

IRRIGATOR ADVISORY COUNCIL (IAC)
MEETING MINUTES
November 17, 2011
12100 Park 35 Circle, Building A, Room 173
9:30 a.m. to 2:30 p.m.

1. [Mr. Bell] Call to order

Chairman Bell called the meeting to order at 9:30 a.m.

Attendees:

Council Members: David Bell, Karen Guz, Emilio Escobar, Toni Fox, Mark Froehlich, Deville Hubbard, David Kania, Nora Mullarkey, Rusty Tucker.

TCEQ Staff: Richard Allen, Richard Cory Chism, Michael De La Cruz, Russ Gardner, Candy Garrett, Joseph Hildenbrand, Melissa Keller, Tracy Miller, Graham Waak, Meagan Warncke.

Visitors: Marsha Carson, Randy Cyprus, Frank Chalouopka, Dr. Guy Fipps, Doug Goodwin, Amanda Griffin, Jerry Lewis, Todd Magatagan, Brandon Mobley, Charles Swanson.

2. [Mr. Bell] Consider approval of minutes from the June 16, 2011 meeting.

Mr. Hubbard moved and Mr. Froehlich seconded a motion that the minutes be approved. The motion passed.

3. [Mr. Tucker] Enforcement and Legislative Committees Reports (Office of Compliance and Enforcement)

a. Outreach

Ms. Keller discussed various outreach publications to the IAC, including information on HB 2507 which is being included in the Notice of Complaint letters. Ms. Keller explained the importance of HB 2507. Ms. Keller recognized Ms. Griffin, Mr. Lewis and Mr. Magatagan for their help with outreach materials. Mr. Bell thanked the Landscape Irrigation Program staff (LIP) for the outreach materials and the outreach materials being in spanish. LIP staff noted that all agency publications are available in pdf on the agency's website and that individuals may use language from the TCEQ publications.

b. Enforcement Activities

1. Mr. Allen discussed various enforcement activities and responded to questions about the enforcement process. (See Attachment A)

2. Council members expressed concern about homebuilders not providing irrigation system documentation to new homeowners. Concern was expressed that homeowners were not being educated as the rule

envisioned. The IAC will research methods to require homebuilders to take responsibility for irrigation systems as they do for other housing components. The IAC also discussed outreach methods.

c. LIP Blitz Report

Mr. Waak discussed the summer LIP Blitz and the types of violations found. (See Attachment B)

Mr. Tucker stated that the violations noted were an education issue and the Council needs to develop a list of items that training providers need to cover in their education classes.

Mr. Tucker stated that Justices of the Peace needed to be educated on HB2507, because they are dismissing irrigator cases.

Mr. Bell explained that the effort to engage TCEQ Regional Offices to assist LIP was not successful. Ms. Miller explained that the LIP staff is limited and there is a balance between conducting complaint investigations and participating in outreach events.

- d. Council members stated that they would work with LIP to present information at the Texas American Waterworks Association and the Edwards Aquifer Recovery Implementation Group meetings. LIP asked the Council's assistance in planning an educational seminar about landscape irrigation for cities.**

e. Committee Updates

There was no update for the committee.

4. [Mr. Hubbard] Education, Training and Licensing Committee Reports (Office of Permitting and Registration)

a. Licensing, Training, Testing, and Renewals.

Ms. Warncke provided the statistics on licensing. (See Attachment C)

Mr. Magatagan requested a policy review on Continuing Education Credit Hours (CEU's) for new technical training on Evapotranspiration smart controllers. Because each manufacturer's products are different, the training would be specific to that company's product and that the training would be conducted through local and state associations. Mr. Hildenbrand stated that TCEQ's concern was the potential of conflict of interest and vendors promoting their products. Mr. Hildenbrand stated that this issue is still in policy review. Mr. Hubbard made a motion to recommend that manufacturers could do specific training under limited conditions that would be clarified by TCEQ staff. Ms. Mullarkey seconded the motion. The motion was approved.

b. Committee Updates

Mr. Hubbard stated that the TCEQ website needs to be updated for courses and providers that are listed. Mr. Hubbard stated that there are

good guidelines for the Irrigator training and draft for the CEU's that would be provided to committee members.

Mr. Hubbard stated that the Hispanic pass rate issue still has not been resolved. Mr. Bell stated that the numbers may not be accurate because there are two different sets of test booklets that may not be administered as intended. Licensing staff will look into the issue.

Ms. Griffin stated that TTIA would like propose a graduated fee for licensees that don't pay the fee on time. Mr. Hubbard recommended that the education committee take this issue under consideration at the February IAC meeting

5. [Mr. Bell] Hear from individuals wishing to address the Council

a. Dr. Guy Fipps Update on Smart Controllers and Landscape Irrigation Auditing

Dr. Fipps presented information and statistics on eight smart controllers that were tested in 2011. Dr. Fipps provided updated information on changes that have occurred in Landscape Irrigation Auditing Program. Dr. Fipps explained that auditing is a three step process of visual inspection of the irrigation system, the determination of the precipitation rate of the irrigation system and the development of monthly or seasonal irrigation schedules (the run time for each station on a controller). Dr. Fipps stated that the auditing program is now a 16 hour course and now is a part of the EPA WaterSense certification. Dr. Fipps indicated that they would like to expand the program, but are having funding issues.

b. Mr. Jerry Lewis recognized Ms. Candy Garrett for her work with the IAC.

c. Mr. Richard Cory Chism, Interim Director of the Field Operations Support Division, was introduced. Ms. Guz asked about the succession plan of the IAC Chair, stating that she would like to nominate Mr. Bell as the Chairman of the IAC. Ms. Miller stated that there were no by-laws concerning this issue and that the IAC would be free to adopt a by-law or charter concerning the term of the Chairman.

6. [Ms. Guz] Rules and Administrative Committee Reports

a. IAC input concerning future procedures, policies and legislative input. Work plan to be developed relevant IAC Committee.

b. Ms. Guz requested a status on 11 items from the June 16, 2011 IAC meeting. Ms. Keller stated that most of these items were action items to be addressed by the TCEQ Occupational Licensing section. The Licensing section was not present during the discussion.

c. Ms. Guz wanted clarification concerning if a Master Gardener, a landscaper, the staff of a utility company, or the staff of a property management company helps the homeowner or property manager by

programming the controller for them, is this a violation of TCEQ rules. Mr. Waak will research this issue and provide clarity to the IAC.

- d. Mr. Waak introduced Mr. Randy Cyprus and Mr. Brandon Mobley, U.S. Army Corps of Engineers (Corps) Fort Worth District, to discuss the certain dangers of using submersible pumps. Mr. Mobley presented a brief discussion of the research and issues that the Corps encountered with submersible pumps. Mr. Mobley stated that the submersible pumps are Underwriters Laboratories rated, but not for open water environments. The Corps has instituted a policy banning the use of submersible pumps because using submersible pumps presents a high risk of electrocution and drowning to the public. Ms. Mullarkey stated that the IAC needs to follow-up on this issue to make the sure the public is aware of submersible pumps. Mr. Mobley stated that this issue has been brought to the Electrician Board and they are aware of it. Mr. Waak stated that 30 Texas Administrative Code 344.62(a) covers this issue concerning submersible pumps.

e. Committee Updates

Ms. Guz did not have any committee updates.

7. [Mr. Bell] Receive, Discuss and Act on Other Items of Interest to IAC

a. Future action items for IAC consideration:

Mr. Hubbard wanted to know the process of selecting new nominations to the IAC.

- b. Mr. Hubbard raised the issue if TCEQ field staff receives training on the landscape irrigation rules. Ms. Keller stated that she has requested adding this training to the future water quality training events.
- c. Ms. Keller provided a brief enforcement update. Ms. Keller stated that the penalty policy has been updated. Ms. Keller stated that many programs had an increase in their penalties, but that Occupational Licensing did not increase. Ms. Keller stated that beginning January 1, 2012 cases with penalties under \$7,500.00 will be signed by the Deputy Director and will no longer be on Commission agendas. Ms. Keller stated that on November 2, 2011 additional violations were added to the field citation program including two landscape irrigation violations: repeat advertising irrigation services without displaying a license and the failure to comply with permitting as required by a city town or municipality.
- d. Mr. Tucker recommended that the Education Committee stress to the training providers to educate irrigators on including their license number on all their advertisements.

e. [Ms. Mullarkey]Report of the Nominating Committee

Ms. Mullarkey stated that the Committee had decided to recommend Mr. Bell and Ms. Guz as the Chairman and Vice-Chairman of the IAC for 2012.

f. Election of IAC Chairman and Vice Chairman

Ms. Mullarkey nominated Mr. Bell to be the Chairman and Ms. Guz to be the Vice-Chairman of the IAC. The motion was seconded by Ms. Fox and passed.

8. Adjournment

The meeting adjourned at 2:30 p.m.

ENFORCEMENT ACTIVITIES
Landscape Irrigation Program
September 1, 2011 – November 14, 2011

Notices of Violation – 14

Unlicensed Individuals –5

- Advertising-5

Licensed Individuals –9

- LI # not in advertisement-2
- Irrigation heads not properly installed-7

Notice of Enforcement – 7

Unlicensed Individuals –3

- Continuing to advertise without a license-1
- Installing without a license-2

Licensed Individuals – 4

- Not passing final inspection –1
- Not obtaining a permit-3

Investigations Conducted – 10 (0 on-site)

Incidents Closed – 10 (0 Unsubstantiated)

Administrative Orders Issued and Penalties Collected-5; \$5,377.00

Note: One NOV or NOE may include several violations

Attachment A

ENFORCEMENT ACTIVITIES
Landscape Irrigation Program
September 1, 2010 – August 31, 2011

Notices of Violation – 127

Unlicensed Individuals – 67

- Advertising-66
- Filling swimming pool with irrigation water-1

Licensed Individuals –60

- LI # not in advertisement-32
- Plan not in compliance with TCEQ rules-5
- TCEQ statement not on contract-5
- Not honoring a warranty-8
- Backflow not inspected-1
- Irrigation system not inspected-2
- Installed system in Texas, lived in Oklahoma-1
- Installing wrong backflow prevention device-1
- Contact information not current-1
- Irrigation heads not properly installed-3
- Pipes not buried 6 inches deep-1

Notice of Enforcement – 30

Unlicensed Individuals – 15

- Not having inspector's license-2
- Installing – 8
- Not responding to an NOV-5

Licensed Individuals – 15

- No permit – 6
- Not responding to an NOV-9

Investigations Conducted – 83 (47 on-site)

Incidents Closed – 89 (89 Unsubstantiated)

Administrative Orders Issued and Penalties Collected-50; \$49,329.00

Note: One NOV or NOE may include several violations

Attachment A

2011 Summer On-Site Investigations

The Landscape Irrigation Program (LIP) staff visited 29 irrigation sites in Austin and surrounding areas from July 20th - 21st, 2011.

LIP staff visited 18 irrigation sites in the Dallas Fort Worth (DFW) area from August 18th - 20th, 2011.

27 licensed irrigators were responsible for or associated with the installation of 46 of the 47 systems inspected. One repair was performed by an unlicensed individual.

Total Statistics:

- 28** Irrigators / 47 sites
- 1** Field Citation (FC) was issued
- 2** Notice of Enforcement (NOE) letters were issued
- 20** Notice of Violations (NOV) letters were issued
- 5** No violations found

All NOVs issued have been resolved. NOEs are being handled by the TCEQ Enforcement Division.

Common Violations found:

NOVs

- Irrigation heads were too close to the hardscape
- Irrigation heads in the parkway
- Standing water
- No sticker on the controller box

NOEs

- Failure to obtain a permit or inspection

FC

- Unlicensed irrigator repairing a system

Positive findings:

Most people were satisfied with their irrigator

LIP staff visited with Home Builders and Construction Managers

LIP staff visited with various Home Owner Associations (HOA)

LIP staff distributed publications to various irrigation warehouses

Receive, Discuss and Act on Staff Reports (Office of Permitting and Registration)

1. Licensing, Training, Testing, and Renewals (20 minutes)

09/01/2011-10/31/2011

New Applications =	180
Renewal Applications =	416
Total Applications =	596
Tests Administered =	265
Tests Passed =	162
Percent Passed =	61.1%
New Licenses Issued =	127
Renewal Licenses Issued =	408
Total Current Licenses =	7886

2. Central Office Policy on Exam Day Walk-Ins

Effective January 1, 2012, the TCEQ Central Office located at 12100 Park 35 Circle in Austin, Texas, will no longer accept walk-in applicants on the day of the exam.

In August, 2011, TCEQ Central Office implemented an online exam registration process for all applicants to pre-register for the exam sessions held at the Austin location. This was done to facilitate registration on exam day and to minimize the number of applicants turned away at each session due to over-crowding in the examination rooms.

The Central Office offers exams on the second Monday of each month. There is a morning session at 8:30am and an afternoon session at 1:30pm. Along with those sessions, there is an 8:30am session for those applicants pre-approved to sit for the Water and Wastewater 'A' exams.

Currently, walk-in applicants are allowed, on a first come-first served basis, as room allows. Since the implementation of the online registrations, however, this has become more difficult to maintain as staff must wait to make sure all pre-registered applicants are seated before walk-in applicants.

We encourage all applicants wishing to take their exam at the Austin Central Office to register online at <http://www.tceq.texas.gov/licensing> under the Exam Schedules and Registration page. If you have any questions regarding this process, contact the Occupational Licensing Section at (512) 239-6133.

3. TCEQ Licensing Listserv

To be added to the email list, send an email to join-tceqlicense@listserv.tceq.texas.gov. Once an email has been received you will get a confirmation email indicating that you have been added to the distribution list.