

## **Irrigation Advisory Council (IAC) Minutes**

**Date:** Thursday, August 10, 2017

**Time:** 9:00 am

**Location:** Texas Commission on Environmental Quality, 12100 Park 35 Circle, Building A, 2nd Floor, Conference Room 202, Austin, Texas 78753

**Call to Order** (John DeCell) at 9:00 am. Roll Call: John DeCell, Robert Evans, Brooke Furrh (on conference line), Phillip Hathaway, Justin Lewis, Valerie Miller Ph.D, Micah Reed, Paul Ward, Mark Warden

Introductions of the IAC and audience were made.

**Approval of Previous Meeting Minutes:** May 4, 2017 minutes were approved with no changes. Motion to approve was made by Robert Evans, motion seconded by Valerie Miller.

**Recognize Melissa Keller for her contribution to the Landscape Irrigation Program**

### **TCEQ Reports**

#### **1. Office of Waste, Permitting and Registration Support Division, Occupational Licensing Section (OLS)**

- a. Linda Saladino presented the FY2017 third quarter report (please see meeting handout).
- b. Ms. Saladino discussed the Spanish exam regarding past challenges, outreach, providers and basic/advanced testing guidance
- c. Question - What is the 30 day grace period after the license expiration date?
  - i. Ms. Saladino explained that this period is in the rules and allows for the application, fee, and criminal history to be submitted for renewal. The continuing education hours are required to be completed by the license expiration date and the license is expired until the renewal application is processed.
  - ii. Deficiency notices have a 30 day response time. If a licensee receives a deficiency notice for the lack of continuing education (CE) hours in response to an application, the applicant must notify the TCEQ once the CE hours are completed, so the license can be renewed.
  - iii. Ms. Saladino urged training providers to remind participants of renewal responsibilities and even though the training provider electronically sends reports of completed training to TCEQ

within 14 business days, the TCEQ does not know the applicant has cleared the deficiency.

- d. Question - How frequently does TCEQ update the licensing details online?
  - i. TCEQ licensing details are updated and refreshed daily.
- e. Question - What should be done if a deficiency letter is received and the licensee subsequently takes a Continuing Education course?
  - i. TCEQ OLS should be notified when training is completed and the training must be completed within 30 days of the date of the deficiency notice.
- f. House Bill 1508 - Ms. Saladino explained that the bill passed the 85<sup>th</sup> Texas Legislative Session and it requires the training providers of initial training classes to notify students that their criminal history may result in denial of their licensing application.
- g. Online New License Application Updates - OL will be implementing updates to the online eApplication system in FY2018 to reduce current deficiencies that occur.
- h. Question - The council has heard of trainers allowing students in the Basic Irrigator Licensing class to take designs home to complete. What is the TCEQ's position on this?
  - i. TCEQ requires the design be completed in class with no assistance as successful completion of a design is necessary to pass the class and become eligible to take the TCEQ Landscape Irrigator Licensing exam.
  - ii. Additionally, instructors may allow students to use the plan with no contours to draw their design, but the plan with trees and contours showing elevation must be taken into consideration to complete the design.
  - iii. TCEQ would like to work with the approved training providers to update this plan used in the Basic Landscape Irrigator class.

## **2. Office of Water Supply Division, Backflow and Cross-Connection Control**

- a. Mr. Alfonso Fuentes asked the council if there were aware of a EPA memo defining irrigation cross-connections as health concern.
  - 1. Justin Lewis did acknowledge that EPA presented a guidance in 2001.
- b. Mr. Fuentes discussed that TCEQ staff traveled to El Paso for Directed Assistance Module No. 12 (DAM 12) training to five water systems.
  - i. Question - How long is the course?
    - 1. Answer - 6.5 hours
  - ii. Next DAM 12 course will be in New Braunfels. Melissa Keller will be sharing details as they finalized.

**3. Office of Compliance and Enforcement, Enforcement Division**

- a. Michael De La Cruz presented the FY2017 Enforcement Report (please see meeting handout)

**4. Office of Legal Services, Litigation Division**

- a. Jess Robinson presented an update on active cases
- b. Question - Can enforcement actions include conditions in which respondent must take required training?
  - i. Answer - Such conditions have been made in the past but determined to be challenging for respondent to register and attending training within the 30 day compliance period noted on Notices of Violation.
- c. Question - Could the Commission raise enforcement penalties?
  - i. Answer - Raises in penalties must be directed to State Legislature.

**5. Office of Compliance and Enforcement, Program Support Section**

- a. N/A

**IAC Discussion and Action on Chapter 344 Rule Petition**

- 1. Rule Petition covering 344.50 and 344.52 was initially mailed on 6/26/2017. Petition request was denied based on not meeting filing requirements. Subsequent filing was mailed on 08/09/2017.
  - a. Question - Should the Council submit petitions to fulfill requirements of advising the TCEQ?
    - i. Answer - Petitions are only method currently to request rule change. Michael Beatty will request if other methods are available from TCEQ's Environmental Law Division
  - b. Action request was made by John DeCell to setup discussion with TCEQ and the IAC regarding clarification providing findings and recommendations. Michael Beatty will be setting up discussions.
- 2. Definitions for Approval and Voting
  - a. IAC will address approval and voting of definitions at later time.
  - b. Definition of Consulting was discussed.

**IAC Committee Reports**

- 1. Education, Training and Licensing Committee (Philip Hathaway)
  - a. Irrigation Final Inspection Checklist, the Landscape Irrigation Plan Checklist, and the Sample Design now appear on the Landscape Irrigation > [Landscape Irrigation: Helpful Resources web page under Plan Review and Inspection Tools.](#)

- b. Committee received request from Tarrant County College to consider allowing online core training.
    - i. Council motioned to deny request based on:
      - 1. Rules restrict distance learning for core classes,
      - 2. For Irrigation program it is critical to receive hands-on training, and
      - 3. To be consistent with other like trade training programs
    - ii. Council will respond in writing to request
  - c. Meeting of Trainers
    - i. Next Trainers meeting will be schedule in February 2018.
    - ii. Site location, date, and time to consider will be sent to Valerie Miller, Ph.D for coordination.
  - d. Checklist Outreach
    - i. Committee recommends TCEQ to assist with promoting checklist through outreach methods such as Twitter, ListServ and News Updates. TCEQ's Program Support Section will facilitate outreach efforts.
    - ii. Committee recommends Plumbing Board outreach. Paul and John will coordinate.
2. Enforcement, Planning and Legislative Committee (John DeCell)
- a. Survey
    - i. Discussed city survey and updates over question 3, 4, and 11.
    - ii. TCEQ will assist with posting survey online.
3. Rules and IAC Administrative Committee (Justin Lewis)
- a. Definitions are needed and must collaborated with external references
    - i. Reference definition in testing exams and not in rule.

**Individuals Wishing to Address the Council that have signed-up**

- a. Mike Richmond addressed the council on increasing penalties for unlicensed installers, public retail sale of irrigation supplies, and recommended council assistance on help encourage compliance and enforcement oversight at local level.
  - i. Jerry Lewis addressed the council on encouraging IAC Education, Training and Licensing Committee to engage OLS.
- b. James Garvin addressed the council to reach out to workshops and training providers over home inspectors and review/requirements of irrigation systems.

**Adjournment**

Paul Ward motioned to adjourn and Phil Hathaway seconded the motion. The next IAC meeting is November 9, 2017.

# **Irrigation Advisory Council (IAC) Meeting**

## **Handouts**

Irrigation Program Results  
 3<sup>rd</sup> Quarter Fiscal Year 2017  
 (March 1, 2017 – May 31, 2017)

Irrigation	
Total Current Licenses	8,324
Landscape Irrigation Inspector	78
Landscape Irrigation Technician	1,457
Landscape Irrigator	6,789

New Applications	
Landscape Irrigation Inspector	3
Landscape Irrigation Technician	99
Landscape Irrigator	180
Renewal Applications	
Landscape Irrigation Inspector	5
Landscape Irrigation Technician	53
Landscape Irrigator	620

Examinations		Passing Percentage
Irrigation Technician (Spanish exam version)	7	0.0
Landscape Irrigation Inspector	5	40.0
Landscape Irrigation Technician	63	60.3
Landscape Irrigator	191	64.9
Overall	266	61.7

## **Cross-Connection Control Program Update for the Meeting of the Irrigators Advisory Council on August 9, 2017**

1. The program successfully hosted the USC Cross-Connection Control Program Specialist Course. About 23 field investigators attended as well as City of Austin staff and some staff from military installations. All TCEQ Cross-Connection Control Program staff who attended passed the course.
2. Staff traveled to El Paso to present DAM 12 to 5 water systems.
3. Program staff participated in the PDW Conference by providing two presentations and providing technical assistance.
4. We are currently preparing for the September 7 meeting of the TCEQ Cross-Connection Control Subcommittee.
5. Staff traveled to Killeen to meet with representatives from Pepsi regarding backflow prevention on their carbonated beverage dispensers.
6. Program staff are dealing with the issue of non-testable backflow prevention assemblies on the customer's side of the meter.
7. The Backflow Prevention Assembly Test and Maintenance Report form (TCEQ-20700) has been updated and soon to be published on the cross-conn webpage.

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**OCE Enforcement Updates**

FY 2017 to date: 9/1/2016-7/31/2017

Enforcement Data	Number	Penalty
Number of Settled Field Citations Referred	11	---
Number of Irrigator EARs Referred	14	---
Number of Enforcement Cases Unable to Reach Settlement/Referred to LD	4	---
Number of Effective Agreed Orders:	9	\$8,489
Number of Effective Default Orders:	5	\$13,864
Number of Effective Field Citations:	8	\$1,400

**Office of Compliance and Enforcement**

**Program Support Section Update**

**As of August 1, 2017**

<b>Action</b>	<b>FY16</b>	<b>FY17</b>
Open Complaints (Incidents)	0	17
Notices of Violation (NOV)	70	29
Notices of Enforcement (NOE)	41	16
Field Citations (also included in NOEs)	17	5
Approved Investigations	192	62

**Outreach activities:**

Lone Star Irrigation Expo - Grapevine, January 2017

Central Texas Expo - Belton, January 2017

Building Officials Conference - Arlington, May 2017

Professional Irrigation Conference - San Antonio, July 2017

## Chapter 344 Additional Definitions

1. Evapotranspiration – The combination of water that has evaporated from the soil and transpired from the plant material. It is often used as a measurement of the amount of water that should be replaced when irrigating plant material.
2. Precipitation Rate –Rate at which water is applied by sprinkler heads in a certain pattern. Usually measured in inches per hour, gallons per hour, or gallons per day. Also referred to as “Application Rate”. The methods in which to evaluate precipitation rates include but are not limited to:
  1. A Densogram
  2. Precipitation rate formulas
  3. A water audit
3. Plant Factor – Coefficient used in adjusting the reference evapotranspiration by species, density, and microclimate factors. Also referred to as “Landscape Coefficient”
4. Infiltration Rate – The speed at which the water can infiltrate the soil. Also referred to as “Absorption Rate or Percolation Rate”
5. Soil Moisture Holding – The total amount of water that is stored in the soil within the plant’s root zone. The soil texture and the crop rooting depth determine this. A deeper rooting depth means there is a larger volume of

water stored in the soil and therefore a larger reservoir of water for the crop to draw upon between irrigations.

6. Allowable Depletion – Refers to the process of letting the soil dry out between irrigations to pre-selected soil moisture content. Also referred to as Managed Allowable Depletion (MAD). Generally, 50% depletion is the rule of thumb.
7. Densogram – Graphic representation of precipitation. Higher rates are usually indicated by darker colors. These are used to check the amount of precipitation and uniformity in a given irrigation area.