

Texas Commission on Environmental Quality
WATER UTILITY OPERATOR LICENSING ADVISORY COMMITTEE
May 21, 2014
9:30 a.m.

TCEQ
12100 Park 35 Circle, Bldg. D, Room 200-33
Austin, Texas

Members Attending:

Allen Schreiber
Kenneth Hutchins
Timothy Crosswhite
Roy Staggs
Mark Rich
Gary Sober
Ginger Laird
Russell Hamilton
Robb Star

Members Absent:

Ray Gooden
Michael Urrutia

TCEQ Staff Attending:

Russ Gardner
Ivan Messer
Michael Parrish
Linda Saladino
Paul Munguia

Guest Attending:

James Fischer

The meeting was called to order by WUOLAC President, Allen Schreiber at 9:30 A.M. A quorum was confirmed. All attendees were introduced. The minutes from January 22, 2014 were approved.

Drinking Water Advisory Working Group (DWA WG), Education Sub-Committee Report

There was no report from the DWA WG Education Sub-Committee.

TAC Chapter 30 rule Changes Incorporating Last Session Legislation

Ivan summarized recent rule changes affecting Occupational Licensing. The TCEQ amended rules in 30 Texas Administrative Code (TAC) Chapter 30, Subchapter A that became effective on July 10, 2014. The rules are: 30.5, 30.7, 30.14, 30.18, 30.20, 30.24, 30.26, 30.28, 30.30, 30.33, and 30.36.

All of the Chapter 30 rules can be viewed at

[http://info.sos.state.tx.us/pls/pub/readtac\\$ext.ViewTAC?tac_view=4&ti=30&pt=1&ch=30](http://info.sos.state.tx.us/pls/pub/readtac$ext.ViewTAC?tac_view=4&ti=30&pt=1&ch=30)

An overview of the changes are:

30.5 General Provisions, incorporates the employment prohibitions and supervision requirements for individuals with certain reportable convictions from HB 1302 by adding subsection (f). Adds relevant statutory citations, removes redundant citations, and removes citations that no longer pertain to occupational licenses issued by the commission.

30.7 Definitions, removes out-of-date terminology and includes a definition for webinar.

30.14 Applications for Initial Registration, removes the 45-day deadline from the rule to acknowledge the increased processing and evaluation time for the additional criminal history background checks required by HB 963 from the 81st Legislature, 2009. Internal policy would ensure application processing is continued to be done in a timely manner. Clarifies the validity term for licenses and registrations as specified by Subchapters B - L.

30.18 Applications for Initial License, removes the 45-day deadline from the rule to acknowledge the increased processing and evaluation time for the additional criminal history background checks required by HB 963 from the 81st Legislature, 2009. Internal policy would ensure application processing is continued to be done in a timely manner. Clarifies the validity term for licenses and registrations as specified by Subchapters B - L.

30.20 Examinations, clarifies that Class C misdemeanor convictions are not considered convictions as specified by HB 798. Also grants the executive director authority to consider an individual charged with certain offenses, even if the proceedings have been dismissed, to have a conviction as provided by HB 1659. Removes the waiting period for individuals failing examinations. Prohibits an individual who fails an examination from taking a repeat examination until the individual receives notification of results from the previously attempted examination. Clarifies the validity period for an application is limited to 365 days or four attempts, whichever comes first.

30.24 License and Registration Applications for Renewal, removes the 45-day deadline from the rule to acknowledge the increased processing and evaluation time for the additional criminal history background checks required by HB 963 from the 81st Legislature, 2009. Internal policy would ensure application processing is continued to be done in a timely manner.

30.26 Recognition of Licenses from Out-of-State; Licenses for Military Spouses; Military Service Members; Military Veterans, changes the heading to include military spouses, military service members, and military veterans to reflect changes made by SB 162. Also incorporate changes related to military spouses' application processing, licensing term, and notification requirements from SB 162. Additionally, require the executive director to credit verified military service, training, or education toward licensing requirements and identify exceptions for examination requirements, holders of restricted licenses, or unacceptable criminal histories as specified by SB 162.

30.28 Approval of Training, adds the requirement that technology-based training provide criteria for successful training completion. Adds a new subsection relating to webinar training, webinar training providers, and webinar training materials. Amends the training fee schedule to specify the costs to training providers for a webinar course review and subsequent applications. Additionally, changes "should" to "must." This change clarifies the commission's intent that individuals must comply with the requirements in this section.

30.30 Terms and Fees for Licenses and Registrations, clarifies the validity term for licenses and registrations as specified by Subchapters B - L.

30.33 License or Registration Denial, Warning, Suspension, or Revocation, is reorganized to improve readability. Adds requirements relating to: disregarding convictions for Class C misdemeanors as required by Texas Occupations Code, Chapter 53, amended by HB 798; prohibited employment for individuals subject to registration for certain convictions under Texas Code of Criminal Procedure, Chapter 62, Sex Offender Registration Program, amended by HB 1302; individuals charged with certain offenses, regardless of whether the proceedings have been dismissed, to be considered to have convictions under Texas Occupations Code, Chapter 53, amended by HB 1659; and child support obligations of applicants under Texas Family Code, Chapter 232, amended by HB 1846.

30.36 Notice, removes redundant words from the subsections.

Status of Appointing New Members to WUOLAC

Paul summarized the approved resolution (2014-0078-RES) appointing and/or reappointing members to the committee.

Update of Criminal History Background Check Process and Plan for the Future

Paul summarized the revised Criminal History form, which gives individuals the option to attest that they have previously submitted their criminal history with TCEQ. An attestation will need to be completed for each new or renewed license, but this option will streamline the process for individuals with a criminal history.

Review Updated Need-to-Know (NTK) for Revised Exams

Linda gave an update regarding the Need-to-Know (NTK) for the water and wastewater exams, particularly for revised exams, is an ongoing project. She provided draft NTK revisions for the wastewater operator class D and the Collections I exams. Discussions concluded with a satisfactory balance of topical detail provided while preserving the security of specific exam content. License applicants should study the approved training materials for all the courses required to obtain the license, including the basic classes. Providers of manuals are being provided lists of topics either not updated or deficient in content as relate to the exams. The providers should send TCEQ the proposed updates so TCEQ can verify if the material added is sufficient.

Summary of Water Operator Job Analyses Conclusions & Recommendations

Linda led the discussion regarding the review of a list of conclusions & recommendations summarized from the following job task analyses: 2010 Surface Water Treatment Operators and 2011 Ground Water Treatment and Distribution System Operators. Each item also had options which may accomplish the recommended change in licensing requirements. Whether the option required revisions to Chapter 30 or Chapter 290 rules was also noted. The full job analyses reports are available upon request.

Invitation for Input to RG-373: *Approval of Training for Occupational Licensing*

In compliance with recent rule changes, the TCEQ regulatory guidance document, RG-373: Approval of Training for Occupational Licensing will be undergoing the addition of standards, requirements, and another checklist for the review of webinars. While revising the RG-373,

staff will be taking suggestions and comments to help clarify requirements or topics currently covered in the RG. The RG can be found on the TCEQ website at http://www.tceq.texas.gov/publications/rg/rg-373.html/at_download/file The time table for comments is prior to the next WUOLAC meeting.

Other Business

1. Instructor Reviews/Qualifications- TCEQ shared the draft form created to document a proposed instructor's qualifications regarding licensure, instructional experience, and hands-on duties related to the core course they will be teaching. Feedback from the WUOLAC was encouraged for both the Wastewater/Collection form and the Water/BPAT/CSI form. Based on previous WUOLAC discussions, the requirement to have licensed qualified instructors for core courses was again discussed. The form is currently being used by providers, so any suggestions for changes are needed immediately.
2. A WUOLAC sub-committee was formed for the purpose of drafting changes to update the RG-002: *Process Control Tests for Domestic Wastewater Treatment Facilities*. Members of the sub-committee are: Tim Crosswhite, Ginger Laird, Gary Sober, and Robb Starr. Their proposed additions or updates will be shared with TCEQ Water Quality staff, field staff, and the full WUOLAC. Due to current permit and process changes including biological nutrient removal, updates to the guidance document should assist owners and operators of domestic wastewater treatment facilities improve compliance. Time table for comments is prior to the next meeting.
3. Training materials created in response to the US EPA Expense Reimbursement Grant (ERG) Number: 582-4-61142 were briefly discussed as to whether the topics/content were still relevant to small water system operators or water operators in general. WUOLAC concurred with the recommendation to convert the manuals to an updated format to enable approved providers to use in the future.