

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

August 10, 2007

Texas Commission on Environmental Quality (TCEQ)
12100 Park 35 Circle
Bldg. F, Room F2210-VTC
Austin, Texas
9:30 a.m.

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

Attendees:

Council Members: Don Weiss (Chairman), Jerry Lewis, Carole Baker, David Bell, Emilio Escobar, Doug Goodwin, DeVille Hubbard, Michael Murr, and Suzy Santo (via conference call).

TCEQ Staff: John Sadlier, Tony Franco, Bob Mann, Terry Thompson, Debra Barber, Candy Garrett, Manuel Flores, Richard Allen, Lena Roberts, Alicia Lee, Issac Jackson, Brock Harris

Visitors: Mary Gugliuzza, David Sartor, Kelly Hall, Toni Fox, Karen Guz, John DeCell, James Stewart, Charles W. Dyer, John Morton, Wayne Gibbs, Will Wilde, Tim Little, Romeo Montalvo, John Shidler, Bill Knight, David Brannan, Dean Minchillo, David McCullough, Rodney Krumnou, Gene Reagan, and Carl Causey.

COUNCIL MEETING AGENDA

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

Chairman Weiss introduced Office of Compliance and Enforcement Deputy Director John Sadlier who encouraged the Council to submit recommendations for rule changes and emphasized the Commission's effort to include the Council in the rulemaking process.

Ms. Barber explained the Commission's rule making process and tentative timeline for the Chapter 344 rule revisions.

Council had questions about the final dates that Council would be able to comment on the rule package. Mr. Franco clarified the Council's role and critical dates for the Council's final comments.

2. Introductions of Council and Staff; explain the policy for audience participation during Council meetings; and consider approval of the minutes from the March 26, 2007 meeting.

Chairman Weiss explained the process for approving minutes in the future. Council agreed that TCEQ staff would email the draft minutes to all nine council members, who will have 10 working days to make comments and send back to staff, the draft minutes will be published on TCEQ website and then will be approved at the following meeting.

Consider approval of the minutes from the March 21, 2007, meeting and discuss the approval process for future meetings.

Mr. Lewis made motion to approve the minutes and Ms. Baker seconded the motion.

3. The Council will receive comments from the public related to Chapter 344.

Chairman Weiss decided to move this item forward on the agenda to allow for public comments before the Council would discuss the individual subchapters.

The following speakers addressed the Council:

Ms. Kelly Hall – San Antonio

Mr. David Santor – Building Official – City of Abilene

Ms. Toni Fox – City of San Angelo – Water Conservation Coordinator

Ms. Karen Guze – San Antonio Water System

Mr. John Decell – Software Republic – Houston

4. The Council will discuss changes/recommendations to Subchapter A: General Provisions.

The Council provided the following comments and recommendations on Section 344.1-Definitions:

Propose to keep “Backflow prevention, back pressure, council, hydraulics, installer, irrigation system, irrigator, landscape irrigation, and water conservation.”

Add, “and who is required to be licensed” to irrigator definition.

There was discussion about changing the “Installer” title to either “Technician” or “Journeyman”.

A motion was made by Mr. Bell to use the existing definitions for “Injection Device, Health Hazard, Non-Health Hazard, Backflow, Back Siphonage, Cross Connection” from the Chapter 290 Public Drinking Water rules. The motion was seconded by Mr. Lewis. The motion carried.

There was a lengthy discussion about “Direct Supervision”.

Mr. Lewis made a motion to remove the “Minimum Precipitation Rate” graphic from the

subchapter. Mr. Murr seconded the motion. The motion carried.

Mr. Bell made a motion to remove the definition of “non toxic substance and toxic substance” from the subchapter, Ms. Baker seconded the motion. The motion carried.

There was a again discussion about direct supervision

Mr. Lewis made a motion that council use existing definitions from industry and governmental sources for Smart Controller, Hardscapes, Critical Design Pressure, Design Pressure, Emission Device, License, System Main Line, Contamination, Non-Potable Water, Potable Water, As Built Plan, Hydrozone, Distribution Uniformity, Warranties, Permitted Work. Mr. Hubbard seconded the motion. The motion carried

Council decided to continue working on definitions for, “Irrigation Inspector, Irrigation Technician, Irrigator Emeritus, Direct Supervision, Design, Water on the Discharge side of the backflow prevention device, and documents of service”

The Council provided the following comments and recommendations on Section 344.4-License Required:

There was a lengthy discussion about the word “employs” and what it means to unlicensed business owners who might qualify under the exemption.

Ms. Santo made a motion to table the discussion until the Rules Committee could have a opportunity to research further; the motion was seconded by Mr. Bell. The motion carried.

5. The Council will discuss changes/recommendations to Subchapter B, General Provisions Affecting the Irrigator Advisory Council.

A motion was made by Mr. Lewis recommending that this subchapter not be revised; the motion was seconded by Ms. Baker; the motion carried.

6. The Council will discuss changes/recommendations to Subchapter C: Requirements for Licensed Irrigators, Licensed Installers, and Licensed Inspectors.

TCEQ Chairman White made a surprise visit to salute the Council on its outreach and efforts to improve water conservation in the state;

The Council provided the following comments and recommendations on Section 344.49-Display of License:

Add that licenses must be renewed every three years beginning on 1/1/08.

The Council provided the following comments and recommendations on Section 344.58-Unauthorized Use of License:

Discussion on this subsection was tabled until the Rules Committee could provide recommendation.

The Council provided the following comments and recommendations on Section 344.59- Seal Required:

No action – leave in its current state.

The Council provided the following comments and recommendations on Section 344.60- Seal and Rubber Stamp:

Discussion on this subsection was tabled until the Rules Committee could provide a recommendation.

The Council provided the following comments and recommendations on Section 344.61- Authorized Use of Seal and Rubber Stamp Facsimile:

Discussion on this subsection was tabled until the Rules Committee could provide a recommendation.

The Council provided the following comments and recommendations on Section 344.62- Unauthorized Use of Seal and Rubber Stamp:

No action – leave in its current state.

The Council provided the following comments and recommendations on Section 344.63- Required Use of Seal:

No action – leave in its current state.

7. The Council will discuss changes/recommendations for a new Subchapter D: Standards for Landscape Irrigation, including water conservation.

The Council provided the following comments and recommendations on Section 344.70- Local Regulation:

Add, after “designed to protect the water supply” the statement “and to conserve water”.

The Council provided the following comments and recommendations on Section 344.71- Local Inspection:

Adjust rule to accommodate for licensed irrigation inspector and new rules governing cities over 20,000 in population.

The Council provided the following comments and recommendations on Section 344.72- Water Conservation:

Mr. Lewis made a motion to add the word, “operation” to the rule language. The motion was seconded by Mr. Bell. The motion carried.

The Council provided the following comments and recommendations on Section 344.73- Backflow Prevention Methods:

Add after “connected through” the statement “an approved backflow prevention method” and eliminate the remaining language.

Add “Evaluation of hazard determined by 30 TAC Chapter 290.44(h)(4).”;

Add, “Appropriate backflow method determined by 30 TAC Chapter 290.44(h)(4).”;

Add, “Backflow device installation determined by device manufacturer.”

Add, “Backflow device testing frequency determined by device manufacturer and 30 TAC Chapter 290.44(h)(4).”

Add, “Require backflow meets current standards if mainline is open to atmospheric pressure.”

Add, “Irrigation systems require an RPZ at point of connection when installed on site with OSSF system per Chapter 285.”

Lunch Break

The Council will receive additional comments from the public related to Chapter 344.

Chairman Weiss allowed for additional public comments before the Council would continue discussion of the individual subchapters.

The following speakers addressed the Council:

Mr. Carl Causey – Texas Turf Irrigation Association and

Mr. Dave McCullough – Houston

The Council provided the following comments and recommendations on Section 344.75- Specific Conditions and Backflow Prevention Devices:

Add, “Irrigation system connected to potable water source, may not be inter-connected to non-potable source according to 30 TAC Chapter 290.44(h)(4).”

Council agreed to not address the issues of “re-use water” and “grey water re-use” until more input could be received from stakeholders.

The Council provided the following comments and recommendations on Section 344.77 – Minimum Standards for Design and Installation of Irrigation Systems:

Add, “Irrigation systems using spray or rotary heads must be designed and installed within the

manufacturer's minimum or maximum recommended head spacing for a specific nozzle operating at a specific pressure."

Add, "Irrigation systems using spray or rotary heads must be designed and installed to operate within the published pressure range required by the manufacturer for the nozzle and head spacing used."

Add, "The design and installation of all new automatic irrigation systems must include sensors or other technology that will inhibit or interrupt operation of the irrigation system during periods of sufficient moisture or rainfall."

Add requirement for pipe separation from OSSF systems;

Add, "Prohibit water on impervious surfaces."

Add requirement to hydrozone irrigation system sections adjacent to OSSF system.

Add requirement that hose bibs must be installed on quick couplers, downstream of an isolation valve.

Add requirement that any installation of a master valve be downstream of the backflow device;

Add requirement that an isolation valve be installed directly upstream of the backflow device;

Add requirement restricting velocity flow in PVC to not exceed 5 feet per second;

Add requirement prohibiting water across walks and drives;

Council agreed to send the issue of irrigation in small turf areas to the Rules Committee for further review.

Add requirement for depth of coverage for wiring;

Add requirement to zone irrigation systems;

Add requirement that irrigation systems and components must be installed to meet manufacturer's recommended installation specifications;

Add requirement that trenches are backfilled correctly;

There was a discussion as to whether or not there should be separate design standards for small and large systems.

Break

There was an extensive discussion regarding requiring a design for every irrigation system.

Ms. Baker made a motion to add subsection 344.78- Design, requiring a design for every irrigation system installed in the state; the motion was seconded by Mr. Goodwin. The motion carried.

8. The Council will discuss recommendation for a new Subchapter E: Specific Requirements/Duties for Licensed Irrigators and the new Licensed Inspectors position Relating to the Design, Installation, Operation and Servicing of Landscape Irrigation Systems.

The Council provided the following comments and recommendations on a new Subchapter E - Specific Requirements/Duties for Licensed Irrigators and the new Licensed Inspectors position Relating to the Design, Installation, Operation and Servicing of Landscape Irrigation Systems:

Add, "Inspector should inspect for compliance and enforce all minimum standards."

Suggest that irrigator have discussion with customers on other forms of water conservation equipment;

Require discussion with customers on irrigation system scheduling;

Require irrigation systems be installed under the direct supervision of a licensed irrigator;

Require an "as-built design" for all irrigation system installations;

Require irrigator to attach contact information, including name, license number, company name, phone number and date installed, to the irrigation controller; the information should be attached in a way that will ensure permanence

Require permits on installation of new irrigation systems;

Require new irrigator, installer, technician and inspector to attend a job skills seminar within the first six months of becoming licensed;

Require a high school diploma or equivalent certificate for irrigator and inspector;

Require successful completion of all sections of the irrigator and installer exam at one time;

Require 8 hours of an approved course in water conservation for irrigator and inspector;

Require that all applicants for irrigation licenses successfully attend an approved training course;

For Irrigator Emeritus, must have held a Texas Irrigator License in Good Standing with no violations and meet one of the following license requirements: a) have held an active irrigator license for twenty years or more, b) have become disabled, c) is deceased;

Request for Emeritus must be made in writing to the TCEQ Executive Director and may be made by irrigator's family, friends, regulatory authority, companies or associations;

Request that the Emeritus license be Honorary and can not be used to perform the duties that require and active irrigator license;

Require if a person engages or has a financial or advisory interest in an entity that engages in activities that require a current irrigator license, that person is ineligible to be licensed as an inspector;

Require inspector to successfully attend an approved training course which may include water conservation awareness training;

Require inspector to successfully complete all sections of the irrigator exam;

Require inspector to complete the backflow prevention assembly testing course;

Require inspector to successfully complete an approved landscape irrigation auditing course;

Require inspector to have held a license as a Texas irrigator, master plumber, journeyman plumber, or plumbing inspector;

Allow irrigator or inspector to "Park" license;

Allow CEU's to count for both irrigator and inspector license;

Allow renewal fees to be applied to both irrigator or inspector license;

9. The Council will discuss changes/recommendations to Subchapter F: Standards of Conduct for Licensed Irrigators, Licensed Installers, and the new Licensed Inspector position.

The Council provided the following comments and recommendations on 344.90 Purpose of Standards:

Require all irrigation licensees have high school diploma or equivalent certificate;

The Council provided the following comments and recommendations on 344.91 Intent:

Add "Inspector" and "Technician"

The Council requested clarification as to whether or not changes could be made to the Installer license. Staff stated that it depended on the interpretation of the legislation and agreed to research and get back to the Council.

The Council provided the following comments and recommendations on 344.92 Proficiency in Field of Irrigation; Representation of Qualifications:

Add “Inspector” and “Technician”

The Council provided the following comments and recommendations on 344.93

Advertisement:

Add that license number on vehicles should be in a contrasting color and include trailers to requirement;

Add that license number should be on all yellow pages advertisements and internet advertisements;

Change the word “any” to “a” in subsection (d);

The Council provided the following comments and recommendations on 344.94 Contracts:

Change “Texas Natural Resource Conservation Commission” to “Texas Commission on Environmental Quality”

Remove “if in writing,”

Remove “If there is no written design,”

Remove subsection letter (c)

The Council provided the following comments and recommendations on 344.95 Design:

Remove from (a) “...unless the use is necessary to accommodate special site conditions. Special site conditions must be noted on the design, the written agreement, the bill for installation, or in the document described in 344.94(c) of this title (relating to Contracts).”

The Council provided the following comments and recommendations on 344.96 Warranties:

Remove “(i.e., excluding remodeling and renovation)”

Add that on all new irrigation systems, a one year warranty shall be presented to the customer;

Require TCEQ statement on all written contracts and bills to install or repair irrigation systems;

10. The Council will consider a request that TCEQ will consult with the Council Chair or the Council Rules Subcommittee Chair, on rule development issues as they arise.

Motion made by Mr. Bell: “Resolved, IAC appreciates effort of TCEQ staff to recognize the need of Council to fully participate in the current rule making process and fulfill our (the Council’s) responsibilities. Further, IAC requests that TCEQ staff continue to seek authority from the highest levels of TCEQ so that IAC may review draft rules language prior to “back-

up” filing with Chief Clerk.” The motion was seconded by Mr. Lewis.

11. The Council will conduct other critical business.

TCEQ staff provided Council with recent licensing statistics.

Enforcement report

The next meeting of the Council was scheduled for November 15, 2007.

12. The Council will adjourn.