

Texas Commission on Environmental Quality Drinking Water Advisory Work Group (DWA WG) August 3, 2010 Program Updates

Allan Vargas - Occupational Licensing Update

In the future my new team lead Meagan Warncke will be the point of contact (POC) for occupational licensing and Terry Thompson will still be the POC for Rules or Policy changes.

- WATEROL Numbers from Program Activity Report
Water Operator Licensing Statistics - FY 2010
Numbers reflect data processed from 9/1/2009
through 07/19/2010

Number of Applications Received (new & renewal)	6,191
Number of Examinations Administered	4,901
Number of New Licenses Issued	2,177
Number of Licenses Renewed	2,751
Number of Licensed Water Operators	16,011

- Computer Based Testing (CBT) Update
The “A” Exams are going live sometime in December 2010. They are currently under revision. Once the revision is complete, the exam will be ready to go to production on the CBT.
- Number of CBT Exam Locations: 13 registered providers; 36 locations (PSI has 24 locations)
Can be located at the following:
[Computer-Based Testing for Occupational Licenses](#)
- HB 963/2808 Update
The rules implementing the requirements of House Bill (HB) 963 and House Bill 2808, which were passed by the 81st Legislature, 2009, Regular Session were adopted by the commission on July 16, 2010.
- House Bill 963 required TCEQ to create a process by which applicants with a criminal background can request a criminal history evaluation letter to determine their eligibility prior to beginning occupational training or investing in a licensing examination. House Bill 2808 related to the power of a TCEQ to revoke, suspend, or deny a license on the basis of certain criminal proceedings.
- The adopted rules:
 - allow individuals with a criminal background to request a criminal history evaluation letter from the executive director regarding their eligibility for a license;
 - specify requirements regarding the evaluation request and provisions relating to an executive director's power to investigate an evaluation request;
 - specify requirements of the executive director regarding notification to the requestor of the executive director's determination of eligibility;

- authorize the agency to charge the requestor a fee to cover administrative costs for providing the evaluation for the determination of eligibility; and
- expand the grounds for license suspension or revocation, disqualification for a license, or denial of an opportunity to take a licensing examination to include a conviction of certain criminal offenses.

Joy Schultz - Texas Small Public Water System: Training Program (TSPWSTP) Update

I. Background Information

The Environmental Protection Agency (EPA) awarded federal grant funds between 2002 and 2003 to the Texas Commission on Environmental Quality (TCEQ) for expense reimbursement of operator certification programs pursuant to section 1419 (a) of the Safe Water Drinking Act. In 2004, the Texas Small Public Water System Training Program (TSPWSTP) was implemented to administer grant funds. The TSPWSTP reimburses the training and licensing costs of personnel operating community or nontransient/noncommunity systems serving 3,300 persons or fewer. Cluster training and classroom training has been available through contracted training providers. As per request by the EPA, the program focuses much of its efforts on counties impacted by Hurricanes Ike and Gustav.

II. Participation Statistics:

Since 2004, the TSPWSTP has enrolled 75 percent (3,544) of the 4,783 eligible public water systems. Over the life of the program 10,971 operators have enrolled. Currently, the TSPWSTP has 7,910 operators actively enrolled. To date 755 cluster course I events, 419 cluster course II events, and 1,303 classroom events have been held.

III. Licensing Fees Reimbursed

Between November 2004 and July 2010, the TSPWSTP has reimbursed the costs of 4,637 licenses. Of the licenses reimbursed, 3,216 were newly issued and 1,421 were renewals. The D water operator license has accounted for approximately thirty-five percent of license reimbursement costs.

IV. Recent Outreach Efforts and Projects

During Fiscal Year (FY) 2010, program staff attended eight regional schools through out Texas to continue to recruit new program members as well as provide on-site customer support. Having addressed the general assemblies at these schools, program staff reached an estimated combined audience of 1,600. Furthermore, in FY 2010 the program distributed approximately 1,200 Basic Water Works Operations manuals and technical DVDs to new program members. In March 2010, TSPWSTP began working with two state Workforce Solutions offices to reach anyone interested in becoming a D licensed water operator by volunteering for small water systems already enrolled in the TSPWSTP. In May 2010, the TSPWSTP worked with the EPA to develop and nationally present detailed information to other states with similar programs regarding how funds have been expended over the life of the TSPWSTP. This presentation also included detailed information on which outreach efforts were the least and most effective. As the program draws to a close, plans have been developed to distribute excess program manuals as a means of reaching systems and operators who had not taken full advantage of program benefits.

V. Program Conclusion

The TSPWSTP will expire August 31, 2010. Because of quickly exhausting funds, program enrollments were concluded on June 30, 2010, while voucher acceptance for classroom training concluded July 9, 2010. Cluster course training and licensing cost reimbursement is still available on a limited basis. Additional program information may be acquired by calling 1-877-822-5349.

Public Drinking Water (PDW) Section

Alicia Diehl - Drinking Water Quality Team (DWQT) Update

- **Quality Assurance Project Plan**
The PWSS Program Quality Assurance Project Plan (QAPP) is an annual deliverable required under our primacy agreement for the Safe Drinking Water Act (SDWA) and its amendments. This year our PWSS Program QAPP is due to the EPA on September 15, 2010. The schedule included opportunities for TCEQ program areas to provide comments, updates, and revisions to the QAPP between June 30 and July 16, 2010. After all updates and revisions are incorporated, the draft document will be submitted for management approval on August 6, 2010.
- **Lead Copper Program**
The third round (June-Sept) and second round (July-Dec) sample kits have been shipped to participating water systems. First round (Jan-June) sampling is completed. All lead/copper exceeders are getting a courtesy call from program about their status.
- **Arsenic, Fluoride and Radiochemicals**
Latest Statistics as of 06/30/2010: Arsenic-118 violators / Fluoride- 45 violators / RAD-50 violators
- **Disinfectant Level Quarterly Operating Report (DLQOR)**
Recent system upgrades necessitated the retirement of current e-mail submission processes. The electronic .pdf form is still available and has not changed. As always, the DLQOR should be submitted to TCEQ by mail with an original signature. Only the e-mail submission option has been disabled.
- **Fees**
The new fee process has been implemented and is 100% functional.
- **Vacancy**
The Drinking Water Quality Team is currently interviewing applicants for a full-time employee to back fill a vacancy from earlier this year.

Plan & Groundwater Review Section

Reyna Holmes - Technical Review and Oversight Team (TROT) Update

Emergency Preparedness Plan (EPP)

- As of July 20, 2010, the TROT has received:
 - We have received 564 Emergency Preparedness Plans (EPP) from community water systems and reviewed 529
 - Approved 339 EPP
 - Requested additional information from 190
 - Received 90 extension requests to the implementation data and Approved 49 extension requests to the implementation data

Joel Klumpp – Cross-Connection Control Subcommittee

- Members of the x-con subcommittee have prepared a “DRAFT” guidance document on accuracy checks for gauges used to test backflow prevention assemblies. Provide DWAWG members the opportunity to comment on the document. Send comments to [Joel Klumpp](#) – (512) 239-4453.

Backflow Test Gauge Accuracy Verification and Gauge Calibration

- This publication provides information and guidelines on Backflow Assembly Test Gauge Accuracy Verification and Gauge Calibration.
- Water purveyors, Backflow prevention assembly testers (BPAT) and regulatory personnel should be aware of these guidelines and are responsible for maintaining a current knowledge of applicable statutes, rules, and regulations. See Page – for definitions of several terms and abbreviations.
- What rule requires that a backflow assembly test gauge shall be checked for accuracy?
30 TAC Section 290.44(h)(4)(B)
- Gauges used in the testing of backflow prevention assemblies shall be tested for accuracy annually in accordance with the University of Southern California's Manual of Cross-Connection Control or the American Water Works Association Recommended Practice for Backflow Prevention and Cross-Connection Control (Manual M-14)
- What Authority must ensure that testers have gauges tested for accuracy annually?
30 TAC Section 290.44(h)(4)(B)
- Public Water Systems shall require testers to include test gauge serial numbers on "test and maintenance" report forms and ensure testers have gauges tested for accuracy.
30 TAC Section 290.46(i)
- The water purveyor is responsible for ensuring that these requirements are met.
- What does AWWA say about accuracy verification and calibration?
- Page 61 of the AWWA Recommended Practice for Backflow Prevention and Cross-Connection Control Manual M-14 (third edition) states:
- To ensure the ability of the field test equipment to provide accurate data, the accuracy of the field-test equipment should be verified at least annually. If the accuracy of the field test equipment is not within accepted standards recognized by the local administrative authority, the field test equipment shall be calibrated and brought into acceptable accuracy tolerances.
- What does U.S.C.F.C.C.H.R. say about gauge accuracy verification and calibration?
- Manual of Cross Connection Control, 10th Edition states:
A properly calibrated field test kit is essential to insure accurate data acquisition. Field test kits should be checked descending, for accuracy at least once a year, and re-calibrated when inaccuracy is greater than current error tolerance is exceeded, currently +/- 0.2 psid.
- What is the difference between accuracy verification and calibration?
Gauge verification- The checking of a gauge by comparison with a given standard traceable to NIST to determine the indication error at specified points of the scale descending.
- Calibration- The process of adjusting the mechanism to cause the gauge to indicate within specified accuracy limits at specific graduation points on the pressure scale descending.
- Who can check my gauge for accuracy and calibrate it if necessary?
Gauge accuracy verification - May be performed by any company using a Standard Gauge traceable to NIST of at least 4 times more accurate than the required accuracy of the backflow gauge being tested. Backflow gauges currently must be within +/- 0.2psi.
- Calibration of backflow gauges - Calibration may only be performed by a company listed as a service center by a backflow gauge manufacturer.
- What are the correct test points for verification?
The test points for backflow gauge verification are: 12 psi, 8 psi, 5 psi, 2 psi, and 1 psi.

- When should a backflow gauge be verified?
All new backflow gauges must be verified before placing into service, and annually thereafter.
- When should a standard gauge used for backflow gauge verification is tested?
The Standard Gauge must be verified, traceable to NIST, annually.
- Can I check my own gauge or my Company's gauges?
Gauge accuracy verification may NOT be performed on one's own gauge or a gauge registered to the company employing the technician performing the verification.
- Contact Information
NIST - [The National Institute of Standards and Technology](#)
AWWA - [American Water Works Association](#)
- USC-FCCCHR - [University of Southern California Foundation for Cross-Connection Control and Hydraulic Research](#)

Utilities & Districts Section Update

Tammy Benter, Manager - Utilities & Districts Updates

*UDS Staff Updates – All Team Leader Vacancies have been filled.

- New Districts Creation Team Leader – Anthony Schneider
- New Districts Bond Review Team Leader – Skip Ferris
- New Utilities Financial Review Team Leader – Lisa Fuentes
- New Utilities Financial Review Team, Business Plan Reviewer – Debi Loockerman
- Receiverships/Temporary Managers update – Looking for a Receiver/Temporary
- Manager and/or Buyer for Seller Water Company, Certificate of Convenience and Necessity (CCN) 12288, (Seller's Estates Mobile Home Community, Public Water System (PWS) 1011459; Harris County
- At the end of the 3rd Quarter, UDS has completed the following number of applications for Fiscal Year 2010:
 - 80 Utility Rate Related Applications
 - 432 District Related Applications
 - 176 CCN related applications

Doug Holcomb, Rule updates -

- Depreciation Rule status- Chapter 291
- This is a legislative rule implementation package. The approval to publish was on March 26, 2010.
- A hearing was held on April 19, 2010 in Austin and the comment period closed on April 26, 2010. The Commission will consider the rule proposal on August 11, 2010. Back up information for the Commissioner's consideration on this rule proposal is currently posted on the TCEQ webpage.
- Rule Petition, eligibility of certain district projects- Chapter 293
This rule petition was received on May 28, 2010 and was presented to the Commission on July 28, 2010. The petition was brought by a number of water districts in Williamson and Travis Counties. The petition is seeking to clarify in the determination of a district's allowable cost participation based on a cost-benefit analysis which the petitioner contends will facilitate

regionalization and cooperative planning among water districts and other local government entities by providing clear authorization in Chapter 293 of the TCEQ rules.

- Fast Track submeter/allocation rule to comply with Property Code- Chapter 291
This proposed rule will go before the Commission on August 25, 2010, seeking approval to publish the proposed change. This rule is being fast tracked to bring the Commission's rules on payment of submetering or allocated bill in compliance with the Property Code which says that the service cannot be terminated for non-payment. If the Commission approves publication of the rule proposal, the comment period will begin on September 10, 2010 and a public hearing will be scheduled the week of October 4, 2010, in Austin. The comment period will close on October 11, 2010. Back up information for the Commissioner's consideration on publication of this fast track rule is currently posted on the TCEQ webpage.
- Stakeholder group for input on rule ideas for Chapters 290 and 291
The Water Supply Division is planning to conduct a stakeholders meeting to get input on some rule ideas we have received from stakeholders and staff. We will post information on the TCEQ webpage as well as send notice out to the DWAWG on the time, location and agenda for the meeting.

Public Drinking Water (PDW) Section

Sean Ables – Drinking Water Protection Team (DWPT) Update

Groundwater Rule

Field Operations Support Division (FOSD)

June Ella Martinez - Public Drinking Water Update

- Direct Supervision
- Internal staff guidance document being developed
- External staff guidance document will mirror internal guidance
- Information below represents the number of regional activities conducted from mid-April to July 20, 2010:
 - 134 complaints
 - 72 focused investigations
 - 21 compliance record reviews (CRR)
 - 21 follow-up investigation
 - 9 reconnaissance investigations (Recon)
 - 689 Comprehensive Compliance Investigations (CCIs)
 - 1 Special Performance Evaluation (SPE)

Nearing the end of the fiscal year for 2010. Total numbers based on the region's performance to date (includes the numbers above):

- 528 complaints
- 238 focused investigations
- 61 compliance record reviews (CRR)
- 59 follow-up investigation
- 25 reconnaissance investigations (Recon)
- 1934 Comprehensive Compliance Investigations (CCIs)
- 1 Special Performance Evaluation (SPE)

Public Drinking Water (PDW) Section Drought Update

Mike Lannen - (See Attached) [Handout](#)

- Water Utilities Status
As of July 29, 2010:
 - 181 public water systems on the agencies drought list.
 - Of this total, 120 have removed all watering restrictions.
 - 39 are asking customers to adhere to a mandatory outside watering schedule based on address and day of the week.
 - 22 are asking customers to voluntarily limit water usage and avoid waste.
 - Rains continue to result in a decrease of outside water use by customers.
 - However, water systems will continue to review their Drought Contingency Plans as we enter the traditional hotter months. It is expected that this may result in additional systems placing customers under voluntary or mandatory outside watering restrictions.

Closing

- Elston Johnson thanked all for attending today.
- The webcast for this DWA WG meeting is available [here](#)
- Next meeting: **October 19, 2010**, Building E201S
- [Available by Web cast](#) by clicking on “Advisory, Stakeholder Group and Special Meetings the time of the meeting.
- The following e-mail address will be available for questions or comments during the time of the meeting by sending to: MHOWELL@tceq.state.tx.us Also, the Water Quality Advisory Workgroup will meet that afternoon at 1:15 at the same location.