

**IRRIGATOR ADVISORY COUNCIL (IAC)
MEETING MINUTES**

February 27, 2008

Texas Commission on Environmental Quality (TCEQ)
12100 Park 35 Circle
Bldg B, Room 201A
Austin, Texas
9:30 a.m.

The regularly scheduled meeting of the Council began at 9:30 a.m.

Attendees:

Council Members: Don Weiss, Jerry Lewis(Chairman), Carole Baker, David Bell, Emilio Escobar, Doug Goodwin, DeVille Hubbard, Suzanne (Suzy) Santo.

TCEQ Staff: Tony Franco, Bob Mann, Terry Thompson, Candy Garrett, Manuel Flores Richard Allen, Flora Parra, Linda Saladino

Visitors: Jeffrey Knight, Gene Reagan, Toni Fox, Todd Mantanga, John Heidman

COUNCIL MEETING AGENDA

1. The Chairman of the Council will call the meeting to order.

Chairman Lewis called the meeting to order.

2. The Council will consider approval of minutes from the November 17, 2007 meeting.

The minutes from the November 17, 2007 meeting were approved. Mr. Lewis recognized Mr. Allen for his work on expediting, accuracy and timeliness in compiling the minutes for November 17, 2007 IAC meeting.

3. Hear from individuals wishing to address the Council.

Mr. Knight addressed the council on the Chapter 344 rules proposal. Mr. Knight stressed that Texas has a good irrigator program and that Texas has a good thing going. He stated the licensing program has trained 1000 people in eight states and that other areas are envious. Mr. Knight stated that the irrigation inspector license does not need the components of the basic irrigator course, backflow course and the water conservation component. Mr. Knight stated that he is against an apprentice program for landscape irrigation because he feels the apprentice does not need to have 2-3 years of training. He stated that a mentorship program would be more beneficial than an apprentorship program.

4. Receive, Discuss and Act on Staff Reports.

Ms. Garrett gave a status update on the Chapter 344 rules revisions. Ms. Garrett stated that TCEQ staff has received 25 comment letters regarding the rules revisions. Ms. Garrett stated that the proposed rules will go before the TCEQ Commissioners at the June 4 agenda. Ms. Garrett explained the rules process to Mr. Bell. Ms. Garrett explained that the proposed rules would be submitted to Mr. Franco on April 30 and would be available to the public on May 26, 2008. Chairman Lewis requested that summary of comments on the rules revisions be available to the public on the TCEQ website. Mr. Heidman asked would cities be responsible for local enforcement concerning irrigators. Mr. Lewis responded that the state would be seen as a mentor for the cities to follow regarding enforcement. Ms. Baker and Ms. Garrett both stated that the irrigators and the state would need to work with the cities regarding enforcement.

Mr. Lewis and Mr. Mann recognized Mr. Flores for his work in the landscape program and for working with the IAC. Mr. Lewis also recognized Mr. Allen and Ms. Garrett for their work with the IAC and on the chapter 344 rules revisions.

Mr. Thompson gave a status update on the Chapter 30 rules revisions. Mr. Thompson stated that he had received six comments on the Chapter 30 rules revisions. Mr. Lewis stated to Mr. Franco that he appreciated the hard work of Mr. Thompson on the Chapter 30 rules revisions.

Mr. Lewis moved to the committee reports on water conservation and allowed Mr. Tom Fairey with DB Live gave a presentation on new technology concerning a smart controller that could provide better and more efficient water conservation.

Mr. Lewis expressed a concern regarding irrigators experiencing problems with getting their licenses renewed when their CEU documentation is sent in late. Mr. Thompson stated that the statute limits the ability to renew a license that is more than 30 days overdue. Mr. Thompson stated that the licensing section gets weekly requests for exception to the rule. Mr. Franco stated that this issue will need to be revisited in the next rulemaking process.

Ms. Saladino gave a status update on the Testing/Exams in the Landscape Irrigation Program. Ms. Saladino asked for assistance from the IAC of what other irrigation related topics that would need to be approved by TCEQ. Ms. Saladino stated CEU's regarding correspondence and distance learning cannot be repeated during the renewal period. Mr. Lewis stated that the IAC will look at some topics and come back at the next IAC meeting with recommendations. Mr. Lewis requested a report be prepared by TCEQ that track the number of persons that passed and failed the license irrigator test on the first attempt. Mr. Thompson stated that he will work on providing such a report. Mr. Thompson stated that the on-line renewal rate is at 80% and that this process works faster than mailing a renewal. There was a discussion of a felony

conviction preventing a person from becoming a licensed irrigator. Mr. Thompson stated that there was nothing in the statute that prevented an individual from becoming licensed irrigator if that individual had a conviction. Mr. Thompson asked that the council come up with some suggestions for the requirements to obtain the emeritus designation, so they could be discussed during the next IAC meeting.

Ms. Garrett gave a status update on the enforcement activities that have occurred in the Landscape Irrigation Program and provided a report to the IAC for the time period of 09/01/07-01/31/08. Ms. Garrett stated that there were 29 notices of violations issued-10 to unlicensed individuals and 19 to licensed individuals. Ms. Garrett stated that there were 22 notices of enforcement issued, 15 to unlicensed individuals and 7 to licensed individuals. Ms. Garrett provided a detailed report for the last five years of licensed and unlicensed individuals that have been processed through TCEQ's enforcement division. The report detailed the case number, the status, the docket number, the order date, the type and the customer's role and name. Ms. Garrett also provided to the IAC a sample report of enforcement agreed order, a penalty calculation worksheet and a violation summary chart that appears on Commission Agendas.

Ms. Garrett provided a request for nominations for appointment to serve on the IAC to the IAC. Ms. Garrett stated that the TCEQ would like to receive nominations for individuals wishing to serve on the IAC prior to 5/31/08. Ms. Garrett also provided a list of the members of the IAC from the year 1993 to the present.

5. Receive, Discuss and Act on Committee Reports:

The rules committee stated that 03/03/08 was the deadline for individuals to submit rule comments. The rules committee also stated that 06/04/08 was the target date for the Chapter 344 and Chapter 30 rules to be adopted.

6. Receive and Discuss New Business and additional items of interest:

There was a discussion among TCEQ staff, IAC members and visitors concerning the perception of the 02/26/08 public hearing. Most agree that the public hearing went smoothly and most comments were positive regarding the proposed rule changes.

7. Council will adjourn

Chairman Lewis adjourned the meeting.