY OPERATOR LICENSING ADVISORY COMMITTEE**

**July 17, 2019**

**9:00 a.m.**

**TCEQ**

**12100 Park 35 Circle, Bldg. B, Room 201**

**Austin, Texas**

**Meeting Summary**

**Members Attending**

Robb Starr  
Russell Hamilton  
Tanny Busby  
Kenneth Hutchins  
Joseph McDaniel  
Rey Davila  
David Garza

**Members Absent**

Paul Kite  
Gary Sober  
Cory Moose  
Leonard Leinfelder  
Donald Reese  
Celia Eaves

**TCEQ Staff Attending**

Jaya Zyman, PE, PRS  
Linda Saladino, PRS  
Paul Munguia, PRS  
Sarita Nazareth, PRS  
Laia Robichaux, PRS  
James Murphy, PRS  
Shannon Watson, PRS  
Tamara Calhoun, PRS  
Dorothy Young, WSD  
Emma Jones, WSD

**Visitors Attending**

**Call to order:**

Quorum check - quorum present.

A motion to approve the meeting summary from April 25, 2019 was made and seconded, and all members approved.

**Attendee introduction:**

Round table introduction.

**Water Supply Division (WSD) Updates: Dorothy Young & Emma Jones**

Emma Jones reminded the group that the Public Drinking Water (PDW) conference will be held on August 8-9, 2019 at the Renaissance Hotel Arboretum location. The new location will allow for more attendees and vendors. More information can be found on the [TCEQ website](#).

The Consumer Confidence Report (CCR), which provides consumers information about the quality of drinking water in an easy to read format, was due to the Drinking Water section by July 1, 2018. They are currently reviewing thousands of reports.

There is an EPA Water Infrastructure Improvements for the Nation Act (WIIN Act) grant to provide funding for the “Lead Testing in School and Child Care Program Drinking Water” initiative. This grant creates a voluntary program to assist with testing for lead in drinking water at schools and child care programs. The grant will include approximately \$43.7 million in funding. Detailed information regarding this grant can be found on the [EPA website](#). Lastly, the EPA has released revised guidance regarding the “3Ts (Training, Testing and Taking Action) for Reducing Lead in Drinking Water in Schools”. This guidance is available on the [TCEQ website](#).

Dorothy Young gave an update regarding the Planning and Technical Review (PTR) section. Between March and May, the PTR reviewed 585 plans and specifications for public water systems (PWS). During that time, 232 requests for exceptions and alternative capacity requirements to public drinking water rules were submitted.

The Financial, Managerial, and Technical (FMT) assistance program of the TCEQ’s Water Supply Division works to provide free on-site assistance to Texas PWS. Between April and June, the FMT assisted 156 systems.

The next Texas Water Infrastructure Coordination Committee (TWICC) meeting will be held in Temple, TX on July 24<sup>th</sup>. In addition, a TWICC workshop will be held during the 2019 PDW conference on August 8, 2019. Additional information can be found on the [TWICC website](#).

TCEQ will be hosting the Texas Water Development Board (TWDB) for a free workshop regarding Regional Financial Assistance on Tuesday, July 30, 2019, in Bldg. F. Room # 2210. The workshop will provide valuable information while allowing for more one-on-one opportunities to discuss project needs. Water operators will receive one (1) continuing education (CE) credit hour. Details and registration information can be found on the [TWDB website](#).

The Drinking Water Advisory Work Group (DWA WG) is developing a new recognition program category - Partnerships for Water Systems Helping Water Systems. Categories will include:

- Mentoring
- Emergency Response
- Operations
- Consolidations & Mergers

David Garza had a question regarding EPA’s per-and polyfluoroalkyl substances (PFAS) program in Texas. Emma confirmed that the EPA will be giving an update on PFAS at the PDW Conference. TCEQ staff will provide an update on PFAS during our next WOULAC meeting.

Lastly, Dorothy let the group know that the Cross-Connection Control group is working on the *Clarification Process Control* document. This document is intended to be used as a TCEQ guidance document and it is not meant to be used as an enforcement tool. The WUOLAC has ongoing concerns regarding the definition of “Direct Supervision” and how this document may be used as a TCEQ enforcement

tool. The document is still in draft form and Kenny Dykes will be at the next WUOLAC meeting to field questions.

### **Water Quality Division (WQD) Updates: Jaya Zyman on behalf of Laurie Fleet**

WQD legislative update: none of the bills that passed affect operators of water or wastewater treatment plants.

In accordance with the Federal Electronic reporting rule (40 CFR Part 127), the TCEQ is now required to also enter narrative conditions into EPA's Federal database (previously only numerical data was reported). The WQD began entering these narrative conditions earlier this summer. Narrative conditions are permit provisions that the applicant is required to submit to the TCEQ. These submissions include renewal application (180 days before expiration), re-test analyses, quarterly progress reports, annual reports, thermal plume studies, source identification and reduction study work plan, instream monitoring plan, etc. EPA's database tracks compliance with Discharge Monitoring Reports (DMR) submissions and flags DMR non-receipt. Like DMRs, the database now tracks compliance with narrative conditions. WQD urges applicants to submit reports and renewal applications by the deadlines specified in the TPDES permits.

Linda let the group know that the Regulatory Guidance 002 (RG-002) is going through a final review. Tanny and Russell had questions regarding the guidance. Jaya clarified that the guidance is intended to evaluate plant performance and it's not intended for compliance. Jaya explained that sampling points for performance monitoring need to be selected carefully, given that any sampling for any pollutant at a frequency higher than prescribed in the TPDES permit, at the permitted outfall, must be also reported as compliance monitoring in the DMRs and will be used in compliance calculations.

Tanny questioned how inspections might occur. Linda stated that dissolved oxygen (DO) levels would only be inspected if there were other problems. If there were no other issues, the DO would not be inspected.

Jaya Zyman provided an update regarding a clause in the boiler plate language of TPDES permits for domestic wastewater treatment plants (WWTPs) with activated sludge that conflicts with the licensing rules. A Class D Wastewater Treatment Operator license is not renewable for operators of a facility listed in 30 TAC Section 30.342(c) and must be upgraded to a Class C Wastewater Treatment Operator license or higher prior to the expiration date of the Class D license. However, the current permit language states that "the permittee shall employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid level D license or registration..." and is silent on requirements to upgrade to a higher-level license. Because the permit is issued for 5 years, it does not explicitly state that operators cannot renew the license and must upgrade to a level C license. This new language would only apply to operators of:

- (1) any activated sludge type facilities;

(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;

(3) any facility that uses a subsurface area drip dispersal system as defined in §222.5 of this title (relating to Definitions) for disposal of its effluent.

Jaya is working with the new wastewater section manager within the Water Quality Division (WQD) to change the language in domestic WWTP TPDES permits that meets these requirements on permits issued after August 2019. The proposed language is included below:

“A Class D Wastewater Treatment Operator license is not renewable for operators of a facility listed in 30 TAC Section 30.342(c) and must be upgraded to a Class C Wastewater Treatment Operator license or higher prior to the expiration date of the Class D license”.

Jaya will provide an update at the next WUOLAC meeting.

### **Occupational Licensing (OL) Update – Tamara Calhoun and Shannon Watson**

Tamara Calhoun provided statistics regarding exams administered and pass rates (attached). She cautioned that pass rates should not be compared quarter to quarter, but a more accurate overview would be to compare this data on an annual basis as there are cyclical changes.

Joseph McDaniel requested a report giving the number of individuals who hold all 4 licenses, including: water, wastewater, BPAT and CSI license. Jaya said we would provide this information at the next WUOLAC meeting.

Shannon Watson gave a summary of the four legislative bills that passed during the last session (86<sup>th</sup> session).

**Senate Bill 1200** allows a military spouse with a license in good standing in another jurisdiction (e.g. another state) with substantially equivalent requirements to receive an equivalent Texas license to engage in a business or occupation. The license is valid as long the active military service member is stationed in Texas or for three years, whichever is shorter. The license must be issued without a fee and the license cannot be renewed. TCEQ has conducted an impact assessment and has determined the impact to be very minimal. These cases will be treated similarly to the current reciprocity procedure. TCEQ has a high standard to obtain a license compared to other states and most reciprocity cases are not equivalent. For example, a “B” wastewater license may equal a “C or “D” Texas license.

**Senate Bill 1217** prohibits TCEQ from considering any arrests that do not lead to either, a conviction or placement on deferred adjudication community supervision, when determining a person's fitness to perform the duties and responsibilities of the licensed occupation.

**House Bill 1342** removes the authority of TCEQ to deny a license from someone who has been convicted of a crime that is not considered directly related to the duties and responsibilities of the licensed occupation. Also, prior to denying a license,

TCEQ must provide written notice of the reasons for denial to the person and allow the person at least 30 days to submit “relevant information” to the TCEQ. The TCEQ must also provide an Internet link to the state auditor’s ‘Applicant Best Practices Guide’ that this law requires the state auditor to develop.

**Senate Bill 37** eliminates TCEQ’s authority to deny, suspend, or take any other disciplinary action on an occupational license due to the licensee or applicant being in default on a student loan or in breach of a student loan repayment or scholarship contract. TCEQ still has the authority to deny a license or renewal based on non-payment of child support or unpaid fees to the TCEQ.

From the 85<sup>th</sup> legislative session, **House Bill 1508** requires that licensing training providers notify training participants that: criminal history is a factor in their eligibility for receiving a license, the current guidelines for eligibility are based on Texas Occupations Code, Chapter 53.025 and provide any other state or local guidelines, and the training participant has the right to request a criminal history evaluation letter from the TCEQ. If the trainee subsequently is denied a license because of their criminal history and the training provider failed to provide the above information, the TCEQ must require the training provider to refund the tuition of the training and to pay the trainee the application and license exam fee.

The public will have an opportunity to provide input on all proposed rulemaking through stakeholder meetings.

Lastly, due to the uncertainty of the future of the Texas State Board of Plumbing Examiners, while implementing these statutes/rules, we plan on removing any language that specifically refers to a license issued by the “Texas State Board of Plumbing Examiners” and instead replacing it with a reference to the actual plumbing license required.

**Wrap-Up Discussion:** none.

**10:45 Open Meeting Adjourned**

**11:00 a.m. WUOLAC members met in a closed meeting to discuss occupational licensing exam questions.**

**3:30 Closed Meeting Adjourned**

**Next WOULAC meeting will be held October 16, 2019.**