

By: Martinez

H.B. No. 3289

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the licensing of professionals engaged in Texas
3 pollutant discharge elimination system-related stormwater
4 activity.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter K, Chapter 26, Water Code, is amended
7 by adding Section 26.457 to read as follows:

8 Sec. 26.457. TPDES-RELATED STORMWATER PROFESSIONALS;
9 ADVISORY BOARD. (a) In this section:

10 (1) "Stormwater" means rainfall runoff, including
11 snow or ice melt during a rain event.

12 (2) "TPDES" means the Texas pollutant discharge
13 elimination system.

14 (3) "TPDES-related stormwater activity" means
15 professional, laboratory, training, contracting, or other services
16 relating to the planning, development, implementation, inspection,
17 construction, or monitoring of a stormwater pollution prevention
18 project or activity requiring a permit issued by the commission
19 under the TPDES.

20 (4) "TPDES-related stormwater professional" means a
21 person who engages in TPDES-related stormwater activity and is
22 required to be licensed under Subsection (b).

23 (b) A person who engages in a TPDES-related stormwater
24 activity must hold a license issued by the commission under Chapter

1 37.

2 (c) The commission shall appoint a TPDES-related stormwater
3 professionals advisory board to guide, advise, and make
4 recommendations to the commission about matters related to
5 licensing of TPDES-related stormwater professionals. The advisory
6 board is composed of:

7 (1) five members who are licensed as TPDES-related
8 stormwater professionals, of whom at least four members must also
9 be licensed as professional engineers with experience in civil
10 engineering;

11 (2) two members who are active members of an
12 organization promoting environmental protection; and

13 (3) two members who are active members of an
14 organization promoting business interests.

15 (d) Section 2110.008, Government Code, does not apply to the
16 advisory board under Subsection (c).

17 SECTION 2. Section 37.002, Water Code, is amended to read as
18 follows:

19 Sec. 37.002. RULES. The commission shall adopt any rules
20 necessary to:

21 (1) establish occupational licenses and registrations
22 prescribed by Sections 26.0301, 26.3573, 26.452, [~~and~~] 26.456, and
23 26.457 of this code, Sections 341.033, 341.034, 361.027, and
24 366.071, Health and Safety Code, and Section 1903.251, Occupations
25 Code;

26 (2) establish classes and terms of occupational
27 licenses and registrations; and

1 (3) administer the provisions of this chapter and
2 other laws governing occupational licenses and registrations under
3 the commission's jurisdiction.

4 SECTION 3. Section 37.003, Water Code, is amended to read as
5 follows:

6 Sec. 37.003. LICENSE OR REGISTRATION REQUIRED. A person
7 may not engage in a business, occupation, or profession described
8 by Section 26.0301, 26.3573, 26.452, [~~ex~~] 26.456, or 26.457 of this
9 code, Section 341.033, 341.034, 361.027, 366.014, or 366.071,
10 Health and Safety Code, or Section 1903.251, Occupations Code,
11 unless the person holds the appropriate license or registration
12 issued by the commission.

13 SECTION 4. (a) Not later than January 1, 2014, the Texas
14 Commission on Environmental Quality shall appoint the initial
15 members of the TPDES-related stormwater professionals advisory
16 board established under Section 26.457, Water Code, as added by
17 this Act. Notwithstanding Section 26.457(c)(1), Water Code, as
18 added by this Act, the initial members of the advisory board who are
19 appointed under that subdivision are not required to be licensed as
20 TPDES-related stormwater professionals but are required to be
21 licensed as professional engineers with experience related to the
22 implementation by this state of the national pollutant discharge
23 elimination system stormwater program.

24 (b) Not later than January 1, 2015, the Texas Commission on
25 Environmental Quality, in consultation with the TPDES-related
26 stormwater professionals advisory board established under Section
27 26.457, Water Code, as added by this Act, shall adopt the rules

1 required to implement the licensure of TPDES-related stormwater
2 professionals under Section 37.003, Water Code, as amended by this
3 Act.

4 (c) Notwithstanding Section 26.457, Water Code, as added by
5 this Act, a person employed as a TPDES-related stormwater
6 professional is not required to hold a license under Section
7 26.457, Water Code, as added by this Act, and is not subject to the
8 imposition of a penalty for not holding a license under that section
9 before January 1, 2016.

10 (d) The Texas Commission on Environmental Quality shall
11 administer the first examination for the licensure of TPDES-related
12 stormwater professionals under the rules adopted by Section 37.002,
13 Water Code, as amended by this Act, not later than June 1, 2015.

14 (e) The Texas Commission on Environmental Quality shall
15 publish the first roster of TPDES-related stormwater professionals
16 as required by Section 37.014, Water Code, not later than January 1,
17 2016.

18 SECTION 5. (a) Before June 1, 2015, the Texas Commission
19 on Environmental Quality shall issue a TPDES-related stormwater
20 professional license required by Section 26.457, Water Code, as
21 added by this Act, to a person if the person submits an application,
22 a fee, and any other materials required by the commission and:

23 (1) has at least three years of applicable experience
24 relating to the Texas pollutant discharge elimination system
25 stormwater program, including a minimum of two years in responsible
26 charge;

27 (2) holds a bachelor's or graduate degree from an

1 accredited college or university in a science or engineering field
2 relating to the Texas pollutant discharge elimination system
3 stormwater program;

4 (3) is a licensed professional engineer or a licensed
5 architect;

6 (4) has a high school diploma or its equivalent and has
7 seven years of applicable experience relating to the Texas
8 pollutant discharge elimination system stormwater program,
9 including a minimum of six years in responsible charge;

10 (5) holds an associate's degree from an accredited
11 college in a science or engineering field relating to the Texas
12 pollutant discharge elimination system stormwater program, and has
13 two years of related experience, including a minimum of one year in
14 responsible charge; or

15 (6) is a licensed geologist with two years of
16 applicable experience relating to the Texas pollutant discharge
17 elimination system stormwater program, including a minimum of one
18 year in responsible charge.

19 (b) A license issued under this section is valid for two
20 years and may be renewed in the same manner as a license issued to a
21 person under the rules adopted by Section 37.002, Water Code, as
22 amended by this Act.

23 SECTION 6. This Act takes effect September 1, 2013.