

Texas Administrative Code

<u>TITLE 30</u>	ENVIRONMENTAL QUALITY
<u>PART 1</u>	TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
<u>CHAPTER 30</u>	OCCUPATIONAL LICENSES AND REGISTRATIONS

Subchapters

<u>SUBCHAPTER A</u>	<u>ADMINISTRATION OF OCCUPATIONAL LICENSES AND REGISTRATIONS</u>
<u>SUBCHAPTER B</u>	<u>BACKFLOW PREVENTION ASSEMBLY TESTERS</u>
<u>SUBCHAPTER C</u>	<u>CUSTOMER SERVICE INSPECTORS</u>
<u>SUBCHAPTER D</u>	<u>LANDSCAPE IRRIGATORS, IRRIGATION TECHNICIANS AND IRRIGATION INSPECTORS</u>
<u>SUBCHAPTER E</u>	<u>LEAKING PETROLEUM STORAGE TANK CORRECTIVE ACTION PROJECT MANAGERS AND SPECIALISTS</u>
<u>SUBCHAPTER F</u>	<u>MUNICIPAL SOLID WASTE FACILITY SUPERVISORS</u>
<u>SUBCHAPTER G</u>	<u>ON-SITE SEWAGE FACILITIES INSTALLERS, APPRENTICES, DESIGNATED REPRESENTATIVES, MAINTENANCE PROVIDERS, MAINTENANCE TECHNICIANS, AND SITE EVALUATORS</u>
<u>SUBCHAPTER H</u>	<u>WATER TREATMENT SPECIALISTS</u>
<u>SUBCHAPTER I</u>	<u>UNDERGROUND STORAGE TANK ON-SITE SUPERVISOR LICENSING AND CONTRACTOR REGISTRATION</u>
<u>SUBCHAPTER J</u>	<u>WASTEWATER OPERATORS AND OPERATIONS COMPANIES</u>
<u>SUBCHAPTER K</u>	<u>PUBLIC WATER SYSTEM OPERATORS AND OPERATIONS COMPANIES</u>
<u>SUBCHAPTER L</u>	<u>VISIBLE EMISSIONS EVALUATOR TRAINING AND CERTIFICATION</u>

SUBCHAPTER A

ADMINISTRATION OF OCCUPATIONAL LICENSES AND REGISTRATIONS

RULE §30.1

Authority

The provisions in this chapter are issued under the authority of Texas Water Code, Chapter 37.

RULE §30.3

Purpose and Applicability

(a) The purpose of this chapter is to consolidate the administrative requirements and establish uniform procedures for the occupational licensing and registration programs prescribed by Texas Water Code, Chapter 37. This subchapter contains general procedures for issuing, renewing, denying, suspending, and revoking occupational licenses and registrations. Subchapters B - L of this chapter (relating to Backflow Prevention Assembly Testers; Customer Service Inspectors; Landscape Irrigators, Irrigation Technicians, and Irrigation Inspectors; Leaking Petroleum Storage Tank Corrective Action Project Managers and Specialists; Municipal Solid Waste Facility Supervisors; On-Site Sewage Facilities Installers, Apprentices, Designated Representatives, Maintenance Providers, Maintenance Technicians, and Site Evaluators; Water Treatment Specialists; Underground Storage Tank On-Site Supervisor Licensing and Contractor Registration; Wastewater Operators and Operations Companies; Public Water System Operators and Operations Companies; and Visible Emissions Evaluator Training and Certification) contain the program-specific requirements related to each program.

(b) The requirements of this chapter apply to the following occupational licenses and registrations:

- (1) backflow prevention assembly testers;
- (2) customer service inspectors;
- (3) landscape irrigators, irrigation technicians, and irrigation inspectors;
- (4) leaking petroleum storage tank corrective action specialists and project managers;
- (5) municipal solid waste facility supervisors;
- (6) on-site sewage facility installers, designated representatives, apprentices, maintenance providers, maintenance technicians, and site evaluators;
- (7) water treatment specialists;
- (8) underground storage tank contractors and on-site supervisors;
- (9) wastewater operators and operations companies;
- (10) public water system operators and operations companies; and
- (11) visible emissions evaluator training and certification.

RULE §30.5

General Provisions

(a) A person must be licensed or registered by the commission before engaging in an activity, occupation, or profession described by Texas Water Code, §§26.0301, 26.345, 26.452, 26.456, Texas Health and Safety Code, §§341.033, 341.034, 361.027, 366.071, 366.0515, or Texas Occupations Code, §1903.251 and §1904.051. The commission shall issue a license or

registration only after an applicant has met the minimum requirements for a license or registration as specified in this chapter.

(b) A person shall not advertise or represent themselves to the public as a holder of a license or registration unless that person possesses a current license or registration. A person shall not advertise or represent to the public that it can perform services for which a license or registration is required unless it holds a current license or registration, or unless it employs individuals who hold current licenses.

(c) The executive director may contract with persons to provide services required by this chapter. The commission may authorize contractors to collect reasonable fees for the services provided.

(d) Licenses and registrations are not transferable.

(e) New licenses shall not be issued to employees of the commission who have regulatory authority over the rules of this chapter. Commission employees may maintain a license if that license was issued prior to employment with the commission.

(f) Prohibited Employment.

(1) Individuals subject to registration under the Texas Code of Criminal Procedure, Chapter 62 because of a reportable conviction or adjudication for which an affirmative finding is entered under Texas Code of Criminal Procedure, Article 42.015(b) or Section 5(e)(2), Article 45.12, and licensed after September 1, 2013, may not, for compensation, provide or offer to provide any type of service in the residence of another person unless the provision of service will be supervised.

(2) For purposes of this subsection.

(A) "Residence" means a structure primarily used as a permanent dwelling and land that is contiguous to that permanent dwelling.

(B) "Supervision" means direct, continuous visual observation of the individual at all times.

RULE §30.7

Definitions

The following words and terms, when used in this subchapter, have the following meanings, unless the context clearly indicates otherwise.

(1) Aerobic treatment system owner--Persons that in their individual capacities own a single-family dwelling that is serviced by an on-site sewage disposal system using aerobic treatment.

(2) Approved application--An application submitted to the Occupational Licensing Section that contains all the information the executive director has deemed necessary to be accurately processed and that the executive director has determined to be approved.

(3) Approved classroom training providers--Entities that have been approved by the executive director to provide classroom training after demonstration of hands-on subject matter expertise, knowledge of and experience with educational principles, and effective instructional designs.

(4) Approved conference and webinar training providers--Governmental entities or their designated agents, associations, or colleges as listed by accrediting agencies that are recognized by the United States Department of Education and that have been approved by the executive director to provide conference and webinar training.

(5) Approved distance training providers--Governmental entities or their designated agents, associations, or colleges as listed by accrediting agencies that are recognized by the United

States Department of Education and that have been approved by the executive director to provide distance training after demonstrating comparable subject matter expertise, knowledge of and experience with educational principles, and effective instructional designs.

(6) Approved training--Training which provides the knowledge and skills necessary to perform occupational job tasks and is used for obtaining or renewing a license as determined by the executive director.

(7) Approved training delivery method--Methods approved by the executive director that currently include instructor-led classroom training, conferences, seminars, workshops, training at association meetings, distance training, or technology-based training.

(8) Association--The term association as used in the context of this chapter is an industry-related non-profit association whose members hold licenses issued by the commission or whose members are required to employ or contract with individuals who hold licenses issued by the commission.

(9) Conference--The term conference as used in the context of this chapter includes conferences, seminars, workshops, symposiums, expos, and any other such training venues.

(10) Continuing education--Job-related training credit approved by the executive director used for renewal of licenses.

(11) Correspondence training--The term correspondence training as used in the context of this chapter is distance training that can either be paper-based and conducted through a postal system, electronic-based and conducted through a website, or a blend of these delivery systems.

(12) Distance training--The acquisition of knowledge that occurs through various technologies with a separation of place and/or time between the instructor(s) or learning resources and the learner.

(13) Distributor--Any person or nongovernmental organization that sells a product primarily to individuals maintaining occupational licenses administered by the agency.

(14) High school diploma--An earned high school diploma from a United States high school, an accredited secondary school equivalent to that of United States high school, or a passing score on the general education development (GED) test that indicates a high school graduation level.

(15) Home school diploma--An earned diploma from a student who predominately receives instruction in a general elementary or secondary education program that is provided by the parent, or by a person in parental authority, in or through the child's home.

(16) License--An occupational license issued by the commission to a person authorizing the person to engage in an activity covered by this chapter.

(17) Maintenance provider--A person that, for compensation, provides service or maintenance for one or more on-site sewage disposal systems using aerobic treatment.

(18) Manufacturer--For the purpose of this subchapter any person, company, or nongovernmental organization that produces a product for sale primarily to individuals who maintain occupational licenses that are administered by the agency.

(19) Person--As defined in §3.2 of this title (relating to Definitions).

(20) Qualified instructor--An individual who has instructional experience, work-related experience, and subject matter expertise that enables the individual to communicate course information in a relevant, informed manner and to answer students' questions.

(21) Registration--An occupational registration issued by the commission to a person authorizing the person to engage in an activity covered by this chapter.

(22) Service provider--Any person, company, or nongovernmental organization that provides a service for its own profit to individuals who maintain occupational licenses that are administered by the agency.

(23) Subject matter expert--A person having a minimum of three years of work-related experience and expert knowledge in a particular content area or areas as relates to training.

(24) Technology-based training--The term technology-based training as used in the context of this chapter includes training offered through computer equipment or through a website (also known as on-line training or e-learning).

(25) Training credit--Hours awarded by the executive director for successful completion of approved training.

(26) Training provider--An administrative entity or individual responsible for obtaining approval of training, providing acceptable delivery of approved training, ensuring that qualified instructors or subject matter experts are utilized in the delivery, support, and development of training and monitoring, recording and reporting attendance accurately and promptly as required by the executive director.

(27) Webinar--Interactive training delivered live via the Internet as a combination of conference training and distance training where the learner is separated by place from the learning source.

RULE §30.10

Administration

The executive director is responsible for:

- (1) reviewing applications;
- (2) developing, administering, and grading examinations;
- (3) issuing and renewing licenses and registrations;
- (4) maintaining records related to licenses and registrations;
- (5) maintaining a roster of current licenses and registrations;
- (6) collecting fees;
- (7) approving training providers;
- (8) awarding training credit for approved training; and
- (9) responding to complaints against licensees, registrants, and training providers.

RULE §30.13

Eligibility of Certain Applicants for Occupational Licenses or Registrations

(a) An individual may request the agency to issue a criminal history evaluation letter regarding the individual's eligibility for a license if the individual:

- (1) is enrolled or planning to enroll in an educational program that prepares the individual for an initial license or is planning to take an examination for an initial license; and
- (2) has reason to believe that the individual is ineligible for the license due to a conviction or deferred adjudication for a felony or misdemeanor offense.

(b) The request must state the basis for the individual's potential ineligibility.

- (c) The executive director has the same powers to investigate a request relating to the requestor's eligibility that it has to investigate a person applying for a license.
- (d) If the executive director determines that a ground for ineligibility does not exist, the executive director shall notify the requestor in writing of the executive director's determination on each ground of potential ineligibility.
- (e) If the executive director determines that the requestor is ineligible for a license, the executive director shall issue a letter setting out each basis for potential ineligibility and the executive director's determination as to eligibility. Subject to subsection (g) of this section, the executive director's determination of eligibility is final.
- (f) The executive director must provide notice under subsection (d) of this section or issue a letter under subsection (e) of this section not later than the 90th day after the date the executive director receives the request.
- (g) Upon the executive director's discovery of new facts unknown or undisclosed at the time of the determination of eligibility, the executive director may re-evaluate the eligibility of the requestor.

RULE §30.14

Applications for Initial Registration

-
- (a) Applications for initial registrations shall be made on a standard form approved by the executive director. The application must be submitted to the executive director with the appropriate fee.
 - (b) Supplemental information for each individual program shall be submitted according to the specific requirements for each program.
 - (c) All statements and qualifications provided by the applicant or on the behalf of the applicant are subject to verification by the executive director.
 - (d) All statements, qualifications, and attachments provided by the applicant relating to an application shall be true, accurate, complete, and contain no misrepresentation or falsification.
 - (e) Misrepresentation or falsification of any information may be grounds for denial of an application and for enforcement action.
 - (f) All applications must be completed in full. All deficiencies must be corrected within 60 days of notification, or the application shall be considered void.
 - (g) The executive director shall determine whether an applicant meets the requirements of this subchapter. If all requirements have been met, the executive director shall issue the registration. The registration shall be valid for the term specified in Subchapters B - L of this chapter (relating to Backflow Prevention Assembly Testers, Customer Service Inspectors, Landscape Irrigators, Installers, Irrigation Technicians and Irrigation Inspectors, Leaking Petroleum Storage Tank Corrective Action Project Managers and Specialists, Municipal Solid Waste Facility Supervisors, On-Site Sewage Facilities Installers, Apprentices, Designated Representatives, Maintenance Providers, Maintenance Technicians, and Site Evaluators. Water Treatment Specialists, Underground Storage Tank On-Site Supervisor Licensing and Contractor Registration, Wastewater Operators and Operations Companies, Public Water System Operators and Operations Companies, Visible Emissions Evaluator Training and Certification, respectively.) The effective date of the registration shall be the date the executive director issues the registration.

- (a) Applications for initial licenses shall be made on a standard form provided by the executive director. The application must be submitted to the executive director with the fee according to §30.30 of this title (relating to Terms and Fees for Licenses and Registrations). The application must be submitted to the executive director before the applicant may take the examination.
- (b) Supplemental information for each individual program shall be submitted according to the specific requirements for each program.
- (c) An approved application shall be valid for one year from the date of application approval.
- (d) All statements and qualifications provided by each applicant or on the behalf of the applicant are subject to verification by the executive director.
- (e) All statements, qualifications, and attachments provided by the applicant relating to an application shall be true, accurate, complete, and contain no misrepresentation or falsification.
- (f) Misrepresentation or falsification of any information may be grounds for denial of an application and for enforcement action.
- (g) All applications must be completed in full. All deficiencies must be corrected within 120 days of notification, or the application shall be considered void.
- (h) An applicant must furnish evidence of any training credit, proof of education, or work experience when requested. Diplomas from non-accredited high schools will be evaluated by the executive director on a case-by-case basis and will be considered based on the following submitted information:
- (1) transcript;
 - (2) documentation of actual coursework;
 - (3) time spent on coursework or program; and
 - (4) any additional documentation the executive director might reasonably request or that would assist the applicant in demonstrating the proof of their education claim.
- (i) The executive director shall determine whether an applicant meets the requirements of this subchapter. If all requirements have been met, the executive director shall issue the license. The license shall be valid for the term specified in Subchapters B - L of this chapter (relating to Backflow Prevention Assembly Testers; Customer Service Inspectors; Landscape Irrigators, Irrigation Technicians, and Irrigation Inspectors; Leaking Petroleum Storage Tank Corrective Action Project Managers and Specialists; Municipal Solid Waste Facility Supervisors; On-Site Sewage Facilities Installers, Apprentices, Designated Representatives, Maintenance Providers, Maintenance Technicians, and Site Evaluators; Water Treatment Specialists; Underground Storage Tank On-Site Supervisor Licensing and Contractor Registration; Wastewater Operators and Operations Companies; Public Water System Operators and Operations Companies; and Visible Emissions Evaluator Training and Certification, respectively.) The effective date of the license shall be the date the executive director issues the license.

- (a) The executive director shall prescribe the content of licensing examinations. Examinations shall be based on laws, rules, job duties, and standards relating to the particular license. The contents of any examination required for licensure under this chapter are confidential and examinees may not share them with anyone.
- (b) Examinations shall be graded and the results forwarded to the applicant no later than 45 days after the examination date. The minimum passing score for an examination is 70%.
- (c) An individual with an approved application who fails an examination may not repeat an examination until receiving notification of examination results for that particular examination.
- (d) The application becomes void either after 365 days from date of application or failing the same examination four times, whichever occurs first. If an application becomes void, a new fee and a new application must be submitted before the applicant may take the same examination again.
- (e) Any scores for repeat examinations taken after an application becomes void will not be applied to the issuance of the license.
- (f) Any qualified applicant with a physical, mental, or developmental disability may request reasonable accommodations to take an examination.
- (g) Examinations shall be given at places and times approved by the executive director.
- (h) Examinees must comply with all written and verbal instructions of the proctor and shall not:
- (1) bring any unauthorized written material, in either printed or electronic formats, into the examination room;
 - (2) bring any electronic devices, including any device with a camera, into the examination room;
 - (3) share, copy, or in any way reproduce any part of the examination;
 - (4) engage in any deceptive or fraudulent act; or
 - (5) solicit, encourage, direct, assist, or aid another person to violate any provision of this section or compromise the confidentiality of the examination.
- (i) The executive director shall provide an analysis of an examination when requested in writing by the applicant. The executive director shall ensure that an examination analysis does not compromise the fair and impartial administration of future examinations.
- (j) An individual who wishes to observe a religious holy day on which the individual's religious beliefs prevent the individual from taking an examination scheduled by the agency on that religious holy day shall be allowed to take the examination on an alternate date.
- (k) The executive director may deny an individual the opportunity to take a licensing examination on the grounds that the individual has been convicted of an offense, other than an offense punishable as a Class C misdemeanor, that:
- (1) directly relates to the duties and responsibilities of the licensed occupation;
 - (2) does not directly relate to the duties and responsibilities of the licensed occupation and that was committed less than five years before the date the individual applies for the license;
 - (3) is an offense listed in Texas Code of Criminal Procedure, Article 42.12, Section 3g; or
 - (4) is a sexually violent offense, as defined by Texas Code of Criminal Procedure, Article 62.001.
- (l) The executive director may deny an individual the opportunity to take a licensing examination on the grounds that:
- (1) the individual was charged with:
 - (A) any offense described by Texas Code of Criminal Procedure, Article 62.001(5); or
 - (B) an offense other than an offense described by subparagraph (A) of this paragraph if:

(i) the individual has not completed the period of supervision or the individual completed the period of supervision less than five years before the date the individual applied for the license; or

(ii) a conviction for the offense would make the individual ineligible for the license by operation of law; and

(2) after consideration of the factors described by Texas Occupations Code, §§53.021(d), 53.022, and 53.023(a), the executive director determines that:

(A) the individual may pose a continued threat to public safety; or

(B) employment of the individual in the licensed occupation would create a situation in which the individual has an opportunity to repeat the prohibited conduct.

(m) After notice and opportunity for a hearing, the commission may deny or revoke any license or registration held by a person who violates any of the provisions of this section. The commission may file a criminal complaint against any individual who removes or attempts to remove any portion of the examination, reproduces without permission any part of the examination, or who engages in any fraudulent act relating to the examination process.

RULE §30.24

License and Registration Applications for Renewal

(a) A license or registration may not be renewed if it has been:

(1) expired for more than 30 days and an application has not been received by the executive director or postmarked within 30 days after the expiration date of the license or registration;

(2) revoked; or

(3) replaced by a higher class of license.

(b) Applications for renewal must be made on a standard form provided by the executive director.

(1) The executive director shall mail a renewal notification at least 60 days before the license or registration expires to the most recent address provided to the executive director. If a person does not receive a renewal notification, the person is not relieved of the responsibility to timely submit a renewal application.

(2) The person is responsible for ensuring that the completed renewal application, the renewal fee, and other required information are submitted to the executive director by the expiration date of the license or registration.

(c) All statements, qualifications, and attachments provided by the applicant that relate to a renewal application shall be true, accurate, complete, and contain no misrepresentation or falsification.

(d) Approved training to renew a license must be successfully completed after the issuance date and before the expiration date of the current license. Any training credits completed in excess of the amount required for the renewal period shall not be carried over to the next renewal period.

(e) An individual who holds a license prescribed by Texas Water Code, §26.0301, or Texas Health and Safety Code, §341.033 or §341.034, specifically the holder of a Class A or Class B public water system operator or Class A or B wastewater treatment facility operator license may certify compliance with continuing education requirements prior to or at the time the license is renewed by submitting a continuing education certification form available from the executive director.

(f) The executive director may renew a license or registration if the application is received by the executive director or is postmarked within 30 days after the expiration date of the license or registration, and the person meets the requirements for renewal by the expiration date of the license or registration and pays all appropriate fees. This subsection does not extend the validity period of the license or registration nor grant the person authorization to perform duties requiring a license or registration. This subsection only allows an additional 30 days after the expiration of the license or registration for the person to submit the renewal application, any supporting documentation, and appropriate fees.

(g) An individual whose license renewal application is not received by the executive director or is not postmarked within 30 days after the license expiration date may not renew the license and must meet the current education, training, and experience requirements, submit a new application with the appropriate fee, and pass the examination. A person whose registration renewal application is not received by the executive director or is not postmarked within 30 days after the expiration date may not renew the registration and must submit a new application with the appropriate fee and meet all applicable requirements for a new registration.

(h) Persons failing to renew their license or registration in a timely manner due to serving as a military service member may renew their license within two years of returning from active duty by submitting the following:

(1) a completed renewal application;

(2) a copy of the military orders substantiating the military service during the time the license expired; and

(3) the applicable license renewal fee.

(i) For good cause the executive director may extend the two years period for a military service member seeking to renew their license. Good cause may include, but is not limited to, hospitalization or injury to the licensee.

(j) Completion of the required continuing education will be waived for the renewal cycle for military service members outside of this state who were unable to complete the requirements.

(k) These procedures apply only to military service members who are outside this state and not to military contractors.

(l) All licensees must notify the executive director of any change in the previously submitted application information within ten days from the date the change occurs.

(m) All registration holders must notify the executive director of any change in the previously submitted application information within ten days after the month in which the change occurs.

(n) Licenses and registrations that have renewal cycles in transition shall follow the renewal requirements in the applicable subchapter.

(o) The executive director shall determine whether an applicant meets the renewal requirements of this subchapter. If all requirements have been met, the executive director shall renew the license or registration.

(p) The license or registration shall be valid for the term specified.

(q) If the application does not meet the requirements, the executive director shall notify the applicant in writing of the deficiencies.

(r) All deficiencies must be corrected within 30 days of date printed on the notification, or the renewal application shall be considered void after the license expiration date.

(s) A person whose license or registration has expired shall not engage in activities that require a license or registration until the license or registration is renewed or a new license or registration has been obtained.

(a) Except for landscape irrigators the executive director may waive qualifications, training, or examination for individuals with a good compliance history who hold a current license from another state, territory, or country if that state, territory, or country has requirements equivalent to those in this chapter.

(b) A license may be issued after review and approval of the application, receipt of the appropriate fee, and verification of the license from the corresponding state, territory, or country.

(c) The executive director may waive any of the prerequisites for obtaining a landscape irrigator license, if the applicant is licensed as an irrigator in another jurisdiction that has a reciprocity agreement with the State of Texas.

(d) The executive director may require the applicant to provide information about other occupational licenses and registrations held by the person, including:

- (1) the state in which the other license or registration was issued;
- (2) the current status of the other license or registration; 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).

(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.

RULE §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. This training shall be directly related to tasks performed by persons whose duties require a license or registration in a program that is administered by the commission.
 - (b) The executive director may approve specific training delivery methods, to include:
 - (1) classroom training;
 - (2) conferences;
 - (3) technology-based training;
 - (4) correspondence courses or similar distance training;
 - (5) association meetings that include training sessions containing subject matter related to the particular license; or
 - (6) other professional activities, such as the publication of articles.
 - (c) The executive director shall award training credit for successful completion of approved training used for obtaining or renewing a license.
 - (d) The executive director shall determine the occupational program(s) and number of hours of training credit that will be granted for approved training. The executive director may:
 - (1) use the provider's subject matter experts' qualifications to determine the program(s); and
 - (2) request field testing data from training providers to validate the hours requested.
 - (e) Training providers who submit applications for approval must:
 - (1) utilize a standard form and method provided by the executive director;
 - (2) include the applicable fee found in the chart contained in subsection (g) of this section;
 - (3) include supplemental information and materials according to the specific requirements for each method of training as approved by the executive director;
 - (4) include supplemental materials and information edited by subject matter experts;
 - (5) include samples of certificates of completion, including information as required by the executive director;
 - (6) document approval from the publisher to reprint text, pictures, graphics, tables, data, and any other information that is copyrighted or obtained from a source that is not an original creation of the training provider. The training materials submitted shall include appropriate references; and
 - (7) respond to any deficiencies within 60 days of the notification provided by the executive director or the application will become void and the fee forfeited.
 - (f) The executive director shall determine whether a provider meets the requirements of this subchapter.

(g) Fees for training applications will be calculated based on the number of requested training credit hours or type of association meetings using the following table. If the requested hours are significantly different than the actual hours of training awarded, the executive director may request an adjustment in the fee from the applicant. If the applicant does not provide the adjusted fee, the application will not be processed, resulting in denial of training approval. Fees are nonrefundable whether the training is approved or not approved.

Attached Graphic

(h) Training delivered to meet the requirements for obtaining or renewing a license must:

- (1) be approved by the executive director before the training begins;
- (2) provide the knowledge or skills necessary to perform one or more of the occupation's critical job tasks as determined by a job analysis or training needs assessment;
- (3) not promote or endorse the products, product lines, or services of a manufacturer, distributor, or service provider or used as an opportunity for advertisement;
- (4) provide the means to accomplish the learning objectives identified for the training;
- (5) contain learning aids, such as visual aids and graphics. Training must be interactive in order to enhance learning and attain learning objectives;
- (6) include regular monitoring of student comprehension throughout the training and provide feedback from the training provider, instructor, or subject matter expert to the student;
- (7) be monitored for successful student completion;
- (8) track student time and progress toward completing learning objectives; and
- (9) utilize, at a minimum, subject matter experts and instructional design experts or effective qualified instructors to develop training materials for approval. Additionally, development of technology-based training must also utilize qualified subject matter experts in technology delivery methods.

(i) Training shall not be advertised as approved until notice of approval is received from the executive director.

(j) Training may not be held in a place of business of a product manufacturer, distributor, or service provider directly related to the occupational license for which the training provider seeks approval.

(k) Once training is approved, training providers may offer the training without notification to the executive director.

(l) Training is considered approved until the content changes, or until the executive director notifies the training provider that changes in the content or delivery of the training are required.

(m) If a training provider changes the delivery method of the training, the training must be submitted for review and approval by the executive director.

(n) The executive director may:

- (1) deny applications for training courses that contain extensive errors or do not meet the requirements of this section;
- (2) conduct an administrative review for application completeness and a technical review for compliance with applicable agency rules;
- (3) monitor, recall, reevaluate, and/or rescind approval of topics or training materials;
- (4) require training providers to update training delivery methods or training materials to ensure that the content reflects current technology and practices;

(5) deny an application after determination that another delivery method is more conducive for the training material; and

(6) recall training for reevaluation which may result in rescinding any previous approval.

(o) The executive director's grounds for recalling, rescinding, suspending, or denying approval include, but are not limited to:

(1) the training does not conform to current accepted industry standard practices or agency rules;

(2) the training does not conform to the materials or method as approved;

(3) the subject matter is not related to critical job tasks performed by licensees;

(4) an instructor is not qualified to teach the subject matter;

(5) an instructor is ineffective in the delivery of the subject matter;

(6) the training promotes or endorses products, product lines, or services from a manufacturer, distributor, or service provider;

(7) the training credits for successfully completed training are not electronically submitted within 14 business days of course completion;

(8) the records, rosters, or application materials have been falsified;

(9) the training provider does not comply with a training recall;

(10) the training provider is not active or training has not been conducted for three or more years; or

(11) the training environment is not conducive to learning.

(p) The following types of training will not be approved or awarded training credit:

(1) distance training or webinars that are repeated during the renewal period;

(2) distance training that is intended to teach required manual skills; or

(3) webinar training that is submitted to qualify an applicant for an initial license.

(q) Approved training providers shall:

(1) ensure the executive director has the most current electronic edition of training materials;

(2) keep manuals and training content updated to reflect rule changes;

(3) submit approved training material that references rules for reapproval within 180 days of any new rule adoption that pertains to that training;

(4) submit material with substantial changes, including a summary, list, or other indication of changes, for review and reapproval by the executive director;

(5) allow the executive director staff or their agents access to training in order to audit training content, manner of delivery, and the effectiveness and qualifications of instructors and subject matter experts;

(6) be responsible for the content and delivery of the training;

(7) retain accurate training records for a minimum of five years;

(8) maintain records of training approval throughout the entire period the training provider actively delivers training;

(9) ensure that instructors and subject matter experts are qualified and provide the executive director with qualifications when requested;

(10) notify students of all fees associated with completing the training and obtaining credit for training before and during the training;

(11) accurately present to students the approved training credit along with any other criteria for obtaining full or partial training credit;

(12) provide students with approved copies of texts, manuals, or other training materials to use during the training and for future reference required by the delivery method and as approved by the executive director;

(13) verify participation;

(14) provide acceptable procedures for student identity verification;

(15) maintain procedures to protect student identity and personal information;

(16) provide students access to subject matter experts to answer technology-related and content-related questions within one business day from the time of request; and

(17) electronically report the students' successfully completed training credit hours per procedures provided and approved by the executive director, not to exceed approved training credit hours, within 14 business days of training completion.

(r) Printed training material must be presented in an original manner and must be relevant to the critical job tasks and knowledge for the occupational licensees.

(s) Public information copied from websites or other sources is not acceptable as training materials unless modified to be applicable to the target audience and the method of delivery.

RULE §30.30

Terms and Fees for Licenses and Registrations

(a) Licenses and registrations are valid for three years from the date of issuance, unless specified otherwise by Subchapters B - L of this chapter (relating to Backflow Prevention Assembly Testers; Customer Service Inspectors; Landscape Irrigators, Irrigation Technicians, and Irrigation Inspectors; Leaking Petroleum Storage Tank Corrective Action Project Managers and Specialists; Municipal Solid Waste Facility Supervisors; On-Site Sewage Facilities Installers, Apprentices, Designated Representatives, Maintenance Providers, Maintenance Technicians, and Site Evaluators; Water Treatment Specialists; Underground Storage Tank On-Site Supervisor Licensing and Contractor Registration; Wastewater Operators and Operations Companies; Public Water System Operators and Operations Companies; and Visible Emissions Evaluator Training and Certification, respectively).

(b) The executive director may adopt a system under which licenses or registrations expire on various dates.

(c) The license fee is \$111 for a three-year license. The total amount shall be paid with each initial and renewal application and is nonrefundable. The initial fee is waived for military service member, military veteran, or military spouse applicants if they:

(1) meet all other requirements for the license; or

(2) hold a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for the license the applicant is applying for in this state.

(d) Registration fees are established in the applicable subchapters of this chapter.

(e) The executive director may charge a \$20 fee to process a duplicate certificate or pocket card.

(f) A convenience fee may be set by the executive director or service provider for alternative fee payment methods. A person using an alternative payment method is responsible for paying the convenience fee.

(g) An examination or reexamination fee may be charged if the executive director designates an entity to administer the examinations.

(h) The executive director may charge an individual requesting a criminal history evaluation letter under §30.13 of this title (relating to Eligibility of Certain Applicants for Occupational Licenses or Registrations) a fee adopted by the commission. Fees adopted by the commission under §30.13 of this title must be in an amount sufficient to cover the cost of administering §30.13 of this title.

RULE §30.33

License or Registration Denial, Warning, Suspension, or Revocation

(a) The executive director may deny an initial or renewal application for the following reasons.

(1) Insufficiency. The executive director shall notify the applicant of the executive director's intent to deny the application and advise the applicant of the opportunity to file a motion to overturn the executive director's decision under §50.139 of this title (relating to Motion to Overturn Executive Director's Decision). The executive director may determine that an application is insufficient for the following reasons:

(A) failing to meet the licensing or registration requirements of this chapter; or

(B) if an out-of-state licensing program does not have requirements substantially equivalent to those of this chapter.

(2) Cause. After notice and opportunity for a hearing, the commission may deny an application for a license or registration by an applicant who:

(A) provides fraudulent information or falsifies the application;

(B) has engaged in fraud or deceit in obtaining or applying for a license or registration;

(C) has demonstrated gross negligence, incompetence, or misconduct in the performance of activities authorized by a license or registration;

(D) made an intentional misstatement or misrepresentation of fact or information required to be maintained or submitted to the commission by the applicant or by the license or registration holder;

(E) failed to keep and transmit records as required by a statute within the commission's jurisdiction or a rule adopted under such a statute;

(F) at the time the application is submitted, is indebted to the state for a fee, penalty, or tax imposed by a statute within the commission's jurisdiction or a rule adopted under such a statute; or

(G) is in default on loans guaranteed by Texas Guaranteed Student Loan Corporation (TGSLC) (the executive director shall proceed as described in Texas Education Code, Chapter 57) if identified by TGSLC and the application is for a renewal license or registration.

(b) If an individual causes, contributes to, or allows a violation of this chapter, the executive director may issue a warning letter. The letter shall be placed in the individual's permanent file maintained by the executive director. This letter shall be a warning that further violations or offenses by the individual may be grounds for suspension, revocation, enforcement action, or some combination. A warning is not a prerequisite for initiation of suspension, revocation, or enforcement proceedings.

(c) After notice and hearing, the commission may suspend or revoke a license, certificate, or registration on any of the grounds contained in Texas Water Code, §7.303(b).

(d) After notice and hearing a license or registration may be suspended for a period of up to one year, depending upon the seriousness of the violations. A license or registration shall be revoked after notice and hearing upon a second suspension.

(e) The commission may revoke a license or registration after notice and hearing for a designated term or permanently. If a license or registration is revoked a second time, the revocation shall be permanent.

(f) The following procedures for renewal apply to individuals that have had their license or registration suspended.

(1) If a license or registration expiration date falls within the suspension period, an individual may renew the license or registration during the suspension period according to §30.24 of this title (relating to License and Registration Applications for Renewal) and the applicable subchapters of this chapter.

(2) A license or registration suspended in accordance with subsection (j) of this section may not be renewed during the suspension period. The license or registration may only be renewed if the court or the Title IV-D agency renders an order vacating or staying an order suspending the license or registration and the license or registration has not expired during the suspension period.

(3) After the suspension period has ended, the license or registration shall be automatically reinstated unless the individual failed to renew the license or registration during the suspension period.

(g) Individuals that have had their license or registration revoked shall not have their license or registration reinstated after the revocation period. After the revocation period has ended, an individual may apply for a new license or registration according to this chapter.

(h) Criminal Conviction.

(1) After notice and hearing, the commission may deny, suspend, or revoke a license on the grounds that the individual has been convicted of an offense, other than a Class C misdemeanor that:

(A) directly relates to the duties and responsibilities of the licensed occupation;

(B) does not directly relate to the duties and responsibilities of the licensed occupation and that was committed less than five years before the date the individual applies for the license;

(C) is listed in Texas Code of Criminal Procedure, Article 42.12, Section 3g; or

(D) is a sexually violent offense, as defined by Texas Code of Criminal Procedure, Article 62.001.

(2) The commission shall revoke the license or registration upon an individual's imprisonment following a felony conviction, felony community supervision revocation, revocation of parole, or revocation of mandatory supervision.

(3) Prohibited Employment.

(A) Individuals subject to registration under the Texas Code of Criminal Procedure, Chapter 62 because of a reportable conviction or adjudication for which an affirmative finding is entered under Texas Code of Criminal Procedure, Article 42.015(b) or Section 5(e)(2), Article 45.12, and licensed after September 1, 2013, may not, for compensation, provide or offer to provide any type of service in the residence of another person unless the provision of service will be supervised.

(B) For purposes of this subsection:

(i) "Residence" means a structure primarily used as a permanent dwelling and land that is contiguous to that permanent dwelling.

(ii) "Supervision" means direct, continuous visual observation of the individual at all times.

(4) Except as provided by paragraph (5) of this subsection, notwithstanding any other law, the executive director may not consider an individual to have been convicted of an offense for purposes of this section if, regardless of the statutory authorization:

(A) the individual entered a plea of guilty or *nolo contendere*;

(B) the judge deferred further proceedings without entering an adjudication of guilt and placed the individual under the supervision of the court or an officer under the supervision of the court; and

(C) at the end of the period of supervision, the judge dismissed the proceedings and discharged the individual.

(5) The executive director may consider an individual to have been convicted of an offense for purposes of this section regardless of whether the proceedings were dismissed and the individual was discharged as described by paragraph (4) of this subsection if:

(A) the individual was charged with:

(i) any offense described by Texas Code of Criminal Procedure, Article 62.001(5); or

(ii) an offense other than an offense described by clause (i) of this subparagraph if:

(I) the individual has not completed the period of supervision or the individual completed the period of supervision less than five years before the date the individual applied for the license; or

(II) a conviction for the offense would make the individual ineligible for the license by operation of law; and

(B) after consideration of the factors described by Texas Occupations Code, §53.022 and §53.023(a), the executive director determines that:

(i) the individual may pose a continued threat to public safety; or

(ii) employment of the individual in the licensed occupation would create a situation in which the individual has an opportunity to repeat the prohibited conduct.

(i) After notice and hearing, the commission may revoke a maintenance provider registration on any of the grounds in Texas Health and Safety Code, §366.0515(m).

(j) Failure to pay child support.

(1) The commission may suspend a license or registration if a licensed or registered individual has been identified by the Office of the Attorney General as being delinquent on child support payments (upon receipt of a final order suspending a license or registration, the executive director shall proceed as described in Texas Family Code, Chapter 232).

(2) The commission shall refuse to accept an application for:

(A) issuance of a new license or registration to an individual; or

(B) renewal of an existing license or registration to an individual if:

(i) the individual has failed to pay child support for six months or more;

(ii) the commission is notified by a child support agency, as defined by Texas Family Code, §101.004; and

(iii) the child support agency requests the commission to refuse to accept the application.

(3) The commission shall not accept an application for a license that was refused under paragraph (2) of this subsection until notified by the child support agency that the individual has:

(A) paid all child support arrearages;

(B) made an immediate payment of not less than \$200 toward child support arrearages owed and established with the child support agency a satisfactory repayment schedule for the remainder or is in compliance with a court order for payment of the arrearages;

(C) been granted an exemption from this subsection as part of a court-supervised plan to improve the individual's earnings and child support payments; or

(D) successfully contested the child support agency's request for the commission's denial of issuance or renewal of the license or registration.

(4) The commission may charge a fee in an amount sufficient to recover the administrative costs incurred for denying or suspending that license.

(5) For purposes of this subsection, the suspension period for a license or registration shall be until:

(A) the court or the Title IV-D agency renders an order vacating or staying an order suspending the license or registration; or

(B) the expiration of the license or registration.

RULE §30.34

Factors in Determining Whether Conviction Relates to Occupation

(a) In determining whether a criminal conviction directly relates to an occupation, the commission shall consider:

(1) the nature and seriousness of the crime;

(2) the relationship of the crime to the purposes for requiring a license to engage in the occupation;

(3) the extent to which a license might offer an opportunity to engage in further criminal activity of the same type as that in which the individual previously had been involved; and

(4) the relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of the licensed occupation.

(b) In determining the fitness to perform the duties and discharge the responsibilities of the licensed occupation of an individual who has been convicted of a crime, the executive director shall consider, in addition to the factors listed in subsection (a) of this section:

(1) the extent and nature of the individual's past criminal activity;

(2) the age of the individual when the crime was committed;

(3) the amount of time that has elapsed since the individual's last criminal activity;

(4) the conduct and work activity of the individual before and after the criminal activity;

(5) evidence of the individual's rehabilitation or rehabilitative effort while incarcerated or after release; and

(6) other evidence of the individual's fitness, including letters of recommendation from:

(A) prosecutors and law enforcement and correctional officers who prosecuted, arrested, or had custodial responsibility for the individual;

(B) the sheriff or chief of police in the community where the individual resides; and

(C) any other individual in contact with the convicted individual.

(c) The applicant has the responsibility, to the extent possible, to obtain and provide to the executive director the recommendations of the prosecution, law enforcement, and correctional authorities as required by subsection (b)(6) of this section.

(d) In addition to fulfilling the requirements of subsection (a)(2) of this section, the applicant shall furnish proof in the form required by the executive director that the applicant has:

(1) maintained a record of steady employment;

(2) supported the applicant's dependents;

(3) maintained a record of good conduct; and

(4) paid all outstanding court costs, supervision fees, fines, and restitution ordered in any criminal case in which the applicant has been convicted.

RULE §30.35

Guidelines

(a) The agency shall issue guidelines relating to the practice of the agency in determining whether a particular crime is considered to relate to a particular license and any other criterion that affects the decisions of the commission.

(b) The agency shall file the guidelines with the secretary of state for publication in the *Texas Register*.

RULE §30.36

Notice

The executive director shall notify the individual in writing of the intent to suspend or revoke a license or deny the individual a license or the opportunity to be examined for a license because of the individual's prior conviction of a crime and the relationship of the crime to the license. The notification shall include, but not be limited to the:

- (1) reason for the suspension, revocation, denial, or disqualification;
- (2) review procedure provided by §30.35 of this title (relating to Guidelines); and
- (3) earliest date that the individual may appeal the action of the commission.

RULE §30.37

Judicial Review

(a) An individual whose license has been suspended or revoked or who has been denied a license or the opportunity to take an examination under §30.20(m) and §30.33(a)(2)(H) or (d) of this title (relating to Examinations; or License or Registration Denial, Warning, Suspension, or Revocation) and who has exhausted the individual's administrative appeals may file an action in the district court in Travis County, Texas for review of the evidence presented to the commission and the decision of the commission.

(b) The petition for an action under subsection (a) of this section must be filed not later than the 30th day after the date the commission's decision is final and appealable.

RULE §30.38

Hearings

All hearings are to be conducted according to Chapters 70 and 80 of this title (relating to Enforcement and Contested Case Hearings, respectively).

SUBCHAPTER B

BACKFLOW PREVENTION ASSEMBLY TESTERS

RULE §30.51

Purpose and Applicability

- (a) The purpose of this subchapter is to establish qualifications for issuing and renewing licenses to an individual who tests and repairs backflow prevention assemblies.
- (b) An individual who tests and repairs backflow prevention assemblies must meet the qualifications of this subchapter and be licensed according to Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations).

RULE §30.57

Definitions

The following word and term, when used in this subchapter, shall have the following meaning, unless the context clearly indicates otherwise. Backflow prevention assembly tester (BPAT)-- An individual who tests and repairs backflow prevention assemblies.

RULE §30.60

Qualifications for Initial License

To obtain a license, an individual must have:

- (1) met the requirements in Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations);
- (2) passed an examination;
- (3) received a high school diploma or equivalent certificate;
- (4) completed an approved 40-hour backflow prevention assembly testing training course; and
- (5) worked at least two years in an approved area which includes, but is not limited to:
 - (A) operating or maintaining a public drinking water system;
 - (B) installing or repairing residential, commercial, or industrial drinking water treatment equipment;
 - (C) installing or repairing lawn irrigation systems;
 - (D) performing activities requiring a master or journeyman plumbing license;
 - (E) installing or servicing fire suppression sprinkler systems and lines;
 - (F) operating or maintaining a domestic wastewater treatment facility;
 - (G) performing health inspections that requires a registered sanitarian; or
 - (H) performing other duties approved by the executive director.
- (6) An individual may substitute one year of the required experience with:
 - (A) one year of college credit (32 semester hours); or
 - (B) 20 hours of approved training in addition to the required 40-hour backflow prevention assembly testing training course.

RULE §30.62

Qualifications for License Renewal

To renew a license, an individual must have:

- (1) met the requirements in Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations); and
- (2) completed 24 hours of approved continuing education which includes eight hours of approved practical skills training.

SUBCHAPTER C

CUSTOMER SERVICE INSPECTORS

RULE §30.81

Purpose and Applicability

- (a) The purpose of this subchapter is to establish qualifications for issuing and renewing licenses to individuals who conduct and certify customer service inspections.
- (b) An individual who performs customer service inspections must meet the qualifications of this subchapter and be licensed according to Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations).
- (c) An endorsement for customer service inspections shall expire when an individual renews a water operators license or the license expires. To obtain a customer service inspector license, an individual holding an endorsement must submit a new application with the appropriate fee.
- (d) A licensed customer service inspector shall not perform plumbing inspections required under Texas Occupations Code, §1301.255 and §1301.551.

RULE §30.87

Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Cross-connection--A physical connection between a public water system and either another supply of unknown or questionable quality, any source which may contain contaminating or polluting substances, or any source of water treated to a lesser degree in the treatment process.
- (2) Customer service inspection--An examination of the private water distribution facility for the purpose of providing or denying water service. The inspection is limited to the identification and prevention of cross-connections, potential contaminant hazards, and illegal lead materials. Customer service inspections are completed before providing continuous water service to new construction, on any existing service where there is reason to believe that cross-connections or other potential contaminant hazards exist, or after any material improvement, correction, or addition to private water distribution facilities (see §290.46(j) of this title (relating to Minimum Acceptable Operating Practices for Public Drinking Water Systems)).
- (3) Customer service inspector--The person who is licensed by the executive director to perform customer service inspections.

RULE §30.90

Qualifications for Initial License

- (a) To obtain a license, an individual must have:
- (1) met the requirements in Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations);
 - (2) received a high school diploma or equivalent certificate;
 - (3) completed an approved customer service inspector training course;
 - (4) worked at least two years in an approved area which includes, but is not limited to:
 - (A) operation or maintenance of a public drinking water treatment or distribution system;
 - (B) performing activities requiring a master or journeyman plumbing license;
 - (C) conducting building or construction inspections; or
 - (D) performing duties related to this profession approved by the executive director.
- (b) One year of college (32 semester hours) or an additional 20 hours of training credits may be substituted for one year of the experience requirement.

RULE §30.92

Qualifications for License Renewal

To renew a license, an individual must have:

- (1) met the requirements in Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations); and
- (2) completed 16 hours of approved continuing education.

RULE §30.95

Exemptions

Plumbing inspectors and water supply protection specialists licensed by the State Board of Plumbing Examiners are exempt from these requirements.

SUBCHAPTER D

LANDSCAPE IRRIGATORS, IRRIGATION TECHNICIANS AND
IRRIGATION INSPECTORS

RULE §30.111

Purpose and Applicability

- (a) The purpose of this subchapter is to establish qualifications for issuing and renewing licenses to individuals who:
- (1) sell, design, install, maintain, alter, repair, or service an irrigation system;
 - (2) provide consulting services relating to an irrigation system;
 - (3) connect an irrigation system to any water supply; or
 - (4) inspect irrigation systems and perform other enforcement duties as an employee or as a contractor.
- (b) An individual who performs any of the tasks listed in subsection (a) of this section must meet the qualifications of this subchapter and be licensed according to Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations), unless they are

exempt under §30.129 of this title (relating to Exemptions); and must comply with the requirements in Chapter 344 of this title (relating to Landscape Irrigation).

RULE §30.117

Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Irrigation technician--A person who works under the supervision of a licensed irrigator to install, maintain, alter, repair, service, or supervise installation of an irrigation system, including the connection of such system in or to a private or public, raw or potable water supply system or any water supply.

(2) Irrigator--A person who sells, designs, offers consultations, installs, maintains, alters, repairs, services, or supervises the installation of an irrigation system, including the connection of such system to a private or public, raw or potable water supply system or any water supply.

RULE §30.120

Qualifications for Initial License

(a) Effective January 1, 2010, the installer license became invalid and was replaced with the irrigation technician license.

(b) To obtain an irrigator license, an individual must:

(1) meet the requirements in Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations);

(2) complete and pass the basic irrigator training course; and

(3) pass all sections of the applicable examination.

(c) To obtain an irrigation technician license, an individual must:

(1) meet the requirements in Subchapter A of this chapter;

(2) complete the basic irrigation technician course; and

(3) pass the applicable examination.

(d) To obtain an irrigation inspector license, an individual must:

(1) meet the requirements in Subchapter A of this chapter;

(2) successfully complete:

(A) the basic irrigator training course;

(B) an approved backflow prevention assembly testing training course; and

(C) an approved water conservation or water audit course; or

(D) an approved landscape irrigation inspection course; and

(3) pass the applicable examination.

(e) An individual is ineligible to obtain an irrigation inspector license if the individual engages in or has financial or advisory interest in an entity that:

(1) sells, designs, installs, maintains, alters, repairs, or services an irrigation system;

(2) provides consulting services relating to an irrigation system; or

(3) connects an irrigation system to any water supply.

-
- (a) Effective January 1, 2010, the installer license was replaced by an irrigation technician license.
- (b) To renew an irrigator license, an individual must:
- (1) meet the requirements in Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations); and
 - (2) complete 24 hours of approved training credits.
- (c) To renew an irrigation technician license, an individual must:
- (1) meet the requirements in Subchapter A of this chapter; and
 - (2) complete 16 hours of approved training credits.
- (d) To renew an irrigation inspector license, an individual must:
- (1) meet the requirements in Subchapter A of this chapter; and
 - (2) complete 24 hours of approved training credits.

-
- (a) The licensing requirements of this chapter do not apply to a person who:
- (1) is licensed by the Texas State Board of Plumbing Examiners and is working within the scope provided by the plumbing laws;
 - (2) is registered or licensed as a professional engineer or architect or landscape architect if the work is related to the pursuit of the profession;
 - (3) is under the direct supervision of a licensed irrigator and assists in the installation, maintenance, alteration, repair, or service of an irrigation system; or
 - (4) is an owner of a business that employs a licensed irrigator to supervise the business' sale, design, consultation, installation, maintenance, alteration, repair, and service of irrigation systems. For the purpose of this subchapter, employs means steadily, uniformly, or habitually working in an employer-employee relationship with the intent to earn a livelihood, as opposed to working casually or occasionally.
- (b) The licensing requirements of this chapter do not apply to:
- (1) irrigation or yard sprinkler work that is performed by a property owner in a building or on premises owned or occupied by the owner as the owner's home;
 - (2) irrigation or yard sprinkler repair work, other than extension of an existing irrigation or yard sprinkler system or installation of a replacement system that is:
 - (A) performed by a maintenance person who does not act as an irrigator or engage in yard sprinkler construction or maintenance for the public; and
 - (B) incidental to and on premises owned by the business in which the person is regularly employed or engaged;
 - (3) irrigation or yard sprinkler work that is performed:
 - (A) by a regular employee of a railroad who does not act as an irrigator or engage in yard sprinkler construction or maintenance for the public; and
 - (B) on the premises or equipment of the railroad;
 - (4) irrigation and yard sprinkler work that is performed on public property by a person who is regularly employed by a county, city, town, special district, or political subdivision of the state;

- (5) irrigation or yard sprinkler work that is performed by a person using a garden hose, hose sprinkler, hose-end product, including soaker hose, or agricultural irrigation system;
 - (6) an activity that includes a commercial agricultural irrigation system;
 - (7) irrigation or yard sprinkler work that is performed by an agriculturist, agronomist, horticulturist, forester, gardener, contract gardener, garden or lawn caretaker, nurseryman, or grader or cultivator of land on land owned by the individual performing the work;
 - (8) irrigation or yard sprinkler work that is performed by a member of a property owners' association as defined by Property Code, §202.001, on real property owned by the association or in common by the members of the association if the irrigation or yard sprinkler system water real property that is less than 1/2 acre in size and is used for aesthetic or recreational purposes.
- (c) A person who is exempt from the license requirements of this subchapter shall comply with the standards established by Chapter 344 of this title (relating to Landscape Irrigation). The term irrigation system does not include a system used on or by an agricultural operation as defined in Texas Agriculture Code, §251.002.

SUBCHAPTER E LEAKING PETROLEUM STORAGE TANK CORRECTIVE ACTION PROJECT MANAGERS AND SPECIALISTS

RULE §30.171 Purpose and Applicability

- (a) The purpose of this section is to establish qualifications for issuing and renewing licenses to individuals who supervise leaking petroleum storage tank (LPST) corrective actions. This subchapter also establishes qualifications for issuing and renewing registrations to persons that contract to perform LPST corrective actions.
- (b) An individual who performs or supervises regulated corrective action services as a project manager on LPST sites must meet the qualifications of this subchapter and be licensed according to Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations), unless exempt under §30.195 of this title (relating to Exemptions).
- (c) A person that contracts or performs regulated corrective action services on LPST sites as a corrective action specialist must meet the qualifications of this subchapter and be registered according to Subchapter A of this chapter.

RULE §30.177 Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Corrective action--Any assessment (with the exception of an initial site assessment), monitoring, or remedial activities undertaken to investigate the extent of, and to remediate contamination.
- (2) Corrective action services--Activities required to accomplish regulated corrective action at a leaking petroleum storage tank (LPST) site.
- (3) Corrective action specialist--A person that is registered to perform regulated corrective action services on LPST sites.

(4) Leaking petroleum storage tank (LPST)--An aboveground or underground storage tank which has a confirmed release of a petroleum substance.

(5) Project manager--An individual who is licensed to perform or supervise regulated corrective action services on LPST sites.

RULE §30.180

Qualifications for Initial License

To obtain a license as a corrective action project manager, an individual must have:

(1) met the requirements in Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations);

(2) provided documentation of quality of performance including one of the following:

(A) sworn statements, on forms approved by the executive director, from at least three individuals, that are not related by blood or marriage, for whom the applicant performed corrective action services, within the previous 24 months. The statements shall attest to the applicant's job reliability and the client's satisfaction. The statements shall also include a description of the type or types of corrective action services performed by the applicant and the physical address where the services occurred. Corrective action services are not limited to experience gained at leaking petroleum storage tank sites, but may also include corrective actions conducted under any environmental program administered by a state or by the federal government under Resource Conservation and Recovery Act; Comprehensive Environmental Response, Compensation, and Liability Act; the Oil Spill Prevention and Response Act; 33 United States Code, Chapter 40, Subchapter I; and Texas Water Code, Chapter 26; or

(B) a written explanation of why the sworn statements required by subparagraph (A) of this paragraph are not available. An individual's experience, under the supervision of a licensed corrective action project manager, may be sufficient if the executive director determines that the individual had substantial involvement in the decision-making process during the project. The written explanation shall include a detailed description of three case histories of corrective action services performed by the individual during the previous 24 months;

(3) passed an approved examination;

(4) documented education and experience:

(A) an individual must have received a high school diploma or equivalent and a minimum of four years experience in corrective action services; or

(B) an individual must have received a bachelor's degree in the physical, natural, biological, or environmental sciences, engineering, applied geography, or a subject directly relevant to the environmental field, as approved by the executive director; and documented a minimum of two years' experience in corrective action services.

RULE §30.185

Qualifications for License Renewal

(a) To renew a license, an individual must:

(1) meet the requirements in Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations); and

- (2) complete 32 hours of approved continuing education.
- (b) With the exception of professional engineers and professional geoscientist, an application for renewal of a corrective action project manager license is complete when the executive director has received an application for renewal on a form provided by the executive director, completed in a manner acceptable to the executive director, and is accompanied with the required training certificate indicating 32 hours of continuing education; and payment of applicable fees specified in §30.30 of this title (relating to Terms and Fees for Licenses and Registrations).

RULE §30.190

Qualifications for Initial Registration

To obtain a corrective action specialist registration, a person must have:

- (1) met the requirements in Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations);
- (2) provided:
 - (A) proof of a comprehensive general liability insurance policy designating the commission as the certificate holder in an amount of not less than one million dollars (\$1,000,000) and of a type approved by the executive director; and
 - (B) a financial statement (balance sheet) prepared in conformity with accounting principles as defined by the American Institute of Public Accountants, documenting an applicant's current net worth of not less than \$25,000; or a letter from a certified public accountant who is not employed by the applicant or does not receive payment from the applicant on a regular basis verifying that the applicant's current net worth is not less than \$25,000;
- (3) submitted an application fee of \$232; and
- (4) documented quality of performance including one of the following:
 - (A) sworn statements, on forms approved by the executive director, from at least three persons, not related by blood or marriage, for whom the applicant performed corrective action services, within the previous 24 months. The statements shall attest to the applicant's job reliability and the client's satisfaction. The statements shall also include description of the type of corrective action services that were performed by the applicant and the physical address where the activity occurred. Applicable corrective action experience is not limited to experience gained at leaking petroleum storage tank sites, but may also include corrective actions conducted under any environmental program administered by a state or by the federal government under Resource Conservation and Recovery Act; Comprehensive Environmental Response, Compensation, and Liability Act; the Oil Spill Prevention and Response Act; 33 United States Code, Chapter 40, Subchapter I; and Texas Water Code, Chapter 26. The executive director shall evaluate the explanation and case histories on a case-by-case basis; or
 - (B) a written explanation of why the applicant did not provide the sworn statements required by subparagraph (A) of this paragraph are not available. An applicant's experience, under the supervision of a licensed corrective action project manager, may be sufficient if the executive director determines that the individual had substantial involvement in the decision-making process during the project. The written explanation shall include a detailed description of three case histories of corrective action services performed by the individual during the previous 24

months. The executive director shall evaluate the explanation and case histories on a case-by-case basis.

RULE §30.192

Qualifications for Registration Renewal

To renew a registration, a person must:

- (1) meet the requirements in Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations);
- (2) complete an application for registration renewal for a corrective action specialist approved by the executive director, certifying that the company has continued to meet the financial requirements of §30.190 of this title (relating to Qualifications for Initial Registration); and
- (3) pay a registration renewal fee of \$232.

RULE §30.195

Exemptions

(a) An individual licensed to practice engineering by the Texas Board of Professional Engineers (TBPE), may become licensed as a corrective action project manager and is exempt from the requirements in this subchapter by submitting:

- (1) an application form provided by the executive director;
- (2) a signed written request;
- (3) a copy of the license as a professional engineer; and

(4) a written statement from the TBPE that the applicant is currently licensed to practice engineering in the State of Texas and that the TBPE is not aware of any reason that the applicant is not qualified to perform corrective action. An engineer who obtains a license as a corrective action project manager in this manner is exempt from the requirements in this subchapter.

(b) A professional geoscientist licensed to engage in the public practice of geoscience in the State of Texas may become licensed as a corrective action project manager and is exempt from the requirements in this subchapter by submitting:

- (1) an application form provided by the executive director;
- (2) a signed written request;
- (3) a copy of the license as a professional geoscientist; and

(4) a written statement from the Texas Board of Professional Geoscientists (TBPG) that the applicant is currently licensed to engage in the public practice of geoscience in the State of Texas and that the TBPG is not aware of any reason that the applicant is not qualified to perform corrective action. A geoscientist who obtains a license as a corrective action project manager in this manner is exempt from the requirements in this subchapter.

(c) The commission shall reserve the authority to pursue all appropriate enforcement actions, sanctions, and or penalties, in accordance with applicable law and rules if the TBPE or the TBPG does not pursue appropriate disciplinary or enforcement actions due to a lack of statutory or regulatory authority or jurisdiction, or for any other reason.

(d) A person does not have to have a license to perform corrective action services if the person claiming the exemption can show the corrective action was performed or offered to be performed at leaking petroleum storage tank (LPST) sites which are:

(1) completely exempt from regulation under §334.3(a) of this title (relating to Exemptions for Underground Storage Tanks (USTs) and UST Systems) or §334.123 of this title (relating to Exemptions for Aboveground Storage Tanks (ASTs)); or

(2) completely excluded from regulation under §334.4(a) of this title (relating to Exclusions for Underground Storage Tanks (USTs) and UST Systems) or §334.124 of this title (relating to Exclusions for Aboveground Storage Tanks (ASTs)).

(e) The requirements of this subchapter do not apply to corrective action specialists when the party claiming the exemption can show that corrective action services were completed on or before October 1, 1994. Any corrective action service started by a corrective action specialist on or after October 1, 1994, is subject to the requirements of this subchapter. Any corrective action service started by a corrective action specialist before October 1, 1994, which is still being performed on or after October 1, 1994, is subject to the requirements of Chapter 334 of this title (relating to Underground and Aboveground Storage Tanks).

(f) The requirements of this subchapter do not apply to corrective action project managers when the party claiming the exemption can show that corrective action services were completed on or before January 1, 1995. Any corrective action service started by a corrective action project manager on or after January 1, 1995, is subject to the requirements of this subchapter. Any corrective action service started by a corrective action project manager before January 1, 1995, which is still being performed on or after January 1, 1995, is subject to the requirements of this subchapter.

(g) The requirements of this subchapter do not apply to:

(1) installation, repair, and removal of USTs when the work is conducted and supervised by persons or entities registered or licensed in accordance with Subchapter I of this chapter (relating to Underground Storage Tank On-Site Supervisor Licensing and Contractor Registration); and

(2) the following activities, but only when such activities are performed as part of a UST permanent removal-from-service project conducted under the direct supervision of an on-site supervisor licensed to remove USTs under Chapter 213 of this title (relating to Edwards Aquifer), and further subject to all appropriate requirements and standards in this subchapter, including enforcement authority:

(A) subject to prior written commission approval, excavation of contaminated soil when necessary for corrective action at the LPST site of an amount not to exceed 300 cubic yards of compacted materials (390 cubic yards of uncompacted materials) beyond the backfill unless specific prior written authorization from the commission is granted for additional excavation yardage;

(B) sampling of the excavated materials described in subparagraph (A) of this paragraph, and the floor and walls of the area excavated as necessary to determine levels of contamination as required by Chapter 334, Subchapter C or D of this title (relating to Technical Standards; and Corrective Action and Release Reporting);

(C) passive aeration and necessary routine tilling and sampling of the excavated materials described in subparagraph (A) of this paragraph according to air program regulations; and

(D) lawful disposal of the excavated materials described in subparagraph (A) of this paragraph.

- (h) The requirements of this subchapter do not apply to:
- (1) providing alternate water supplies; or
 - (2) analyzing samples by a laboratory.
- (i) The requirements of this subchapter do not apply to emergency abatement actions in compliance with §334.454 of this title (relating to Exception for Emergency Abatement Actions).
- (j) The requirements of this subchapter do not apply to facilities which are authorized to store or treat petroleum-substance waste from more than one LPST site under the provisions of Chapter 334 of this title.
- (k) The requirements of this subchapter do not apply to owners or operators, their direct employees, parent companies, or subsidiaries that on behalf of the owner or operator coordinate with, manage, or supervise corrective action specialists or corrective action project managers, or coordinate with the commission, or review the corrective action reports. The tank owners or operators, their direct employees, parent companies, or subsidiaries who conduct corrective action services are subject to all provisions of this subchapter.

SUBCHAPTER F

RULE §30.201

MUNICIPAL SOLID WASTE FACILITY SUPERVISORS

Purpose and Applicability

- (a) The purpose of this section is to establish qualifications for issuing and renewing licenses to an individual who supervises or manages the operation of municipal solid waste (MSW) facilities.
- (b) At least one individual who supervises or manages the operation of an MSW facility must meet the qualifications of this subchapter and be licensed according to Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations).
- (c) Individuals who obtained a class "A" license prior to September 27, 2007 are authorized to supervise any level or type of MSW facility.
- (d) Individuals who obtained a class "A" license after September 27, 2007 by completing only the "A" MSW Facility Supervisor course and passing the applicable exam, will need to complete the "B" MSW Facility Supervisor course before being eligible to supervise those facilities requiring a class "B" MSW facility supervisor.

RULE §30.207

Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Experience--Actual experience gained from participating as a principal operator, foreman, supervisor, or manager of a solid waste facility appropriate to the respective class of license or other solid waste management experience approved by the executive director.

(A) College credit hours obtained from an accredited institution may be substituted for experience on the basis of:

(i) 32 college credit hours for one year of experience, up to a maximum of two years for a class "A" license; or

(ii) 32 college credit hours for one year of experience, up to a maximum of one year for a class "B" license.

(B) Individuals who apply for a class "A" or "B" license, and rely on college credit hours as a substitute for meeting the experience requirements, must have those hours in chemistry, biology, engineering, soil science, geosciences, environmental science, or other similar discipline approved by the executive director.

(2) Solid waste facility supervisor--An individual who is trained in the practical aspects of the design, operation, maintenance, or supervision of a solid waste facility according to standards, rules, or orders established by the commission.

(3) Manager of Landfill Operations (MOLO) certification--Certification issued by the Solid Waste Association of North America (SWANA) to individuals who have completed SWANA's MOLO course and passed the applicable certification examination.

RULE §30.210

Qualifications for Initial License

To obtain a license, an individual must have met the requirements of Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations), and the following requirements for each class of license:

Attached Graphic

Figure: 30 TAC §30.210

License Type	Education Requirements	Experience as defined in 30 TAC §30.207(1)	Exam Required	Training Requirements
Class B	With High School Diploma (HSD) or equivalent*	2 years	Class 'B' municipal solid waste (MSW) Facility Supervisor Licensing Exam	Class 'B' MSW Facility Supervisor Course; and if applicable, specialized training.**
	Without HSD or equivalent	4 years		
Class A	With HSD or equivalent*	4 years	Class 'A' MSW Facility Supervisor Exam	Class 'A' MSW Facility Supervisor Course; and Class 'B' MSW Facility Supervisor Course; and if applicable, specialized
	Without HSD or equivalent	6 years		

				training.**
Class A	Applicants that hold a current "Manager of Landfill Operations" (MOLO) certification issued by Solid Waste Association of North America (SWANA); and complete the Class 'B' MSW Facility Supervisor Course and a TCEQ recognized Texas MSW regulation training course will not be required to complete the Class 'A' MSW Facility Supervisor course or take and pass the Class 'A' MSW Facility Supervisor licensing exam. However, the applicants must meet the required education and experience requirements outlined above.			
*HSD or equivalent may be substituted by completing an additional 20 hours of MSW training.				
**Individuals managing or supervising medical waste or compost facilities requiring an MSW registration or permit, shall complete a TCEQ recognized or approved specialized training course that is applicable to that facility before being issued a standard class 'B' MSW Facility Supervisor license. Individuals completing the class 'B' MSW facility supervisor course, passing the examination, but not completing the specialized course will be issued a provisional class 'B' license. The completion of the specialized course must be before the expiration date of the provisional license.				

RULE §30.211

Provisional Licenses

-
- (a) A provisional license may be issued to an individual applying for a class "A" or "B" license who:
- (1) has completed the required training, passed the applicable examination and met the minimum education requirements, but lacks the required experience; or
 - (2) has passed the applicable examination, met the education and experience requirements, but lacks the required training.
- (b) A provisional license shall have:
- (1) a validity period of two years; and
 - (2) an application fee of \$74.00.
- (c) Provisional licenses are not renewable.
- (d) To continue to supervise a municipal solid waste (MSW) facility after the expiration date of a provisional license, the provisional license holder must:
- (1) complete any missing requirements pertaining to the corresponding license originally applied for before the expiration date of the provisional license; and
 - (2) have been issued the class of license that is required for the type of MSW facility being supervised.

RULE §30.212

Qualifications for License Renewal

To renew a license, an individual must have:

- (1) met the requirements in Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations); and
- (2) completed the following hours of continuing education:
 - (A) Class A--16 hours; or
 - (B) Class B--16 hours.

RULE §30.213 Classification of Municipal Solid Waste Facilities and Level of License Required

(a) Each classification of a municipal solid waste (MSW) facility shall employ at least one licensed individual who supervises or manages the operations of a MSW facility. The level of license required for the different classifications of facilities is as follows:

[Attached Graphic](#)

(b) The level of license required for the different classifications of facilities described in subsection (a) of this section are applicable unless the facility's permit specifies that the facility be supervised by a level of supervisor different from that required in subsection (a) of this section. The facility's permit supersedes the requirement in subsection (a) of this section.

RULE §30.214 Exemptions

The following municipal solid waste (MSW) facilities do not require a licensed supervisor:

- (1) Type VII land application facilities;
- (2) Type VIII used or scrap tire facilities;
- (3) Type IX beneficial landfill gas recovery facilities;
- (4) animal crematories, dual chamber incinerators, and air curtain incinerators operating in accordance with an MSW permit by rule; and
- (5) MSW facilities exempt from permitting or registration, unless otherwise described in §30.210 of this title (relating to Qualifications for Initial License).

SUBCHAPTER G ON-SITE SEWAGE FACILITIES INSTALLERS, APPRENTICES, DESIGNATED REPRESENTATIVES, MAINTENANCE PROVIDERS, MAINTENANCE TECHNICIANS, AND SITE EVALUATORS

RULE §30.231 Purpose and Applicability

(a) The purpose of this subchapter is to establish qualifications for issuing and renewing licenses and registrations for a person that:

- (1) constructs any part of an on-site sewage facility;
- (2) performs the duties of a designated representative;
- (3) performs the duties of a site evaluator;
- (4) performs the duties of an apprentice;
- (5) performs the duties of a licensed maintenance provider; or
- (6) performs the duties of a maintenance technician.

(b) A person that performs any of the tasks listed in subsection (a) of this section must meet the qualifications of this subchapter and be licensed or registered according to Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations), unless exempt under §30.244 of this title (relating to Exemptions), and must comply with the requirements of Chapter 285 of this title (relating to On-Site Sewage Facilities).

(c) Effective September 1, 2009, all current maintenance provider registrations were converted to maintenance technician registrations.

RULE §30.237

Definitions

The definitions in Chapter 285 of this title (relating to On-Site Sewage Facilities) apply to this subchapter.

RULE §30.240

Qualifications for Initial License

(a) To obtain an Installer I license, an individual must have:

- (1) met the requirements of Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations);
- (2) completed the Installer I basic training course; and
- (3) passed the Installer I examination.

(b) To obtain an Installer II license, an individual must have:

- (1) met the requirements of Subchapter A of this chapter;
- (2) met one of the following requirements:
 - (A) held an Installer I license for at least one year;
 - (B) held an apprentice registration for at least two years; or
 - (C) previously possessed an Installer II license;
- (3) completed the Installer II basic training course;
- (4) passed the Installer II examination; and
- (5) met the experience requirements. Applicants for an Installer II license must submit statements attesting to the applicant's work experience. Such statements shall include a description of the type of on-site sewage facility (OSSF) work that was performed by the applicant and the physical addresses where the activity occurred. The experience shall be actual work accomplished under the license or registration. The number of systems will not substitute for the time required. Experience requirements are:

- (A) to document experience as an Installer I, the applicant shall submit either:

(i) sworn statements from at least three individuals for whom the applicant performed construction services, statements cannot be provided by individuals related by blood or marriage to the applicant or applicant's spouse;

(ii) a sworn statement from a designated representative who has approved a minimum of three installations performed by the applicant; or

(iii) other documentation of the applicant's work experience, approved by the executive director;

(B) to document experience as an apprentice, the applicant shall submit either:

(i) a sworn statement from the installer for whom the applicant performed construction services;

(ii) a sworn statement from a designated representative who witnessed the applicant working on at least six OSSF installations; or

(iii) other documentation of the applicant's work experience, approved by the executive director.

(c) To obtain a designated representative license, an individual must have:

(1) met the requirements of Subchapter A of this chapter;

(2) completed the designated representative basic training course; and

(3) passed the designated representative examination.

(d) To obtain a site evaluator license, an individual must have:

(1) met the requirements of Subchapter A of this chapter; and

(2) met the following requirements:

(A) complete the site evaluator basic training course;

(B) pass the site evaluator examination; and

(C) possess a current Installer II license, designated representative license, professional engineer license, professional sanitarian license, certified professional soil scientist, or professional geoscientist license in the soil science discipline (an individual who maintains a current license through the Texas Board of Professional Geoscientists according to the requirements for professional practice).

(e) Effective September 1, 2009, a maintenance provider must be licensed with the executive director. To obtain a maintenance provider license, a person must:

(1) meet the requirements of Subchapter A of this chapter;

(2) submit verification that the applicant holds a current Installer II, Class C (or higher)

Wastewater license or acceptable documentation of three years experience as a maintenance technician. Registered maintenance provider experience obtained prior to the effective date of these rules may be applied towards the three years of experience as a maintenance technician; and

(3) successfully complete agency-approved courses in basic maintenance and advanced aerobic wastewater treatment related to residential proprietary aerobic treatment units.

Advanced aerobic wastewater treatment courses must have been approved after September 1, 2008;

(4) pass the maintenance provider licensing examination; and

(5) any additional information required by the executive director.

(a) To renew an Installer I, Installer II, designated representative, maintenance provider, or site evaluator license, an individual must have:

(1) met the requirements in Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations); and

(2) completed a minimum of 24 hours of approved training credits.

(b) In addition to the requirements in subsection (a) of this section, an individual renewing a license for site evaluator shall demonstrate possession of a current license specified in §30.240(d)(2)(C) of this title (relating to Qualifications for Initial License) except for individuals who were granted a site evaluator license on the basis of holding either an Installer II or designated representative license.

(c) For the renewal of a maintenance provider license, the individual is not required to hold a current Installer II or Wastewater C license, but must meet all the requirements in subsection (a) of this section.

RULE §30.244

Exemptions

(a) Persons that in their individual capacities:

(1) own a single-family dwelling are not required to be a licensed installer in order to install or repair an on-site sewage facility (OSSF) on the individual's property. This provision does not apply to property that is to be developed for sale or lease. If the owner compensates a person to construct any portion of an OSSF, the individual performing the work shall be a licensed installer. The owner shall meet all permitting, construction, and maintenance requirements of the permitting authority. The site evaluation must be performed by an individual who possesses either a current site evaluator or a professional engineer license;

(2) own a single-family dwelling that is serviced by an on-site sewage disposal system using aerobic treatment are not required to be a licensed installer in order to install or repair an OSSF servicing that single-family dwelling. Such person must meet all permitting, construction, and maintenance requirements of the permitting authority. If that person compensates a person to construct any portion of an OSSF, the individual performing the work must be a licensed installer. This provision does not apply to property that is developed for sale or lease;

(3) elect to maintain the on-site sewage disposal system using aerobic treatment. The aerobic treatment system owner is not required to register with the agency as a maintenance provider, but must comply with the requirements of Chapter 285 of this title (relating to On-Site Sewage Facilities).

(b) A licensed electrician who installs the electrical components, or a person that delivers a treatment or pump tank and sets the tank or tanks into an excavation, is not required to have an installer license.

(c) A professional engineer may perform site evaluations without obtaining a site evaluator license. However, a professional engineer may obtain a site evaluator license by complying with the requirements in this subchapter.

RULE §30.245

Registration of Apprentices and Maintenance Technicians

(a) Apprentice. An individual who enters into an apprenticeship under the supervision of a licensed on-site sewage facility (OSSF) installer shall be registered with the executive director.

(1) Application. An application for registration shall be made on a standard form provided by the executive director. The completed application and a \$111 fee must be submitted to the executive director.

(2) Notification. After verifying that the requirements for registration have been met, the executive director shall mail the registration certificate no later than 45 days after the effective date of the registration. An individual's application may be denied according to §30.33 of this title (relating to License or Registration Denial, Warning, Suspension, or Revocation).

(3) Expiration. The apprentice registration will expire three years after the issuance date of the registration.

(4) An apprentice's registration may not be renewed if:

(A) the registration has been expired for more than 30 days;

(B) the registration has been revoked; or

(C) the apprentice has obtained an installer license.

(5) An apprentice whose registration renewal application is not received by the executive director or is not postmarked within 30 days after the registration expiration date of the current registration, must submit a new application with the appropriate fee. The apprentice will be assigned a new registration number and date, but will not lose any experience gained under the previous registration.

(b) Maintenance technician. An individual who maintains OSSFs for compensation and is not a licensed maintenance provider shall be registered with the executive director as a maintenance technician. A maintenance technician shall have successfully completed an agency-approved course in basic maintenance provider training.

(1) Application. An application for registration shall be made on a standard form provided by the executive director. The completed application and a \$111 fee must be submitted to the executive director.

(2) Notification. After verifying that the requirements for registration have been met, the executive director shall mail the registration certificate no later than 45 days after the effective date of the registration. An individual's application may be denied according to §30.33 of this title.

(3) Expiration or termination. The maintenance technician's registration will expire three years after the issuance date of the registration.

(4) A maintenance technician's registration may not be renewed if:

(A) the registration has been expired for more than 30 days;

(B) the registration has been revoked; or

(C) the registration has been replaced by a higher class of license.

(5) A maintenance technician whose registration renewal application is not received by the executive director or is not postmarked within 30 days after the registration expiration date of the current registration, must submit a new application with the appropriate fee. The maintenance technician will be assigned a new registration number and date, but will not lose any experience gained under the previous registration.

(a) The purpose of this section is to establish qualifications for issuing and renewing licenses to an individual who installs and repairs water treatment equipment.

(b) An individual who installs, repairs, or services water treatment equipment under contract must meet the qualifications of this subchapter and be licensed according to Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations).

RULE §30.267

Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Installation of water treatment appliances--Includes connecting the appliances to all necessary utility connections in residential, commercial, or industrial facilities.

(2) Water treatment--A business conducted under contract that requires the interpretation of analysis of water samples, including the ability to determine how to treat influent or effluent water, alter or purify water, or add or remove a mineral, chemical, or bacteriological content or substance. The term also includes the installation, exchange, connection, maintenance, service, and repair of potable water treatment equipment and appliances in public or private water systems.

(3) Water treatment equipment--Appliances used to alter or purify water or to alter a mineral, or bacteriological content, or substance.

(4) Water treatment specialist--A person who is licensed under this chapter to perform water treatment on a contract basis.

RULE §30.270

Qualifications for Initial License

To obtain a license, an individual must have:

(1) met the requirements in Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations); and

(2) met the following requirements:

[Attached Graphic](#)

License	Education	Minimum Work Experience	Approved Training
Class 1	None	None	None

Class 2	Less than High School Diploma or GED	3 years	Basic Course
Class 2	High School Diploma or GED	2 years	Basic Course
Class 2	1 year College	1 year	Basic Course
Class 3	High School Diploma or GED	3 years	Basic and Advanced Courses
Class 3	2 years College	2 years	Basic and Advanced Courses
Class 3	College Degree	1 year	Basic and Advanced Courses

RULE §30.272

Qualifications for License Renewal

To renew a license, an individual must have:

- (1) met the requirements in Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations); and
- (2) completed 12 hours of approved training credits.

RULE §30.274

Classification of Licenses

- (a) Class 1--Individuals who have been issued this license must work under the supervision of an individual holding a higher class license, a local plumbing inspector, or a health official that has jurisdiction where the work is performed.
- (b) Class 1--Work is restricted to the following activities:
 - (1) exchange and regeneration of portable tanks;
 - (2) regeneration of nonportable tanks; or
 - (3) other tasks which may be assigned by the supervisor and for which direct supervision is provided.
- (c) Class 2--Individuals who have been issued this license:
 - (1) shall have demonstrated a practical working knowledge of the mechanics and servicing principles of water conditioners;
 - (2) are deemed able to perform water treatment installations, exchanges, services, or repairs of equipment;

(3) are considered to be aware of the public health requirements connected with their activities; and

(4) are excluded from working on reverse osmosis and deionization equipment unless the work is performed under the supervision of an individual holding a higher class license.

(d) Class 3--Individuals who have been issued this license meet minimum standards of qualifications established for the installation, exchange, servicing, and repair of water treatment equipment and appliances, including reverse osmosis and deionization equipment.

RULE §30.279

Exemptions

(a) Individuals who are licensed under the Texas Occupations Code, Chapter 1301 are exempt from the requirements of this subchapter.

(b) Employees of industrial facilities who install or service water treatment equipment at their facilities are exempt from the requirements of this subchapter.

(c) Employees of public water systems installing water treatment equipment at their system who hold a Class C license or higher, are exempt from the requirements of this subchapter.

(d) Employees of registered operations companies installing water treatment equipment at the facilities for which the operations company has a contract to operate and who hold a Class C license or higher, are exempt from the requirements of this subchapter.

SUBCHAPTER I

UNDERGROUND STORAGE TANK ON-SITE SUPERVISOR
LICENSING AND CONTRACTOR REGISTRATION

RULE §30.301

Purpose and Applicability

(a) The purpose of this subchapter is to establish qualifications for issuing and renewing:

(1) licenses to individuals who supervise the installation, repair, or removal of an underground storage tank (UST); and

(2) registrations to persons that offer to undertake, represent themselves as being able to undertake, or undertake the installation, repair, or removal of a UST.

(b) A person that performs any of the tasks listed in subsection (a) of this section must meet the qualifications of this subchapter, and be licensed or registered according to Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations), unless exempt under §30.319 of this title (relating to Exemptions), and must comply with the requirements in Chapter 334 of this title (relating to Underground and Aboveground Storage Tanks).

RULE §30.307

Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Corrosion specialist--A person who, by reason of a thorough knowledge of the physical sciences and the principals of engineering and mathematics acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks, and who is either:

(A) certified as a corrosion specialist or a cathodic protection specialist by NACE International; or

(B) licensed as a professional engineer by the Texas Board of Professional Engineers in a branch of engineering that includes education and experience in corrosion control of buried or submerged metal piping systems and metal tanks.

(2) Corrosion technician--A person who can demonstrate an understanding of the principals of soil resistivity, stray current, structure-to-soil potential, and component electrical isolation measurements as they relate to corrosion protection and control on buried or submerged metal tanks and metal piping systems; who is qualified by appropriate training and experience to engage in the practice of inspection and testing for corrosion protection and control on such systems, including the inspection and testing of all common types of cathodic protection systems; and who either:

(A) has been certified by NACE International as a corrosion technician, corrosion technologist, or senior corrosion technologist;

(B) is employed under the direct supervision of a corrosion specialist (as defined in paragraph (1) of this section), where the corrosion specialist is responsible for maintaining control and oversight over all corrosion testing and inspection activities; or

(C) has been officially qualified as a cathodic protection tester, according to the assessment and examination procedures prescribed by NACE International.

(3) Critical junctures--In the case of an installation, repair, or removal of an underground storage tank (UST) system, all of the following steps:

(A) preparing the tank bedding immediately before receiving the tank;

(B) setting the tank and the piping, including placement of any anchoring devices, backfill to the level of the tank, and strapping, if any;

(C) connecting piping systems to the tank;

(D) pressure testing the UST, including associated piping, performed during the installation;

(E) completing backfill and filling the excavation;

(F) anytime during the repair in which the piping system is connected or reconnected to the tank;

(G) anytime during the repair in which the tank or its associated piping is tested; and

(H) anytime during the removal of the UST.

(4) Engineering construction--Construction designed by a civil or mechanical engineer, as opposed to building construction which is designed by an architectural engineer.

(5) Installation--The installation of underground storage tanks and ancillary equipment, including, but not limited to, the following activities:

(A) installation of new or used tanks at a new or existing facility;

(B) installation of new or replacement piping for new or existing tanks;

(C) addition of secondary containment equipment for new or existing tanks or piping;

(D) addition or replacement of the following types of equipment at a new or existing facility:

(i) spill and overfill prevention equipment, as required in §334.51 of this title (relating to Spill and Overfill Prevention and Control); and

(ii) equipment or devices which are permanently installed for the purpose of providing release detection or release monitoring as required for compliance with §334.50 of this title (relating to Release Detection), except:

(I) observation wells or monitoring wells (excluding equipment and devices therein) constructed by a well driller who possesses the appropriate license required by the Texas Occupations Code, Chapter 1901; or

(II) any equipment temporarily installed solely for the purpose of conducting a tank or piping tightness test, as defined in §334.2 of this title (relating to Definitions), except when a tightness test is a prescribed element of a critical juncture of an installation, repair, or removal. Temporarily in this context means the reasonable amount of time required to attach the equipment, make the tests, and remove the equipment, under the given conditions at the site;

(E) installation or replacement of anchoring systems designed to prevent tank flotation;

(F) installation or replacement of vent lines at new or existing facilities;

(G) installation or replacement of submersible pumping systems at new or existing facilities; and

(H) installation or replacement of any underground Stage I or Stage II vapor recovery systems.

(6) On-site supervisor--An individual who supervises the installation, repair, or removal of an underground storage tank (UST) in the State of Texas, and who meets the licensing requirements of this subchapter for one of the following licenses:

(A) Class A for an on-site supervisor who supervises the installation or repair of UST systems; or

(B) Class B for an on-site supervisor who supervises the removal of UST systems.

(C) Class A/B combination for an on-site supervisor who supervises the installation, repair, and removal of UST systems.

(7) Removal--Permanent removal of an underground storage tank from service as defined in §334.2 of this title (relating to Definitions) conducted according to §334.55 of this title (relating to Permanent Removal from Service).

(8) Repair--The modification or correction of an underground storage tank (UST) and ancillary equipment. The term does not include:

(A) relining a UST through the application of epoxy resins or similar materials;

(B) performing a tightness test to ascertain the integrity of the tank, except when a tightness test is a prescribed element of a critical juncture of an installation, repair, or removal;

(C) maintaining and inspecting cathodic protection devices by a corrosion specialist or corrosion technician;

(D) performing emergency actions to halt or prevent leaks or ruptures; or

(E) performing minor maintenance on ancillary aboveground equipment.

(9) Underground storage tank (UST)--Any one or combination of underground tanks and any connecting underground pipes used to contain accumulation of regulated substances, the volume of which, including the volume of the connecting underground pipes, is 10% or more beneath the surface of the ground.

(10) Underground storage tank contractor (or UST contractor)--A person that offers to undertake, represents itself as being able to undertake, or undertakes the installation, repair, or removal of a UST, and who meets the registration requirements of this subchapter.

(11) Underground utilities--Public underground water systems, sanitary sewers, or storm sewers. The phrase "underground utilities" does not include private underground pipe systems (water or sewer piping), power or communication cables, or natural gas lines.

RULE §30.310

Qualifications for Initial License

(a) An individual applying for an on-site supervisor license must apply for one of the following levels of licenses:

- (1) Class A;
- (2) Class B; or
- (3) Class A/B combination.

(b) To obtain an on-site supervisor license, an individual must:

- (1) have met the requirements in Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations);
- (2) be at least 18 years of age;
- (3) document at least two years of active experience in installation, repair, or removal of underground storage tanks (USTs), underground utilities, or other engineering construction;
- (4) submit sworn statements, on forms approved by the executive director, from at least four persons (three from clients not related by blood or marriage and one from a current or previous employer, or employer's representative) who have engaged the applicant or the applicant's employer within the previous 24 months to perform: UST installations, repairs, or removals; underground utility construction; or engineering construction. These statements shall attest to the applicant's character, knowledge of construction, and ability to supervise the construction activity. Such statements shall also include a description of the type of construction performed by the applicant;
- (5) submit a sworn statement by the applicant as to the authenticity of the information provided on the application;
- (6) prior to the examination, submit the appropriate certificates of completion for the following levels of licenses:
 - (A) Class A--28 hours of training and education courses in the installation and repair of USTs;
 - (B) Class B--12 hours of training and education courses in the removal of USTs; or
 - (C) Class A/B combination--40 hours of training and education courses in the installation, repair, and removal of USTs; and
- (7) pass the appropriate licensing examination.

(c) Individuals with a Class A or Class B may upgrade to a Class A/B combination by submitting a new application with the required fee, completing the required initial training, and passing the examination.

RULE §30.312

Qualifications for License Renewal

To renew an on-site supervisor license, an individual must have:

- (1) met the requirements in Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations); and
- (2) completed eight hours of approved continuing education for each license held.

RULE §30.315

Qualifications for Initial Registration

To obtain an underground storage tank (UST) contractor registration, a person must have:

- (1) met the requirements in Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations);
- (2) provided:
 - (A) proof of commercial liability insurance designating the commission as the certificate holder in an amount of not less than one million dollars (\$1,000,000) and of a type approved by the executive director; and
 - (B) a financial statement (balance sheet) prepared in conformity with accounting principles as defined by the American Institute of Public Accountants, documenting an applicant's current net worth of not less than \$25,000; or a letter from a certified public accountant who is not employed by the applicant or does not receive payment from the applicant on a regular basis verifying that the applicant's current net worth is not less than \$25,000;
- (3) submitted a sworn statement from the applicant attesting to the accuracy of the information provided on the application;
- (4) submitted an application fee of \$232; and
- (5) provided documentation of quality of performance including one of the following:
 - (A) sworn statements, on forms approved by the executive director, from at least three persons, not related by blood or marriage, who have engaged the applicant within the previous 12 months to perform: UST installations, repairs, or removals; underground utility construction; or engineering construction. These statements shall attest to the applicant's business integrity and quality of performance. Such statements shall also include a description of the type of construction performed by the applicant; or
 - (B) a written explanation indicating the reason the applicant did not provide the sworn statements required in subparagraph (A) of this paragraph and a detailed description of at least three case histories of typical UST construction activities performed by the applicant during the previous 12 months.

RULE §30.317

Qualifications for Registration Renewal

To renew an underground storage tank (UST) contractor registration a person must have:

- (1) met the requirements in Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations);
- (2) certified that the UST contractor has commercial liability insurance designating the commission as the certificate holder in an amount of not less than one million dollars (\$1,000,000) and of a type approved by the executive director;

- (3) certified that the UST contractor has a net worth of not less than \$25,000; and
- (4) submitted a renewal fee of \$232.

RULE §30.319

Exemptions

(a) A license is not required for:

(1) an on-site supervisor who installs, repairs, or removes underground storage tank (UST) systems when such systems are completely exempt from regulation under §334.3(a) of this title (relating to Exemptions for Underground Storage Tanks (USTs) and UST Systems) or completely excluded from regulation under §334.4(a) of this title (relating to Exclusions for Underground Storage Tanks (USTs) and UST Systems); or

(2) an individual who assists with the installation, repair, or removal of UST systems and is under the direct, on-site supervision of a licensed on-site supervisor.

(b) A registration is not required for a person that installs, repairs, or removes UST systems that are completely exempt from regulation under §334.3(a) of this title, or completely excluded from regulation under §334.4(a) of this title.

SUBCHAPTER J

WASTEWATER OPERATORS AND OPERATIONS COMPANIES

RULE §30.331

Purpose and Applicability

(a) The purpose of this subchapter is to establish qualifications for issuing and renewing licenses and registrations to:

- (1) domestic wastewater treatment facility operators;
- (2) wastewater collection system operators; and
- (3) companies that operate these facilities on a contract basis.

(b) Persons that operate, assist in the operation, or contract to operate domestic wastewater treatment facilities or supervise wastewater collection activities, other than an operator-in-training, must be licensed or registered and meet the qualifications of this subchapter and Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations); and must comply with the requirements in Chapter 217 of this title (relating to Design Criteria for Domestic Wastewater Systems), Chapter 317 of this title (relating to Design Criteria Prior to 2008), and all other applicable rules under the jurisdiction of this commission.

(c) Operators are responsible for performing adequate process control of wastewater treatment and collection facilities.

(d) All Class D and Class I licenses previously issued to operators who do not possess a high school diploma or equivalent, may still be renewed according to §30.342 of this title (relating to Qualifications for License Renewal).

(e) An individual who has an honorary license shall not operate a domestic wastewater treatment facility or supervise a wastewater collection system.

(f) The holder of a license or registration is not subject to revocation or suspension of a license or registration if the licensed operator or registered company is unable to properly operate the wastewater treatment or collection facility due to:

- (1) the refusal of the permittee to authorize the necessary funds to operate the wastewater treatment or collection facility properly; or
- (2) the failure of the wastewater treatment or collection facility to comply with its wastewater disposal permit resulting from faulty design or construction of the facility.

RULE §30.337

Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Chief operator--The licensed operator with overall responsibility for the operation of a wastewater treatment facility.
- (2) Designated courses--Courses or their equivalent which are required to obtain a wastewater operator license.
- (3) Domestic wastewater--Waste and wastewater from humans or household operations that are discharged to a wastewater collection system or otherwise enters a wastewater facility.
- (4) Honorary license--License converted from a perpetual license which has been discontinued by the commission.
- (5) Operator-in-charge--Licensed operator who has been charged with the on-site supervision and operation of the wastewater facility in the absence of the chief operator.
- (6) Operator-in-training--An individual entering the field of wastewater treatment or collection for the first time who has less than one year of experience and is in training to operate a wastewater treatment facility, or supervise a wastewater collection system.
- (7) Wastewater collection system--Lines, manholes, pumps, pumping stations, and other components necessary to collect and transport domestic wastewater.
- (8) Wastewater collection system operator--Any individual, in active field supervision, who provides daily on-site inspection and supervision of wastewater collection system operation or maintenance activities.
- (9) Wastewater disposal permit--A domestic wastewater disposal permit issued by the commission in accordance with Texas Water Code, Chapter 26.
- (10) Wastewater treatment facility--Any facility installed for the purpose of treating, neutralizing, or stabilizing wastewater, the operation of which requires a wastewater disposal permit from the commission.
- (11) Wastewater system operations company--Any person or other nongovernmental entity that provides operations services, on a contract basis, to one or more wastewater treatment facilities or collection systems.
- (12) Wastewater treatment facility operator--An individual who performs process control tasks or makes performance control decisions at a wastewater treatment facility.
- (13) Work experience--The actual performance of job tasks in domestic wastewater, considered essential for the treatment or collection of domestic wastewater.

RULE §30.340

Qualifications for Initial License

(a) To obtain a license, an individual must have met the requirements of Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations), the following requirements for each class of license, and pass an examination.

Attached Graphic

(b) At least one-half of the total experience required for a wastewater treatment license must be in actual domestic wastewater treatment facility operation or maintenance duties. Related experience, which involves tasks similar to those required for operation of wastewater treatment facilities, will count at a rate of 50% toward meeting the total experience requirement. For laboratory experience to be applicable, the laboratory must be owned and operated by the permittee and the laboratory technician must consult daily with operational personnel.

(c) Wastewater collection system experience must be in actual wastewater collection system operation or maintenance duties. Credit for wastewater experience that is not directly connected with collection system operation or maintenance shall be approved if the experience involves tasks that are similar to that required for the operation and maintenance of collection systems. Each year of related experience shall count as 1/2 year of experience. Each year of experience in collection system operation and maintenance shall only count as 1/2 year of experience toward a wastewater treatment facility operator license.

(d) Individuals who request to substitute a bachelor's or master's degree for experience at the Class A, Class B, or Class III level must have a major in chemistry, biology, engineering, microbiology, bacteriology, or another similar discipline approved by the executive director.

(e) For each license, applicants may substitute either college hours or training credit hours to meet the experience requirement:

(1) 16 semester hours or an additional 20 hours of training credits are equal to six months of the required work experience;

(2) Class C and Class II applicants may only substitute up to one year of the required work experience; and

(3) Class A, Class B, and Class III applicants may only substitute up to two years of the required work experience.

(f) The hours of training credit required for a license must be in approved courses, which include the following or their equivalents.

Attached Graphic

(g) An individual who previously held a Class D license or higher may not apply for a new Class D license if the individual currently operates any activated sludge type facilities, any trickling filter or rotating biological contractor facilities with a permitted daily average flow of 100,000 gallons per day or greater, or any facility that uses a subsurface area drip dispersal system as defined in §222.5 of this title (relating to Definitions) for disposal of its effluent. A trickling filter or rotating biological contractor is a secondary aerobic process that uses microbiological organisms attached to a fixed substrate.

- (a) To renew a license, an individual must have:
- (1) met the requirements of Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations) and completed a total amount of approved continuing education equal to that of ten hours per year the license is valid; or
 - (2) met the requirements of Subchapter A of this chapter and passed the examination for the license.
- (b) The basic wastewater operation course may not be used to renew a Class B or A license.
- (c) Class D licenses are not renewable for operators of:
- (1) any activated sludge type facilities;
 - (2) any trickling filter or rotating biological contractor (RBC) facilities with a permitted daily average flow of 100,000 gallons per day or greater. A trickling filter or RBC facility is a facility that uses secondary aerobic biological processes for treatment of sewage;
 - (3) any facility that uses a subsurface area drip dispersal system as defined in §222.5 of this title (relating to Definitions) for disposal of its effluent.
- (d) To renew an active converted perpetual license, an individual must have met the requirements of this section, with the exception of the renewal fee.

RULE §30.346

Qualifications for Initial Registration

To obtain a registration, a person must meet the requirements of Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations).

RULE §30.348

Qualifications for Registration Renewal

To renew a registration a person must meet the requirements of Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations).

RULE §30.350

Classification of Wastewater Treatment Facilities, Wastewater Collection Systems, and Licenses Required

- (a) Operators of remote or mobile sludge processing facilities are required to hold a valid Class D or higher license.
- (b) Operators of domestic wastewater treatment facilities owned and located on industrial sites that are regulated by industrial-type wastewater disposal permits are required to be licensed, only if the point of discharge is separate from any other industrial outfalls and the domestic wastewater is not mixed with other industrial wastewater before discharge.
- (c) An individual first entering the field of wastewater treatment or collection may be employed as an operator-in-training for a period up to one year. An operator-in-training must perform all process control tasks in the presence of a licensed operator.
- (d) Each holder of a wastewater disposal permit for a wastewater treatment facility shall employ or contract with one or more licensed wastewater treatment facility operators holding the appropriate level of license or wastewater system operations companies holding a valid

registration and employing licensed wastewater treatment facility operators holding the appropriate level of license.

(e) Domestic wastewater treatment facilities will be classified in accordance with the following criteria.

Attached Graphic

(f) Category D wastewater treatment facilities shall be reclassified as Category C facilities if any of the following conditions exist:

(1) a Category D facility incorporating anaerobic sludge digestion, except Imhoff tanks with sludge drawn off to drying beds;

(2) a Category D facility whose permit requires nutrient reduction; or

(3) a Category D facility whose permit requires the final effluent to meet a daily average biochemical oxygen demand₅ or total suspended solids concentration less than ten milligrams per liter.

(g) A wastewater treatment facility having a combination of treatment processes that are in different categories shall be assigned the higher category.

(h) The executive director may increase the treatment facility classification for facilities which include unusually complex processes or present unusual operation or maintenance conditions.

(i) The chief operator of each wastewater treatment facility must possess a license equal to or higher than that of the category of treatment facility.

(j) Each category of facility must be operated a minimum of five days per week by the licensed chief operator or an operator holding the required level of license or higher. The licensed chief operator or operator holding the required level of license or higher must be available by telephone or pager seven days per week.

(k) When shift operation of the wastewater treatment facility is necessary, each shift must be operated by an operator in charge who is licensed at not less than one level below the category of the facility.

(l) Either the licensed chief operator or licensed operator in charge must be present for scheduled commission inspections.

(m) A licensed wastewater treatment facility operator may perform all duties relating to the operation and maintenance of both wastewater treatment facilities and wastewater collection systems. It is not necessary to hold both types of licenses. A licensed collection system operator may perform only those duties relating to the operation and maintenance of wastewater collection systems.

(n) Each classified wastewater collection system must employ at least one licensed operator who holds a license class equal to or higher than that category of system. Wastewater collection system operation and maintenance activities shall be supervised and inspected daily by an on-site licensed wastewater operator. Wastewater collection systems shall be classified as follows.

Attached Graphic

Figure: 30 TAC §30.350(n)

Category of Collection System	Daily Average Flow	Minimum Class of Operator Required
Category I	Less than 100,000 gallons per day (gpd)	Class I or Class D
Category II	100,000 gpd to 1 million gallons per day (MGD)	Class II or Class C
Category III	Over 1 MGD	Class III or Class B

RULE §30.355

Additional Requirements for Wastewater Operations Companies

(a) When a wastewater operations company submits an application to obtain or renew a registration, it must submit a report to the executive director. For each wastewater treatment facility or wastewater collection system the report shall include:

- (1) the operations company name, location, and mailing address;
- (2) the permittee's name and mailing addresses;
- (3) the commission permit number, if applicable;
- (4) the dates of operation during the registration validity period;
- (5) the names and license numbers of all licensed operators employed by the operations company;
- (6) the name of the licensed chief operator for each facility; and
- (7) any additional information required by the executive director.

(b) A registered wastewater system operations company must apply for a new registration and submit an amended report if the company is bought or sold and the name of the company changes.

(c) Wastewater system operations companies shall pay a three year registration fee based on the number of facilities and collection systems served as indicated in the following table.

Attached Graphic

Figure: 30 TAC §30.355(c)

Number of Facilities Served	Fee
0 - 4	\$122
5 - 9	\$240
10 - 19	\$399
20 or more	\$636

SUBCHAPTER K

PUBLIC WATER SYSTEM OPERATORS AND OPERATIONS COMPANIES

RULE §30.381

Purpose and Applicability

(a) The purpose of this subchapter is to establish qualifications for issuing and renewing licenses and registrations to:

(1) public water system operators who perform process control duties in production or distribution of drinking water; and

(2) operations companies that operate public water systems on a contractual basis.

(b) A person who performs any of the tasks listed in subsection (a) of this section must meet the qualifications of this subchapter and be licensed or registered according to Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations), unless exempt under §30.402 of this title (relating to Exemptions); and must comply with the requirements in Chapter 290 of this title (relating to Public Drinking Water).

(c) Public water system operator licenses, certificates of competency, and registrations issued before January 1, 2002, remain in effect until they expire, or are replaced, or revoked by the commission.

(d) Renewable Class D licenses, previously issued to individuals who did not possess a high school diploma or equivalent certificate may be renewed according to §30.392 of this title (relating to Qualifications for License Renewal).

(e) An individual that is issued a license under this subchapter must perform adequate process control duties as recognized by current best management practices.

(f) An individual who has an honorary license shall not perform process control duties in production or distribution of drinking water for a public water system.

RULE §30.387

Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Chief operator--An individual who has overall responsibility for the operation of a public water system.

(2) Honorary license--License converted from a perpetual license that has been discontinued by the commission. This honorary license does not award the licensee the authority to perform process control duties in production or distribution of drinking water for public water systems.

(3) Military operator-in-training--An individual who is an active duty member of the military of the United States and has successfully completed the Bioenvironmental Engineering Apprentice (BEA) or equivalent military training, as determined by the executive director, and collects microbiological samples and determines disinfection residuals for military facilities' water distribution systems. This individual may not perform any other process control duties in the water distribution or treatment facilities of a military installation.

(4) Operator-in-charge--An individual who has overall responsibility for the operation of a public water system in the absence of the chief operator.

(5) Operator-in-training--An unlicensed individual entering the field of public water system operation for the first time who has less than one year of experience and is in training to perform process control duties in production or distribution of public drinking water.

(6) Public water system operations company--A person or other nongovernmental entity that provides operations services to one or more public water systems on a contractual basis.

(7) Public water system operator--Licensed operator who performs process control duties in production or distribution of drinking water.

(8) Work experience--The actual performance of job tasks in a public water supply system that are considered essential for the treatment or distribution of drinking water.

RULE §30.390

Qualifications for Initial License

(a) To obtain a license, an individual must meet the requirements of Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations), and the following requirements for each class of license, and pass an examination.

Attached Graphic

(b) An individual who applies for a Class C, B, or A license, and relies on a bachelor's or master's degree to meet the educational requirements, must have a bachelor's or master's degree with a major in chemistry, biology, engineering, microbiology, bacteriology, or other similar discipline approved by the executive director.

(c) An individual who applies for a Class C or B license must obtain at least one-half of the total work experience requirement in the specific field for the license that is requested:

(1) for Class C and B surface water licenses, the experience must be obtained through operations activities at the production or treatment facilities for surface water or groundwater under the direct influence of surface water;

(2) for Class C and B groundwater licenses, the experience must be obtained through operations activities at the production or treatment facilities for groundwater source or groundwater under the direct influence of surface water; or

(3) for Class C and B distribution licenses, at least one-half of the required experience must be obtained as a result of operations activities at treated water storage, pumping, or distribution facilities; and

(4) once the work experience has been met from paragraphs (1), (2), or (3) of this subsection, the executive director may count any remaining experience to meet up to 50% of the remaining requirement.

(d) For all classes of licenses, laboratory experience must:

(1) be obtained at a laboratory that is owned and operated by the public water system; and

(2) involve daily consultation with individuals who perform process control duties in production or distribution of drinking water for the water system.

(e) For each license, applicants may substitute either college hours or training credits to meet the experience requirement:

(1) 16 semester hours or an additional 20 hours of training credits are equal to six months of the experience;

(2) Class C applicants may only substitute up to one year of the required work experience; and

(3) Class B and Class A applicants may only substitute up to two years of the required work experience.

(f) Training credits must be in approved courses that include the following or equivalent.

Attached Graphic

(g) An individual who previously held a Class D license shall not apply for a new Class D license if the individual:

- (1) currently operates facilities at groundwater treatment systems of 250 connections or more;
- (2) currently operates facilities at groundwater treatment systems serving a population of 750 or more;
- (3) currently operates facilities at surface water treatment systems;
- (4) currently operates facilities at groundwater systems under the influence of surface water;
- (5) performs supervisor, crew chief, or foremen duties for distribution systems that have over 250 connections; or
- (6) operates multiple groundwater systems and the cumulative number of connections exceeds 250.

RULE §30.392

Qualifications for License Renewal

(a) To renew a license, an individual must have:

(1) met the requirements of Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations) and completed a total amount of approved continuing education equal to that of ten hours per year the license is valid; or

(2) met the requirements of Subchapter A of this chapter and passed the examination for the license.

(b) The basic water training course shall not be used to renew a Class B or A license.

(c) Class D licenses are not renewable for licensed operators:

- (1) at groundwater treatment systems of 250 connections or more;
- (2) at groundwater treatment systems serving a population of 750 or more;
- (3) at surface water treatment systems;
- (4) at groundwater systems under the influence of surface water;
- (5) who are supervisors, crew chiefs, or foremen of distribution systems that have over 250 connections; or
- (6) who operate multiple groundwater systems and the cumulative number of connections exceeds 250.

(d) To renew an active converted perpetual license, an individual must have met the requirements of this section, with the exception of the renewal fee.

RULE §30.396

Qualifications for Initial Registration

To obtain a registration, a person must meet the requirements of Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations).

To renew a registration a person must meet the requirements of Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations).

RULE §30.400 Additional Requirements for Public Water System Operations
Companies

(a) When a public water system operating company submits an application to obtain or renew a registration, it must submit a report to the executive director. The report shall include:

- (1) the public water system operating company name, registration number, location, and mailing address;
- (2) the public water system identification number and name for each system operated;
- (3) the dates of operation during the reporting period;
- (4) the names and license numbers of all licensed operators employed by the operations company;
- (5) the names of the licensed chief operators and licensed supervisors; and
- (6) any additional information required by the executive director.

(b) A person that operates a public water system under contract must apply for a new registration and submit an amended report if a company is bought or sold and the name of the company changes.

(c) Public water system operating companies shall submit a registration fee based on the number of public water systems served as indicated in the following table.

[Attached Graphic](#)

Figure: 30 TAC §30.400(c)

Number of Public Water Systems Served	Fee
0 to 4	\$122
5 to 9	\$240
10 to 19	\$399
20 or more	\$636

- (a) An individual who performs process control duties in production or distribution of drinking water for a transient non-community water system as defined in §290.38(77) of this title (relating to Definitions), is exempt from the licensing requirements of this subchapter, if the source water for the water system is purchased treated water or groundwater that is not under the direct influence of surface water.
- (b) An operator-in-training under the direct supervision of a licensed public water system operator is exempt from the licensing requirements of this subchapter.
- (c) A military operator-in-training under the direct supervision of a licensed public water system operator is exempt from the licensing requirements of this subchapter for the purpose of collecting microbiological samples or determining disinfection residuals at military facilities' water distribution systems. The military operator-in-training is not exempt from the licensing requirements of this subchapter for the purpose of performing any other process control duties in the distribution or treatment facilities of a public water system.
- (d) An individual who holds a groundwater or surface water license may perform duties relating to the operation and maintenance of drinking water production, purchased water, and water distribution systems and is not required to hold a distribution license.

SUBCHAPTER L

VISIBLE EMISSIONS EVALUATOR TRAINING AND CERTIFICATION

RULE §30.500

Purpose and Applicability

- (a) The purpose of this subchapter is to establish standards approved by the executive director to train and certify visible emissions evaluators.
- (b) Persons who train and certify visible emissions evaluators must meet the qualifications of this subchapter and be approved by the executive director.

RULE §30.501

Definitions

The following words and terms, when used in this subchapter, shall have the following meanings (unless the context clearly indicates otherwise).

- (1) Visible emissions evaluator--A person trained and certified in Texas to conduct visible emissions assessments as determined by testing every six months consistent with the United States Environmental Protection Agency's guidance found in 40 Code of Federal Regulations Part 60 Appendix A, Method 9.
- (2) Visible emissions evaluator course--A training course presented by a qualified training provider that has been approved by the executive director.
- (3) Visible emissions evaluator training provider--A person that has been approved by the executive director to train and certify visible emission evaluators on both the basic lecture session as well as conduct and perform field training.

RULE §30.502

Terms for Visible Emission Evaluator Certification

All visible emission evaluator certifications are valid for six months from the date of issuance.

RULE §30.503

Visible Emission Evaluator Course Training Material and Course Approval

Applications for new visible emissions evaluator course training material and course approval shall be made in accordance with §30.28 of this title (relating to Approval of Training).

RULE §30.504

Visible Emission Evaluator Training Provider Approval

To obtain approval to train and certify visible emissions evaluators, a person must:

- (1) submit an application made on a standard form approved by the executive director;
- (2) submit the appropriate fee; and
- (3) meet the training criteria approved by the executive director.

RULE §30.505

Requirements for Visible Emission Evaluator Training Providers

Visible emission evaluator course training providers shall:

- (1) train and certify visible emissions evaluators within the State of Texas;
- (2) provide the executive director with electronic records of training and certifications, in an acceptable format, as approved by the executive director;
- (3) provide telephone and facsimile numbers to assist customers that may inquire about certification status;
- (4) respond to inquiries regarding the visible emission evaluator course training and certification program;
- (5) be responsible for all training and

RULE §30.506

Visible Emission Evaluator Training Requirements

(a) Visible emission evaluator training providers must:

- (1) ensure that training meets the general and delivery standards approved by the executive director;
- (2) follow the criteria and procedures of Method 9 as established by United States Environmental Protection Agency;
- (3) provide a six to eight hour mandatory lecture session for first time students, and those students desiring to attend the lecture session again as a refresher;

- (4) present the lecture session to the new students prior to any field training or testing;
 - (5) present the lecture session in a setting that is conducive to learning;
 - (6) use visual aids and handouts to clarify topics that are taught; and
 - (7) provide one proctor for 24 attendees or less, two proctors for 25 to 100 attendees, and an additional proctor for every 50 attendees over 100.
- (b) Visible emission evaluator training shall include, but is not limited to, the following topics:
- (1) opacity history to include Ringlemann equivalency;
 - (2) court cases that uphold opacity readings and procedures;
 - (3) applicability of Federal and State Method 9 opacity regulations;
 - (4) Federal and State New Source Performance Standards;
 - (5) Federal and State New Source Review program;
 - (6) State operating permits;
 - (7) State Implementation Plans;
 - (8) scientific principles of opacity;
 - (9) methodology of reading visible emissions, to include, but not limited to:
 - (A) position of sun;
 - (B) multiple stacks;
 - (C) water vapor plumes;
 - (D) slant angle correction;
 - (E) "red sky" concerns;
 - (F) not staring at plume;
 - (G) meteorology;
 - (H) wind direction and speed; and
 - (I) contrasting background;
 - (10) applicability and uses of Method 22, 203A, 203B, and 203C;
 - (11) proper documentation methods using the various field forms; and
 - (12) field testing instructions.
- (c) The training topics may be modified at the discretion of the executive director.
- (d) The training provider will issue a certificate of completion to attendees of the lecture session which will contain the training provider's name, title of course (visible emission evaluator course classroom lecture), student's name, location of lecture, and date of lecture.
- (e) The training provider shall develop and submit for executive director approval an exit questionnaire that shall be administered to the attendees upon completion of the lecture. This questionnaire is for determining the effectiveness of the training session and the ability of the instructor to convey the necessary information. The completed questionnaires shall be kept on file for a minimum of three years and be made available to the agency upon request.

(a) Field training shall:

- (1) provide repetition of any field instructions, given at the lecture session, to those attendees attempting recertification who have not had to attend the lecture;
- (2) provide familiarization plumes shown before the start of each black portion and each white portion of the field test;

(3) provide for completion of one test run for new students prior to taking a test for certification. The training run shall consist of 25 black readings and 25 white readings, and be given exactly as a regular certification test run. The training run cannot be accepted from the new student as certification, even if the score is within the passing parameters. This training run will be kept on file for three years; and

(4) allow attendees that are attempting recertification to take the training run described above before certification.

(b) Field testing shall include:

(1) a complete run which consists of 50 contiguous plumes;

(2) a random order of opacity from 0% to 100%;

(3) avoidance of adverse weather; i.e., drizzle, rain, fog, or high winds; and

(4) a certificate issued to those students that successfully pass the test that contains the name of the provider, title of certification (to include a term similar to "visible emissions evaluator"), the name of the student, and the date of successful certification. The provider shall number each certificate so that each certificate is unique and not duplicated.

RULE §30.508

Disapproval of Visible Emissions Evaluator Course Training

(a) The executive director may return without approval, visible emissions evaluator training courses and training material that is determined to contain errors.

(b) The executive director may rescind or deny training approval for good cause, to include, but not be limited to:

(1) training that does not conform to current technical standards or rules;

(2) training that does not conform to the materials as approved;

(3) subject matter that is not related to job tasks performed by licensees;

(4) an instructor not qualified to teach the subject matter;

(5) an instructor that is ineffective in the delivery of the subject matter;

(6) an instructor that promotes or endorses products, product lines, or services from one manufacturer, distributor, or service provider;

(7) participation records or other records that are false or untimely submitted; or

(8) the training provider's noncompliance with a training recall.

(c) The executive director may recall previously approved training for reevaluation and rescind the approval of the training if the training does not meet standards.