

TUESDAY, MARCH 6, 2007

11:00 am ~ 11:45 am

BRAZOS ROOM (Left)

Joe L. Strouse

Implementation of HB 2510 Training,

Registration and Enforcement

Requirements Under 30 TAC Chapter 285, TCEQ

Joe Strouse is a Texas licensed Professional Engineer and received his Bachelor of Science Degree in Civil Engineering from the University of Vermont in 1977. He has been employed by the TCEQ (and its two predecessor agencies, the TNRCC and the TWC) since 1990. This work experience includes being a Team Leader for water and wastewater plan review, utility rates, CCNs, District Creation/Conversion and has held his current position as the Team lead for the On-Site Sewage Facility Program since February 2005. He has worked as an engineer in private practice for Brown & Root, Inc, a consulting engineering firm, a partner in a testing laboratory and has an instructor in Civil Engineering Technology at Texas State Technical College in Waco.

Implementation of HB 2510:

Training, Registration and Enforcement
Requirements Under 30 TAC Chapter 285

Texas On-Site Wastewater Treatment Research Council
Conference

March 6, 2007

Session I - 11:00 to 11:45 am

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Where did it come from?

- 79th Legislature, Regular Session
 - HB 2510 authored by Rep. Bonnen
 - Sponsored by Sen. Jackson
 - Amendments by Rep. McReynolds and Sen. Estes
 - With input from industry, the public and TCEQ



What did HB 2510 do?

- Required maintenance providers to be registered by the TCEQ;
- Required manufacturers to certify maintenance providers;
- Allowed any homeowner to maintain their own aerobic system when trained by the installer or manufacturer, and;
- Outlined other provisions relating to enforcement of maintenance companies and homeowners who perform maintenance.



How does a homeowner get training?

- A homeowner with an aerobic system requests training from the manufacturer *or* the installer;
- Complete 6 hours of on-site training (from either the installer or manufacturer).
- After the initial two-year installation period (and completion of the training), the homeowner can maintain their own system and is responsible for all maintenance-related activities - maintenance, reporting, etc...



What does a homeowner's "trainer" do?

- The installer *or* the manufacturer ("trainer") MUST train the homeowner when requested by the homeowner.
- The trainer should have the course outline (available on the web at: www.tceq.state.tx.us/nav/permits/onsite.html) and must include those outlined topics in the training.
- Homeowner training must be completed within 30 calendar days of the homeowner's request.



What does a homeowner's "trainer" do?

(con't)

- Upon completion of the training - sends a letter to the homeowner stating that the homeowner completed training. A copy is also provided by the trainer to the local permitting authority (or TCEQ Region Office).
- Makes sure that replacement parts are available to the homeowner.



What if a "trainer" doesn't?

- Installer's registration can be revoked.
- Manufacturer's product can be "de-listed", i.e., no longer a state-approved product.
- Also applies to the manufacturer or Installer for inability to provide replacement parts when requested by the homeowner.



HB 2510 for Maintenance Companies

- Everyone who performs maintenance for compensation must:
 - a. be registered with the TCEQ;
 - b. complete a TCEQ-approved course in OSSF maintenance;
 - c. work in a company where at least one employee has a current certification as an Installer II;
 - d. meet all of the manufacturer's criteria and requirements for entering into a business relationship, and;
 - e. satisfactorily complete any additional reasonable requirements that the manufacturer may have.



HB 2510 for Maintenance Companies

- Completion of these requirements does not guarantee the maintenance person (or company) that the manufacturer will certify them to maintain aerobic systems.
- Maintenance providers *may* also need to re-train with the manufacturer – however, the statute does not specify or require re-training on specific aerobic systems and the TCEQ does not require retraining on aerobic systems.
- All maintenance providers must take the approved course, regardless of certification.



HB 2510 for Maintenance Companies

- Wastewater D licensees were excluded in the legislation from performing maintenance (unless working in a company with an Installer II). Current rules allow a phase-out of the Wastewater D certification as of 9/1/08.
- Wastewater D sole-proprietorships can:
 - affiliate with an Installer II, or
 - work toward Installer II certification by 9/01/08



HB 2510 for Maintenance Companies

- TCEQ Rules:
 - Chapter 30 – Licenses and Responsibilities
 - Approved 02/08/06
 - Chapter 285 – OSSFs
 - Approved 07/12/06
 - Included other provisions not found in HB 2510
 - Revision of some definitions as well as mound and soil substitution disposal design



What about maintenance training?

1. Required 16 hours classroom training;
2. Training will be conducted by a third party – currently only TOWA;
3. Additional course time may be required by specific manufacturers;
4. ALL maintenance providers must be registered by 09/01/06.



Myth or Fact?

1. I can train a homeowner at my shop



Myth or Fact?

2. Maintenance providers need 4 hours continuing education every two years



Myth or Fact?

3. If you are registered as a maintenance provider, the people working under you don't need to be registered



Myth or Fact?

4. Since all I will be doing are installs (no maintenance at all) I don't need to be registered as a maintenance provider



Myth or Fact?

5. All of my current maintenance contracts can be fulfilled without me having to register as a maintenance provider – *only* if I don't take on any new contracts



Myth or Fact?

6. Since I don't want to do any more ATU maintenance, all I need to do is give the homeowner 30 days written notice.



Myth or Fact?

7. As an Installer II, I can charge a homeowner anything I want to train them for maintaining their own ATU.



Myth or Fact?

8. As an Installer II, I can't train a homeowner if the manufacturer tells me I can't.



Myth or Fact?

9. I don't need any kind of TCEQ *license* in order to maintain an ATU



Myth or Fact?

10. The maintenance provider registration program is just a very bad dream that will eventually go away.



Questions?



Thank you

