

Stakeholder Meeting

30 TAC Chapter 30 Rulemaking

Rule Project Number: 2024-004-030-WS

Stakeholder Meeting Structure

1. Introduction of TCEQ staff involved in rulemaking
2. Presentation from Program Staff
3. Oral comments by stakeholders with limited Q&A with Program Staff

Note: This is an informal meeting structure. Please come and go as you would like.

Meeting Process

- **If you are planning to dial-in, please mute your mic if you do not have any questions or comments for staff.**
- We ask that you be mindful of others and take turns, remembering to turn off your mic when not addressing staff with your *questions or comments*.
- If you are live-streaming please ask your question or make a comment using the Live Event Q&A Chat function and we will read it in order of submittal, following the presentation.

Written Comments

Written public comments must be received by the end of this comment period on March 12, 2024:

- Mailed to the Office of Legal Services, MC 205, TCEQ, P.O. Box 13087, Austin, TX 78711-3087
- Faxed to fax4808@tceq.texas.gov
- Electronically through the TCEQ Public Comments: <https://tceq.commentinput.com/comment/search>
- Include the rulemaking project number: 2024-004-030-WS

Stakeholder Meeting
30 TAC Chapter 30 Rulemaking
Opening Remarks

Jaya Zyman, P.E.

Deputy Director of the Occupational Licensing & Registration Division

Staff Introductions

Jaya Zyman, P.E. – Deputy Director of the Occupational Licensing & Registration Division

Becca Moore – Special Assistant for the Occupational Licensing & Registration Division

Tamara Calhoun – Section Manager for the Occupational Licensing Section

Kenneth Smith – Program Support Coordinator for Occupational Licensing Section

Teresa Etheredge – Team Leader for the Occupational Licensing Team

Paul Munguia – Technical Specialist for the Occupational Licensing Training Team

Stakeholder Meeting

30 TAC Chapter 30 Rulemaking

Rule Project Number: 2024-004-030-WS

Becca Moore

Occupational Licensing & Registration Division



Agenda

- Affected Subchapters
- Statute Changes
- Provisional Licenses
- Fingerprinting
- Resiliency for Water Operators
- LPST Credit Hours
- Training Terminology
- Rulemaking & Comments

Affected Subchapters

Affected Subchapters

- Subchapter A: Administration of Occupational Licenses and Registration
- Subchapter E: Leaking Petroleum Storage Tank Corrective Action Project Managers and Specialists
- Subchapter J: Wastewater Operators and Operations Companies
- Subchapter K: Public Water System Operators and Operations Companies

Statutory Changes

HB 2453

- Updated Texas Occupations Code (TOC) by adding Chapter 60, *Digital Licenses*
- It allows licensing agencies to issue a digital license, certificate, or registration in lieu of a physical paper license

SB 422

- Amends TOC Chapter 55, *Licensing of Military Service Members, Military Veterans, and Military Spouses*
- Statute requires that TCEQ process applications and issue the license for qualified military service members, veterans, or spouses that hold a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for the license within 30 days of receipt.
- The draft rule specifies that the 30-day timeline only applies:
 - if the application is not deficient;
 - the applicant passes the criminal history review; and
 - TCEQ receives a timely verification from the out-of-state jurisdiction

Provisional Licenses

HB 1845

- Updated Texas Water Code (TWC) to add 37.0045, *Qualifications for Certain Licenses*
- Requires TCEQ to establish by rule, a provisional occupational license for Class D Wastewater and Public Water System Operators for individuals without a high school diploma or equivalent who:
 - Complete all required training;
 - Pass the applicable exam; and
 - Act under the direct supervision of a license holder

Provisional D Licenses

ELIGIBILITY

- No high school diploma required
- Completes the required training
- Pays the \$74 application fee
- Passes the criminal history check
- Passes the applicable exam

RESTRICTIONS

- Acts under the direct supervision of a license holder
- Valid for 2 years
- Not renewable
- Not reobtainable

Upgrading the Provisional License

- Before the expiration date of the provisional license:
 - Submit proof of a high school diploma or equivalent; and
 - Apply to convert the Provisional license to an Operator D license or higher.
 - If applying for C level license, take the applicable exam
- After the expiration date of the provisional license:
 - Submit proof of a high school diploma or equivalent;
 - Apply for a new Operator D license or higher; and
 - Re-take the applicable exam



Fingerprinting

Background

- TCEQ is required by 30 Texas Occupations Code § 53.021(b) to *automatically revoke a license or registration upon an individual's imprisonment following a criminal conviction, felony community supervision revocation, revocation of parole, or revocation of mandatory supervision*
- Currently, TCEQ does not have a way to timely know when a licensee is imprisoned due to a felony conviction until they apply for a renewal application, which could potentially be three years after the conviction.



Revocation of a License

- TCEQ is required by Texas Occupations Code, to review the criminal history of all applicants for new and renewal applications
- TCEQ is authorized to revoke, deny, or suspend a license based on criminal history or environmental compliance
 - The process is subject to a contested hearing process
- The automatic revocation is immediate and not subject to the contested hearing process.

Fingerprinting Requirement

- Draft rule proposes to require all applicants for new and renewal licenses to subscribe to FBI fingerprinting for the criminal history review, unless a waiver is requested and granted.
- Through the FBI fingerprint subscription, the TCEQ will receive notification through the Criminal Justice Rap Back Program of Texas when a person who has fingerprints on file with the FBI is arrested or has criminal activity associated with those fingerprints.
- TCEQ will be able to meet the statutory requirement to automatically revoke a license
- TCEQ will gain access to national criminal history information rather than just the Texas DPS information to better protect public safety.

Fingerprinting Process

- Apply for a new license or the renewal of an existing licenses
- Applicant schedules a fingerprinting appointment at any IDENTOGO location
- IDENTOGO will submit the digital fingerprints to the DPS and the FBI electronically
- The applicant will notify TCEQ that fingerprinting has been completed
- TCEQ will review the criminal history to determine if applicant is eligible for a license.
- If eligible, TCEQ will complete processing the application and if all the requirements are met:
 - New licenses- the applicant will be eligible to take the exam
 - Renewals- the license will be issued

Fingerprinting Continued

- If you have been fingerprinted for a license with another licensing authority, you still need to get fingerprinted for TCEQ licensing
- Information is not shared between agencies
- Information is only used for licensing purposes
- If you maintain an active license with the TCEQ, you will not need to get fingerprinted again

Waiver from Fingerprinting

- If you are unable to get fingerprinted, you may request a waiver from TCEQ
- If approved, you would complete the online attestation or Downloadable Criminal Conviction Notification Form instead of following the fingerprinting process

Resiliency Training for Water Operators

Resiliency Training Background

- Following Winter Storm Uri and SB 3 from the 87th Legislative Session, TCEQ developed requirements for resiliency training for water operators to be better prepared for future power outages and rolling blackouts.



Resiliency Training

New Licenses: Applications received on or after April 1, 2024

- Required to take the “Resiliency Overview” (2 hours) or the revised Basic Waterworks Operations core course

Renewals: Licenses that Expire on or after April 1, 2024

- Required to take the “Resiliency Overview” once within two renewal cycles and take at least 2 hours of resiliency CEs
- The “Resiliency Overview” and resiliency CEs count toward the required 30 CEs to renew a license

Resiliency Training Curriculum Guidance

Resiliency Overview Core Course

Must cover an overview of all the following topics:

- Incident Command System or National Incident Management System
- State Disaster Assistance
- Emergency Preparedness Plans
- Mutual Aid Agreements
- Critical Components, which may include cyber security training

Resiliency Continuing Education courses must include in-depth material on one or more of the topics listed.

LPST Credit Hours

Leaking Petroleum Storage Tank Project Manager Credit Hours

- TCEQ is proposing to reduce the number of continuing education (CE) credits required to renew the Leaking Petroleum Storage Tank Project Manager license from 32 hours to 20 hours.
- Currently, individuals are required to complete 32 hours of CE every three years to be eligible to renew their license.
- The regulated community has expressed difficulty in meeting this requirement based on the available TCEQ-approved training.

Training Terminology & Other Minor Updates

Training Terminology & Other Minor Updates

- Update training definitions and terms to be consistent with current training technology and approval processes
- Remove option for Water and Wastewater Operators to renew their license by examination
- Define fee for Instructor Qualifications at \$10 per core course
 - This fee is not required when submitting with an initial training application for a core course
- Other minor updates, as necessary, to provide consistency with other licensing requirements and rules

Training Delivery Methods

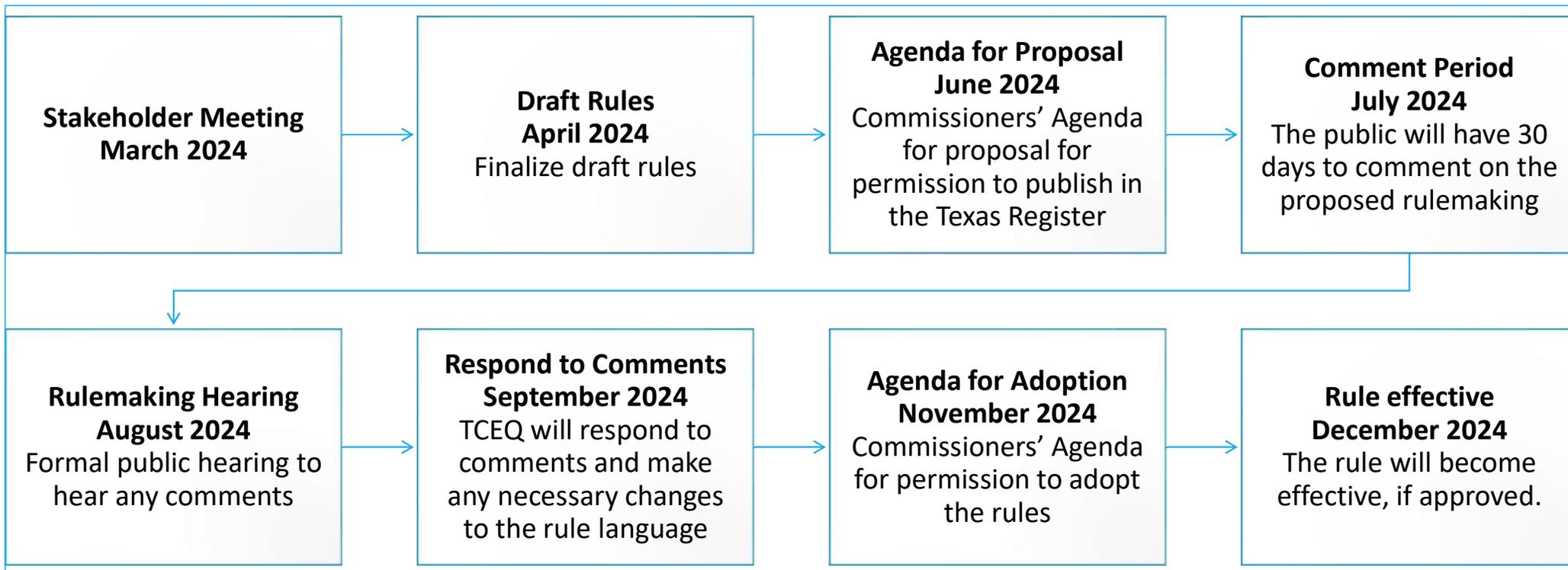
- Delivery methods:
 - In-person- training that is interactive instructor-led training delivered in real time at the same physical location
 - Live-online- training that is delivered virtually in real time as either instructor-led classroom, conference, or association meeting
 - Self-paced Training- training that is delivered using various technologies with a separation of place and time between the instructor(s) or learning resources and the learner. Self-Paced training may include correspondence training, prerecorded training, and other technologies approved by the Executive Director

Training Types

- Training Types:
 - classroom training
 - conferences
 - prerecorded training
 - correspondence training
 - association meetings that include training sessions containing subject matter related to the particular license
 - other professional activities, such as the publication of articles

Rulemaking & Comments

Tentative Timeline



Seeking Public Comments

- Any concerns of having a digital license in lieu of a paper pocket card?
- Any comments on the provisional license being valid for 2 years?
- Any input on criteria to determine who is eligible for a waiver from fingerprinting?
- Any concerns with reducing the number of CE credits required to renew the LPST Project Manager license from 32 hours to 20 hours?
- Suggestions for other resiliency topics that could be eligible for resiliency credit?

More Information

- Licensing Webpage: <https://www.tceq.texas.gov/licensing>
- Rulemaking Webpage: <https://www.tceq.texas.gov/licensing/amendments-to-30-texas-administrative-code-chapter-30-occupational-licenses-and-registrations>
- RG-637: Guidance for Resiliency Training Requirements for Water Operators and Training Providers
- 30 TAC Chapter 30, Occupational Licenses & Registrations: [https://texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac_view=4&ti=30&pt=1&ch=30](https://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=4&ti=30&pt=1&ch=30)



Questions

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Thank
You

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