

AGENDA AND MINUTES
IRRIGATOR ADVISORY COUNCIL (IAC)
November 6, 2003
12100 Park 35 Circle
Bldg. C, Room 131E
Austin, Texas
9:30 a.m.

Attendees:

Tony Franco, Juanita Lopez, Gene Reagan, Sandra Hernández, Wanda Kurio, Harvey McClarty, Gene Barnes, William Gossett, Carole Baker, Jerry Lewis, David C. A. Coleman, Don Weiss, Scott Long, David Brannan, Dee Cunningham, Glenda Single, John Schwartz, John Morton, Cody Hobbs, John Shideler, Robert M. Coy, Lora L. Coy, Sandra Gallegos

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

The meeting was called to order by Mr. Harvey McClarty at approximately 0930 and introductions of attendees proceeded.

2. The Council will elect officers.

Mr. Gene Barnes was nominated Chairman by Mr. William Gossett and seconded by Ms. Carole Baker. Mr. Barnes was unanimously voted to be Chairman.

Mr. William Gossett was nominated Vice Chairman by Mr. Harvey McClarty and seconded by Mr. Jerry Lewis. Mr. Gossett was unanimously voted to be Vice Chairman.

3. The Council will approve the minutes from the August 2003 meeting.

Mr. David C. A. Coleman made a motion to approve the minutes and the motion was seconded by Mr. Jerry Lewis. The council unanimously voted to approve the minutes as they were.

4. The Council will discuss with staff the changes in the license titles of newly issued licenses.

Ms. Juanita Lopez, Section Manager, Operator Licensing Section, TCEQ Compliance Support Division, informed attendees that the pocket cards now read, "Landscape Irrigator" and not "Licensed Irrigator." She indicated that the name change on the pocket cards was based on the rule language found in the Texas Water Code §§ 34 (revised 2001) and 37 (statute regarding licensing).

AGENDA AND MINUTES
IRRIGATOR ADVISORY COUNCIL (IAC)
November 6, 2003
Page 2

Mr. Jerry Lewis recommended that the rules be revised to change the title on the pocket cards back to, "Licensed Irrigators." He indicated that the job title and the description is different.

Ms. Lopez indicated that the pocket card already contains licensing language and that it would be redundant to use the term "licensing" again.

Mr. Gene Reagan, Landscape Irrigation Program, Regulatory Compliance Section, TCEQ Compliance Support Division, indicated that 30 Texas Administrative Code § 344 reads, "licensed irrigator" for the seal requirements.

Ms. Lopez recommended that 30 Texas Administrative Code § 344 be revised to align with the statute. She also stated that she would verify with the TCEQ Litigation Division concerning the use of two different titles on the pocket card and seal.

Mr. Dee Cunningham stated that landscape installers may emanate them as landscape irrigators but Ms. Lopez informed him that the pocket card specifies one and not both.

Mr. Gossett recommended that a pocket card for an installer read, "Landscape Irrigation Installer." Ms. Lopez informed him that she would address this with the TCEQ Litigation Division.

Mr. David Brannan suggested that "Licensed" be added to the title on the pocket cards.

Mr. Reagan asked if there would be business and/or personal problems with the title changes.

Mr. John Schwartz stated that there would be business and personal problems. He stated that the word, "Licensed" on the pocket card helps him pull the required municipal permits.

Ms. Lopez reassured attendees that the name change does not take anything away.

Mr. McClarty stated that the topic would be tabled until Ms. Lopez met with the TCEQ Litigation Division.

5. The Council will discuss with staff the need for issuance of revised pocket cards to existing licensed Backflow Prevention Assembly Testers (BPATs).

Ms. Lopez proceeded to inform attendees that a mass mail-out would be done for the BPATs. She also informed them that a BPAT could obtain his/her number through the agency website until the pocket card is received in the mail.

Mr. Lewis stated that BPATs are required to place their number on test documents and that the new pocket cards have new numbers on them instead of the BPAT's social security number. He further stated that the agency may receive calls because of the discrepancy in the numbers being used now as opposed to the social security numbers.

Ms. Lopez informed attendees that the BPAT mail-out was planned for November and/or December 2003.

6. The Council will discuss with Mr. Franco, TCEQ Division Director, scheduling of future meetings and possible teleconferencing with council subcommittees.

Mr. Tony Franco, Division Director, TCEQ Compliance Support Division, recommended that the IAC and TCEQ plan ahead the activities to be accomplished and to consider the use of teleconferencing in laying out the council's upcoming meetings.

Mr. Gene Barnes stated that the goals of the IAC may be accomplished by utilizing people, expertise, and technology, especially during the rule revision process.

Mr. McClarty recommended that there be at a minimum three meetings and that teleconferencing be left for subcommittees.

Ms. Baker informed the IAC that subgroup meetings via teleconferencing has been effective for the TWDB.

Mr. Franco told the IAC that teleconferencing could be coordinated by the having the operator call out and providing an 800 number at the State level.

The IAC voted to have three meetings.

Mr. Coleman proposed a meeting be held on July 15, 2004.

Mr. Gossett proposed meetings be held on March 18, 2004, July 15, 2004, and November 18, 2004.

The IAC voted unanimously on the meetings dates.

7. Staff will provide updates on training and examinations.

Ms. Wanda Kurio, Operator Licensing Section, TCEQ Compliance Support Division, informed the IAC that approximately 5,876 licenses have been issued. Specifically, she stated that 192 new licenses had been issued from June 2003 to the present. Ms. Kurio also reported that 45 licenses had expired from August 1, 2003 through September 30, 2003.

Regarding the 2004 training schedule, Ms. Kurio stated that there would be a price change. She informed the IAC that on January 1, 2004, the exam administration fee would change from \$75 to \$100.

Ms. Kurio gave a brief overview of the transition period for the renewing of licenses. Specifically, the IAC was informed that certificate registrations with odd numbers shall be renewed for a period of 12-23 months during this transition period and require 8-hours of continuing education credits. Certificate registrations with even numbers shall be renewed for a period of 24-35 months during this transition period and require 16-hours of continuing education credits. Following the transition period, all licenses will be renewed every two years.

8. Staff will discuss enforcement activities.

The IAC was informed that approximately 250 investigations were conducted by the Landscape Irrigation Program and that approximately 20% of those resulted in a notice of violation and/or enforcement.

9. Staff will discuss status of TCEQ quadrennial rules review, and future revisions.

Mr. Franco informed the IAC that the quadrennial rules review had already commenced. He stated that the opening of the rules was projected for January and/or February 2004. He further clarified to the IAC that the quadrennial rules review is for the agency to review the effectiveness of the rules.

10. Council, guests, and staff will discuss items of interest.

Mr. McClarty requested that Mr. Ed Archuleta be removed and replaced from the IAC for failure to attend.

Mr. Gossett inquired regarding the screening of public council members.

Mr. Reagan stated that members are screened by their willingness to participate and their background.

Mr. McClarty indicated that he had attempted to contact Mr. Archuleta to let him know that he needed to attend the IAC meetings, but that he could not reach him. He then stated that he had transmitted a letter to Mr. Archuleta to put him on notice for not attending IAC meetings.

Ms. Sandra Hernández, Landscape Irrigation Program, Regulatory Compliance Section, TCEQ Compliance Support Division, requested that Mr. McClarty provide TCEQ with a copy of the letter that he reportedly sent Mr. Archuleta.

There was a discussion as to whether 30 Texas Administrative Code § 344.75(c) and 290 conflict one another. Mr. Reagan said he would review the rules and provide a response at a later date.

Mr. Barnes proposed that comments on rule revisions be completed by December 2003.

11. Council will adjourn.

Mr. Gossett made a motion to adjourn and the motion was seconded by Mr. Coleman.