

The proposed rulemaking included new 30 TAC §30.18(b) and (c) to require applicants for new licenses to undergo FBI fingerprinting for a criminal history review unless granted a waiver. TCEQ is withdrawing these provisions to further evaluate stakeholder feedback on this issue. Applicants will continue to have the option to utilize FBI fingerprinting as one of the methods for completing the criminal history review required for licensure.

The commission adopts amended 30 TAC §30.18(g) to clarify that an applicant for a new registration must not only resolve deficiencies, but to also notify the executive director that the deficiency has been resolved, within the prescribed timeframe. The term "expired" replaces the term "void" to clarify that an application expires if the deficiencies have not been resolved.

The commission adopts amended 30 TAC §30.20(d) and (e) to replace the term "void" with the term "expired" to clarify that an application expires if the deficiencies have not been resolved. An application expires after 365 days from the approval date of the application or failing the same examination four times.

The proposed rulemaking included new 30 TAC §30.24(c) and (d) to require applicants for renewal licenses to undergo FBI fingerprinting for a criminal history review unless granted a waiver. TCEQ is withdrawing these provisions to further evaluate stakeholder feedback on this issue. Applicants will continue to have the option to utilize FBI fingerprinting as one of the methods for completing the criminal history review required for licensure.

The commission adopts amended TAC §30.24(r) to clarify that an applicant for a renewal of a

license or registration must not only resolve deficiencies, but to also notify the executive director that the deficiency has been resolved, within the timeframe. The term "expired" replaces the term "void" to be consistent with the Occupational Licensing section's terminology.

The commission adopts amended 30 TAC §30.26(f) to add paragraph (4), as required by HB 4123. The amendment requires the executive director to issue a license to a military service member, military veteran, or military spouse that holds a current license in good standing with another jurisdiction that is substantially equivalent within 30 days. ~~Because the legislation requires approval within 30 days of application, the final rule removes (4)(b) to conform to the statute. If the application is deficient or the ED has not received verification from the out-of-state jurisdiction that the license held out-of-state is substantially equivalent to the license the individual is applying for from the TCEQ, the ED will not be able to issue a license within 30 days of receipt of application. In these circumstances, the ED will issue a license or registration as soon as practicable after the deficiency has been resolved or the verification has been received.~~

The commission adopts amended 30 TAC §30.28(b), (b)(3), and (b)(4) to update the terminology for types of training that the executive director may approve. The term "events" in §30.28(b) has replaced the term "delivery methods" to define the types of training events the executive director may approve. The types of delivery methods that the executive director may approve are included in new §30.28(c). The term "prerecorded training" has replaced the term "technology-based training" and the term "distance training" has been removed to be consistent with the adopted amendments to the definitions in §30.7.

The commission adopts new 30 TAC §30.28(c) to clarify the types of delivery methods for which the executive director may approve training. Training delivery methods include in-person (occurs at the same place and time for the instructor and student), live-online (occurs at the same time for the instructor and student, but not at the same place, and self-paced training (occurs with a separation of both place and time between the instructor and student), as defined in §30.7. Subsequent sections have been renumbered.

The commission adopts amended 30 TAC §30.28(e)(7) (now §30.28(f)(7)) to clarify that a training provider must not only resolve deficiencies, but to also notify the executive director that the deficiency has been resolved, within the 60-day timeframe.

The commission adopts amended 30 TAC §30.28(g) (now §30.28(h)) to the number of core courses for instructor qualifications as a basis for calculating fees for training applications. Separate instructor qualification fees are not required when submitted with an initial training application for a core course. However, after an initial training application is submitted and approved, a \$10 fee per instructor and core course will be assessed.

The commission adopts amended 30 TAC §30.38(h) (now §30.38(i)) to require training providers to verify the identity of students. Additionally, the amendments replace the term "technology-based" with "self-paced" to be consistent with current training terminology.

The commission also adopts updated Figure: 30 TAC §30.28(g) (now Figure: 30 TAC §30.28(h)) to ensure the fee table for training applications is consistent with the adopted updates to the training terminology. The rows for "technology-based training" and "webinar" have been deleted

since these terms have been deleted from this chapter. The new organization of the table makes it clearer which fee applies to which type of training. A new row for Instructor Qualification has been added.

The commission adopts amended 30 TAC §30.28(p) (now §30.28(q)) to remove reference to "webinars" as this term has been deleted in this chapter and the term "distance training" was replaced with "self-paced training." Additionally, the term "live-online" has been added as a type of delivery method that cannot be approved to teach required manual skills.

The commission adopts amended 30 TAC §30.185, Qualification for License Renewal. The amendment reduces the number of continuing education hours required to renew a Leaking Petroleum Storage Tank Project Manager license. Previously, individuals were required to complete 32 hours of continuing education every three years to be eligible to renew their license. The regulated community expressed difficulty in finding training that is approved for continuing education (CE) credit for this particular license. The commission does not develop or offer training for this license, it only approves training for CE credit. TCEQ believes that reducing the required CEs from 32 to 20 will address the lack of available TCEQ-approved training without any detrimental effects on the environment or to public health.

The commission adopts amended 30 TAC §30.340 to implement new TWC §37.0045, Qualifications for Certain Licenses, created by HB 1845. The commission adopts updated Figure: 30 TAC §30.340(a) to add a row for the Provisional Class D License for wastewater operators to the table. The table lists the minimum requirements by wastewater operator license type. The Provisional Class D License has no education or work experience required and

(3) whether the other license or registration was ever denied, suspended, revoked, surrendered, or withdrawn.

(e) To maintain a license that was issued on the basis of reciprocity, applicants must comply with the renewal requirements of this subchapter. Reciprocity will not be granted for the issuance of lower level licenses of the same type as the one that was initially issued on the basis of reciprocity.

(f) Military Service Members, Military Veterans, or Military Spouses.

(1) The executive director shall issue a license to an applicant who is a military service member, military veteran, or military spouse and:

(A) holds a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for the license; or

(B) within the five years preceding the application date held the license in this state.

(2) A license issued under this subsection shall be valid for the term specified in §30.18(i) of this title (relating to Applications for an Initial License).

(3) The executive director shall notify the license holder of the requirements for renewing a license issued under this subsection as specified in §30.24(b)(1) of this title (relating to License and Registration Applications for Renewal).

(4) The executive director shall issue a license to an individual who meets the requirements in §30.26(f)(1) within 30 days of receipt of application unless ~~the application is deficient.~~

~~(A) the application is deficient; or~~

~~(B) the executive director has not received verification from the out-of-state jurisdiction.~~

(g) In lieu of the standard method(s) of demonstrating competency for a particular license, and based on the applicant's circumstances, the alternative methods for demonstrating competency may include, but not be limited to, any combination of the following as determined by the executive director:

(1) education;

(2) continuing education;

(3) examinations (written, practical, or a combination of written and practical);

(4) letters of good standing;

(5) letters of recommendation;

(6) work experience; or

(7) other methods or options as determined by the executive director.

(h) Military service members or military veterans. The executive director shall credit verified military service, training, or education toward the licensing requirements.

(1) Verified military service, training, or education shall not be credited toward an examination requirement.

(2) The executive director may not apply this credit provision to an applicant who:

(A) holds a restricted license issued by another jurisdiction; or

(B) has an unacceptable criminal history.

**§30.28. Approval of Training.**

(a) The executive director shall approve training that provides the knowledge or skills necessary to obtain or maintain licenses or registrations that are issued by the commission.

