

***Texas Commission on Environmental Quality***  
**WATER UTILITY OPERATOR LICENSING ADVISORY COMMITTEE**  
**July 22, 2015**  
**9:30 a.m.**

**TCEQ**  
**12100 Park 35 Circle, Bldg. C, Room 131**  
**Austin, Texas**

**MINUTES**

**Members Attending**

Robb Starr  
Larry Bell  
Gary Sober  
Russell Hamilton  
Leonard Leinfelder  
Mike Urrutia  
Ginger Laird  
Kenny Hutchins  
Tim Crosswhite

**Members Absent**

Roy Staggs  
Tony Bonaventure  
Ray Gooden  
Mark Rich

**TCEQ Staff Attending**

Jaya Zyman, PRS  
Russ Gardner, PRS  
Ivan Messer, PRS  
Don Purdy, PRS  
Linda Saladino, PRS  
Heather Oslund, PRS Intern  
Paul Munguia, PRS  
Gary Chauvin, PDW  
Elston Johnson, Contractor

**Call to order**, quorum check, approval of minutes from last meeting.

Motion to approve minutes was initiated by Russell Hamilton and seconded by Kenny Hutchins. All approved.

**Old Business:** Review any suggestions to the revised Experience Supplemental Worksheet

Revisions to the Experience Supplemental Worksheet were not discussed; however, Staff Guidance pertaining to “direct supervision” and “process control” was discussed. WUOLAC members advise that this guidance be, at least, revised if not rescinded because:

- Some provisions are in direct conflict with Chapter 290 rules
- Guidance is not consistent with wastewater licensing and enforcement
- Guidance has resulted in:
  - A lack of field citations being issued for actions being taken by unlicensed individuals that should be performed by licensed individuals according to Chapter 290.

- Significant changes in staffing at water utilities (less or no licensed operators employed by facilities)
- Reduced training budgets at water utilities since it is not deemed necessary since employees are not seen to need licenses
- prevents employees from having adequate safety training
- Overall concern that these changes compromise public health and water system integrity

TCEQ feedback to WUOLAC members was to put the concerns in writing. Gary Chauvin, manager of the Public Drinking Water Section was in attendance on behalf of James Beauchamp. Gary requested that the WUOLAC put together a document of the concerns and submit them to PDW.

WUOLAC passed a motion (initiated by Russell Hamilton and seconded by Tim Crosswhite) to compile comments and edits to submit to TCEQ before the next WUOLAC meeting (October 21<sup>st</sup>, 2015 – 10:00am). **WUOLAC members are to send comments and edits to Robb Starr by October 7<sup>th</sup>, 2015.** Robb Starr will compile, confer with other WUOLAC members, and submit compiled comments and edits to TCEQ before the next meeting.

#### **Drinking Water Advisory Work Group (DWA WG), Education Sub-Committee Report**

Leonard Leinfelder reported on the proceedings of the DWA WG and Water Quality Advisory meetings from the previous day, July 21<sup>st</sup>, 2015.

- i. TCEQ PDW representatives discussed legislative updates.
- ii. Some discussion about the direct supervision guidance.
- iii. Water Quality will be having significant rule changes (317 reintroduction and 217 changes).
- iv. Discussion of what the Clean Water Act ruling on Waters of the US (WOTUS) definition means for evaporative lagoons.

TCEQ staff agreed to the possibility of having a representative from TCEQ Water Quality present at the next WUOLAC meeting in order to clarify the evaporative lagoon/ pond general permitting concerns.

#### **Occupational Licensing Updates:**

Paul Munguia reported on the following:

- Occupational Licensing can now accept the criminal history from individuals who have a Department of Public Safety F.A.S.T. account. Individuals will still need to attest each time they apply for a new license or renew a license.
- Occupational Licensing will have a track at the upcoming Trade Fair in 2016. This will be an opportunity to provide instructor and training provider training.
- Occupational Licensing now has Computer-Based Testing locations in San Antonio as well as Texas City.

#### **PDW Legislative Update**

Gary Chauvin presented in the absence of James Beauchamp. HB 1146 amends Health and Safety Code, Section 341 to state that licensed water supply operators may be volunteers, not necessarily paid employees.

- i. Discussion of the term “registration” on line 15 rather than license

1. TCEQ reply – this is the language used in the statute and has not been changed. The term “license” will be used in the rules.
- ii. Dates for the processing of these changes are as follows:
  1. Public Comment Period - August 21<sup>st</sup> through September 21<sup>st</sup> 2015
  2. Public Hearing – September 14<sup>th</sup>, 2015
  3. Adoption Agenda – November 18<sup>th</sup>, 2015

### **Chapter 30 Rules Clarification**

Ivan Messer presented an overview of the changes that were being made in training rules 30.28 in Chapter 30 Subchapter A. The rules were opened due to recent senate bills changing licensing requirements for those associated with the United States military. All of Chapter 30 rules are only opened for clarification, not for substantive changes.

### **Customer Service Inspector (CSI) Exam Update**

Linda Saladino presented an overview of the need to update the CSI exam:

- Recent federal and Chapter 290 lead ban changes and other rule changes
- To improve questions on the exam
- Ensure topics covered on the exam are covered in the approved training that students receive in core training courses.

Linda will be sending out a summary of the rule update to providers to update their instructional materials. David Williams of TCEQ presented these changes yesterday at DWA WG and his power point presentation is on the web. Change in 290.44 about installation of water lines changed to match wastewater rules. This will effect exam questions; therefore Linda will contact David Williams and/or Joel Klumpp about these changes.

Since TCEQ tries to reference current approved training materials for licensing exams, Linda also gave an update regarding the status of training course materials. Linda informed the group TCEQ is having issues with not being provided the most up to date versions of training materials/manuals. If providers want assistance with material content and to streamline approval processes, up to date provision of materials by providers is necessary. It was discussed to consider adding requirements into rule:

Ensure the agency has the most current **electronic** versions of manuals and instructional materials

**AND**

include a summary of the changes made since the previous versions.

Russell Hamilton suggested changing licensing requirements for the Class D Water Operator license to also include Water Utility Safety (because Basic Water course materials do not seem to be covering enough water utility-related safety topics in depth).

Russell Gardner reminded the committee that the rules are currently only open for clarification and the changing of licensing requirements would be a substantive change. But requirements of what is included in manuals is in the purview of

determination by TCEQ – therefore requiring more safety in Basic Water is a possibility

## **Qualified Instructor Reviews**

Linda and Heather led a discussion of the Instructor Qualification forms. They discussed the difficulty in connecting length of time performing hands-on duties related to employment. Since instituting the forms and qualification process there has been a reduction in complaints regarding instructors. *All approved providers will need to provide TCEQ instructor qualification information.*

Leonard Leinfelder voiced concern about having to fill out the new form if instructors have already spent the time filling out the old form. Linda clarified that if an instructor filled out the earlier versions of qualification forms and were qualified then they will not have to submit the new form.

Russell Hamilton voiced concern that instructional experience alone was not enough. The requirement should be AND rather than OR for the instructional courses requirement and experience.

Discussion of the draft form:

- Concern that just filling in number of years & percentage is not adequate to ensure accurate representation of experience
  - Need to have some justification/ flexibility in describing experience
  - Possibly separate by courses (could just do for core courses since the overall number of courses would be too many to put on form)

Action: After staff edits included, Linda will send WUOLAC the form for added comments. The following clarification was provided:

- Instructors do not have to have experience in all of the duties listed, just enough of those that apply to the courses that they are seeking to be qualified for.
- Instructors are qualified on a course by course basis. An instructor is only qualified to teach courses the provider has current approval to provide.
- TCEQ does not review all instructors for all courses; they only review for those which a provider requests instructor to be qualified for because of the number of possible courses. Example: Qualified for current regional school assignment.

### **12:00 p.m. Other**

Next WUOLAC meeting scheduled for **10:00am** (rather than 9:30am) on October 21<sup>st</sup>, 2015

CSI Exam closed meeting at 1:30pm today (July 22<sup>nd</sup>, 2015) in building D

### **12:15 p.m. Adjourn**

### **1:00 p.m. Closed meeting. Review of CSI exam questions**

*Linda Saladino, Occupational Licensing*