

TCEQ Trade Fair 2025

Occupational Licensing Overview

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Agenda

- OL Statistics
- Criminal History Requirements
- OL 2025 Rule Updates
 - Statutory Changes
 - Provisional Licenses
 - High School Program
 - Resiliency Training
 - Training Terminology
- 89th Texas Legislative Updates

Occupational Licensing Section Overview

Licensing

- Issue new and renewal environmental occupational licenses and registrations for 10 occupations

Training

- Review and approve training courses and providers

Exams

- Develop exams and oversee license examinations

JTAs

- Complete job task analysis – to update curriculum and exam content within each occupation



Occupational Licensing Statistics

Occupational Licensing Statistics FY 2024

- **59,016** licensed environmental professionals
- **21,136** licenses issued
- **19,150** examinations processed

FY 24 Licensing Breakdown

FY 24 Total Licenses & Registrations: 59,016

- Water Operator: 17,499
- Wastewater Operator: 12,289
- Landscape Irrigator: 8,632
- On-site Sewage Facilities: 8,336
- Backflow Prevention Assembly Tester: 6,155
- Customer Service Inspector: 2,309
- Leaking PST: 1,547
- MSW Operator: 886
- Water Treatment Specialist: 729
- UST Operator (install/remove): 607

Exams Update

- All exams are now being administered via CBT
- Paper exams are only administered as ADA accommodations
- Spanish exams are available for:
 - Landscape Irrigation Technician
 - Customer Service Inspector
 - Water
 - Operator D
 - Operator C Distribution
 - Operator C Surface Water
 - Operator C Groundwater
 - Wastewater
 - Operator D
 - Operator C
 - Collections I
 - Collections II
 - On-site Sewage Facilities
 - Installer I
 - Maintenance Provider



Criminal History Requirements

Criminal History Review Background

- Occupational Licensing (OL) began conducting criminal history reviews (CHR) for both new and renewal applications on 8/20/2012.
- Our process, defined by statute, has two goals:
 - protect the public's health; and
 - ensure public safety



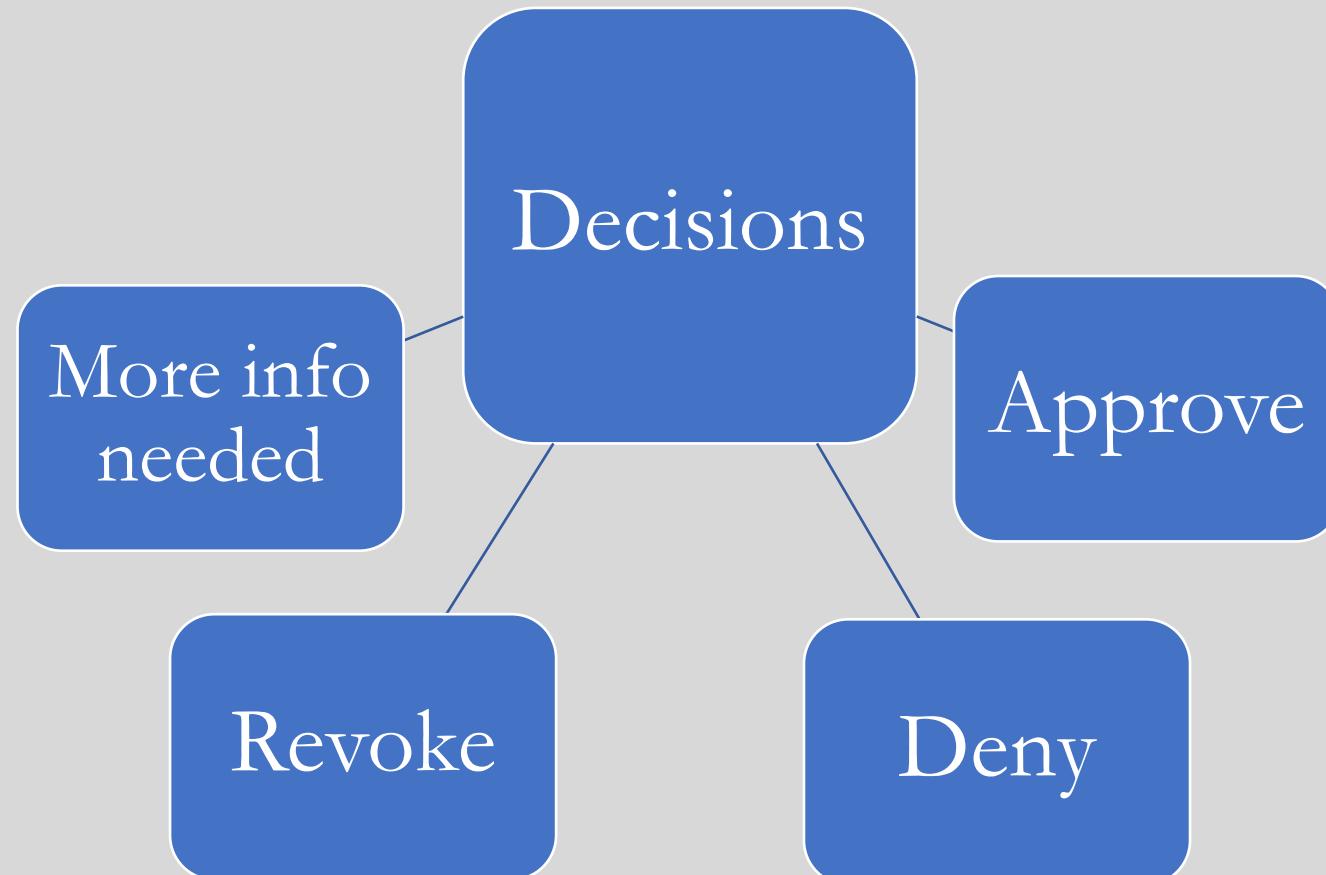
Criminal History Application Review Process

Applicant submits a criminal history fingerprints or attestation form with an application.

OL verifies information with FBI and/or Department of Public Safety records

Certain high-level convictions are elevated to the Executive Review Committee (ERC) for an in-depth review

Outcome of Review



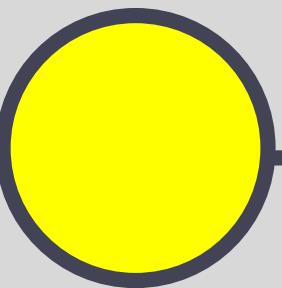
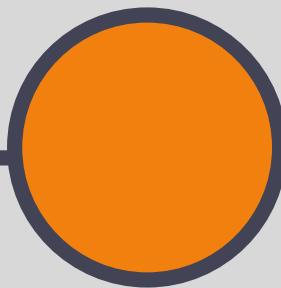
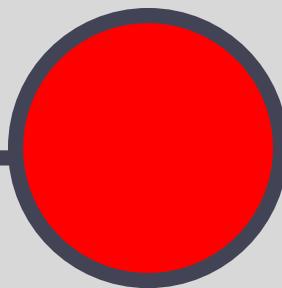
Criminal History Review

License Risk Level

- License risk categorized into three levels
 - High
 - Medium
 - Low
- Risk levels based on potential contact with the public



Licenses by Risk Level



- Backflow Prevention Assembly Tester
- Customer Service Inspector
- Landscape Irrigator
- On-Site Sewage Facility
- Water Treatment Specialist

- Water
- Leaking Petroleum Storage Tank
- Underground Storage Tank

- Municipal Solid Waste
- Wastewater

Grounds Considered for Denial or Revocation based on Criminal History

- An offense that directly relates to the duties and responsibilities of the licensed occupation. For example: fraud/theft connected to business.
- An offense listed in CCP 42.12, serious crimes – violent offense (murder, aggravated assault, kidnapping, etc.)
- A sexually violent offense, identified in CCP 62.001



Other Grounds for Denial or Revocation Related to Environmental Compliance Issues

As identified in the Water Code Section 37.005 as grounds for the denial of an application:

- Have you ever been cited as an individual for a violation of any environmental regulation from a city, county, district, federal government, TCEQ or another state?
- Have you ever made an intentional misstatement or misrepresentation of fact to the TCEQ?
- Are you delinquent on any fee, payment, or tax owed to the state of Texas?

Yes answers may impact your ability to receive or renew a license

Other Grounds for Denial or Revocation Related to Environmental Compliance Issues- Continued



Texas Administrative Code Rule §30.33 details the Executive Directors authority to Deny or Revoke a License. These include but are not limited to:

- **(2)(A)** Provides fraudulent information or falsifies the application;
- **(2)(B)** Engaging in fraud or deceit in obtaining or applying for a license or registration.

Determination if an Offense is Related to the License

- Actual work to be performed
- Access required by the license
- Other factors
 - Nature and seriousness of crime
 - Relationship of crime to license
 - Extent license provides opportunities to reoffend
 - Relationship of crime to ability to do the job



Intent to deny – 2 step notification

- First Notice – Request more information for consideration
 - Includes reason for denial grounds that served as the basis and the factors considered
 - Notifies the individual that it is their responsibility to provide evidence of rehabilitation.
 - Allows the individual 30 days to submit any relevant information for further consideration
- Second Notice – Intent to Deny
 - Includes the grounds for denial and the factors considered
 - Notifies the individual of the review procedure
 - Includes information on the contested hearing process and how to request a contested case hearing
 - Allows individual 30 days to request a hearing



Hearing Process

1. If timely hearing is requested, it is referred to SOAH
2. The hearing is conducted by SOAH in two phases: preliminary hearing and a hearing on the merits (HOM)
3. TCEQ may request the expertise of expert witnesses
4. Public Interest Council (OPIC) attends hearing and provides closing arguments
5. TCEQ provides closing arguments
6. After the hearing, the ALJ issues a Proposal for Decision for consideration by the TCEQ
7. The Commission ultimately decides whether the license application is denied
8. If an application is denied after a hearing, an individual may appeal to the district court in Travis County
9. The petition must be filed no later than the 30th day after the date of Commission's decision



Criminal History Pre-Evaluation

- You qualify for a pre-evaluation if you:
 - Do not currently have or had a TCEQ license
 - Are concerned about your criminal history
 - Are intending to apply for a new license
- Eligible applicants may ask for a pre-evaluation prior to submitting a license application
- Currently, there is no charge for the pre-evaluation
- Must submit an evaluation request form
- Can help determine whether applicant would pass a CHR prior to spending time and money on pursuing a license
- Not to be used as an **employee screening tool**



Criminal History Pre-Evaluation Continued

Recommend requesting a pre-evaluation if you have a crime in the following categories:

- An offense that directly relates to the duties and responsibilities of the licensed occupation (example: fraud/theft, negligence or incompetence in occupation, burglary, violent offense)
- An offense listed in Texas Code of Criminal Procedures (CCP) 42.12 (Murder, Indecency with a child, aggravated kidnapping, aggravated robbery)
- A sexually violent offense, identified in CCP 62.001-Mostly related to sexual assault.

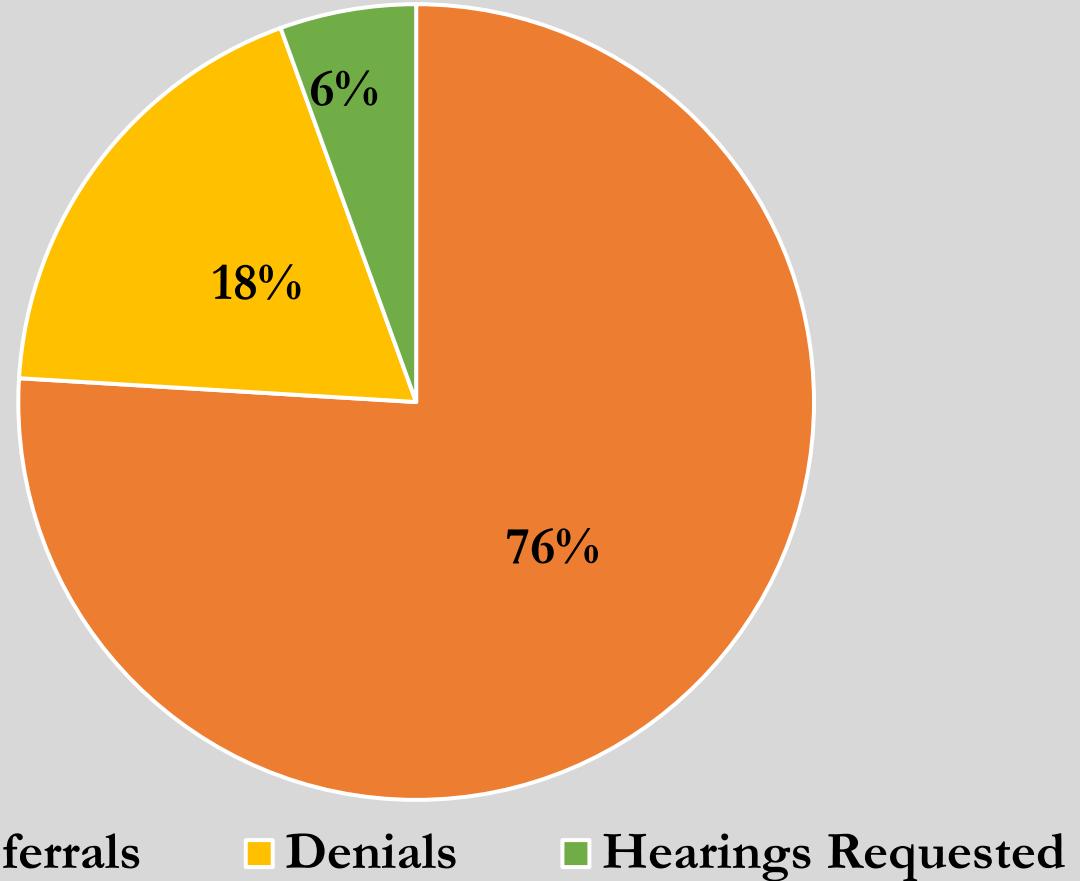
NOTE: TCEQ is not concerned with driving violations, or controlled substance possession.

CHR Statistics: FY 2024

FY 2024

- 26,524 DPS searches
- 398 ERC referrals
- 97 denials
- 29 requested hearings
 - 7 hearings pending

FY 2024 ERC Referrals





Occupational Licensing 2025 Rule Updates

Statutory Changes

HB 2453

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

SB 422

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

Provisional Licenses

HB 1845

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

Provisional D Licenses

ELIGIBILITY

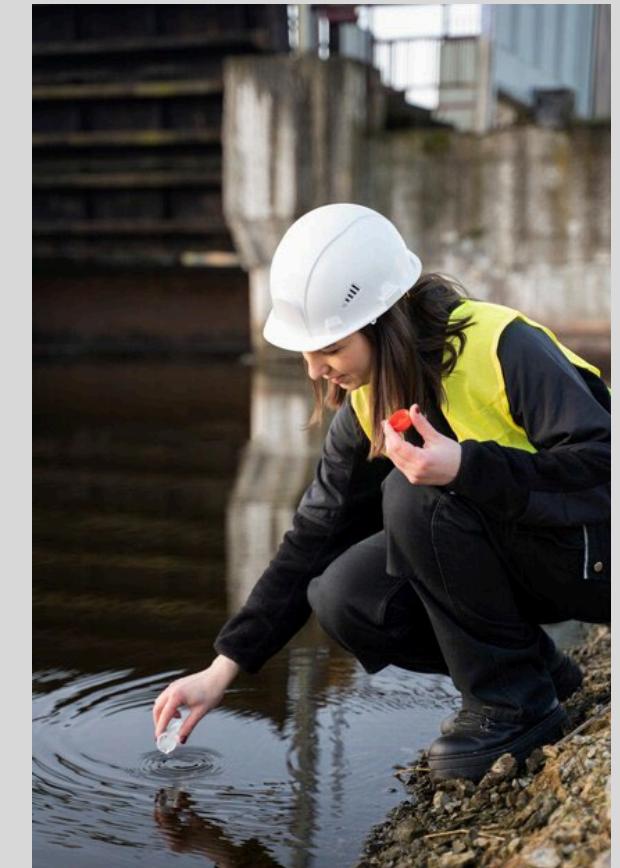
- No high school diploma required
- Completes the required training
- Pays the \$74 application fee
- Passes the criminal history check
- Passes the applicable exam

RESTRICTIONS

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

Upgrading the Provisional License

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



High School Programs

Current High School Program

- A few high schools have collaborated with local municipalities and training providers to offer licensing training at high schools
- High school certified teachers must partner with a TCEQ-approved training provider and a local municipality to be able to offer this program
- Must be approved by Texas Education Agency (TEA)
- Available at select high schools and are not available in remote or rural areas
- Students are eligible for Provisional License



New High School Program

Why?

- Texas population is growing
- Licensed Water and Wastewater operator numbers declining
- High School credit + License = Eligible to work after graduation



Where?

- Statewide
- Online videos available to schools for free
- Texas ISDs
- Any high school in Texas



New High School Program

- TCEQ has collaborated with the Texas American Water Works Association (TAWWA) to create a state-wide program for high school students
- TAWWA has created TCEQ approved training videos that will be offered to high schools across the state
- High school students who complete the training may apply for a Provisional Water Operator D license and take the exam
- After graduation, they can convert the Provisional into a regular D license.

Resiliency Training for Water Operators

Background

- On June 8, 2021, the 87th Texas Legislature passed SB 3 to address preparing for, preventing, and responding to weather emergencies and power outages.
- In the aftermath of Winter Storm Uri, TCEQ was tasked to conduct an "after-action review" to evaluate the factors that impacted public water systems during the Winter Storm. The project team engaged stakeholders from the private and public sectors to discuss a variety of topics to enhance critical infrastructure resilience.



Winter Storm Uri After- Action Review

- Winter Storm Uri After-Action Review recommended “developing additional resiliency training requirements for operator licensure and continuing education to enhance emergency preparedness, response, and recovery tactics for severe weather events and other emergency conditions.”

Resiliency Training Requirements for New Licenses

**Applications received on or after
April 1, 2024**

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



Resiliency Training Requirements for Renewals

Licenses that Expire on or after April 1, 2024

- Required to take the “Resiliency Overview” once within two renewal cycles
- The “Resiliency Overview” will only be allowed to count for CE’s once
- Resiliency CEs required and count toward the 30 CEs to renew a license.



Resiliency Training Curriculum

Resiliency Overview Core Course must cover an overview of all the following topics:

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

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

Status Update

- Occupational Licensing memorialize this requirement in 30 Texas Administrative Code (TAC) Chapter 30.
- Adopted on March 23, 2025.
- So far, Occupational Licensing has approved 10 overview courses and 4 continuing education courses.

Training Terminology & Other Minor Updates

Training Terminology & Other Minor Updates

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

Training Delivery Methods

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

Training Types

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

89th Texas Legislative Update

Bills

35 Bills were analyzed by Occupational Licensing staff

- Bills Passed?
- Rule Revisions Required?

More Information

- Licensing Webpage: <https://www.tceq.texas.gov/licensing>
- RG-637: Guidance for Resiliency Training Requirements for Water Operators and Training Providers
- 30 TAC Chapter 30, Occupational Licenses & Registrations: https://texas-sos.appianportalsgov.com/rules-and-meetings?chapter=30&interface=VIEW_TAC&part=1&title=30





QUESTIONS?



Thank
You

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