

Irrigator Advisory Council (IAC) Meeting

Minutes

Date: November 10, 2016

Time: 9:00 a.m. – 2:30 p.m.

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

Chairperson: David Kania called the meeting to order at 9:05 a.m.

I. Roll Call: Irrigation Advisory Council: David Kania, Brooke Furrh, Philip Hathaway, Mark Froehlich, John DeCell, Justin Lewis, Paul Ward, and Micah Reed. Toni Fox participated via teleconference.

II. Agenda Topic: Consideration of the August 18, 2016 Minutes

a) Paul Ward made the motion to approve the minutes; John DeCell seconded the motion.

III. Agenda Topic: Presentation of Honorary License

Moved to after TCEQ Reports.

IV. Agenda Topic: TCEQ Reports

a) Linda Saladino presented an update from the Occupational Licensing Section. The presentation explained the E-Application process, rule changes, and landscape irrigation licensing statistics. Presentation highlights:

- Application deficiencies can be avoided by:
 - i. completing training classes prior to submitting an application,
 - ii. including the criminal history form with the application, and
 - iii. after using ePay in the online application (e-App) applicants must go back into the application to enter the voucher number and submit the application.
- March 1, 2017—all applications for a new license must be preapproved before registering for a licensing exam either with TCEQ, Computer-based sites, or TEEX.
- TCEQ is working to clarify the requirements for the new preapproval process through website changes and new explanations/directions within the online application (eApp) itself.

Reminder for renewal of irrigation program licenses: If licensees received a deficiency letter telling them they did not have the required hours of

continuing education training to renew their license, they must contact the TCEQ Occupational Licensing section at 512-239-6133 to notify TCEQ when they complete the hours. The training providers send in electronic rosters of completed training, but TCEQ is not notified about specific individual's training completion.

- b) Office of Water, Cross-Connection Control Program, was unable to attend. A written update of the Cross-Connection Control Program was provided for the Council.
- c) Office of Compliance and Enforcement, Program Support Section, did not provide an update.
- d) Michael De La Cruz, Enforcement Division, reported the number of Field Citations and Agreed orders for FY16 and FY17 to date. In FY16, 13 Field Citations and 47 Enforcement Action Referrals were referred to the Enforcement Division and five Field Citations for a total of \$875, six agreed orders for a total of \$6,409, and 14 default orders for a total \$12,981 were adopted by our Commission. In FY17 to date (9/1/2016 to 10/31/2016), two field citations and six Enforcement Action Referrals were referred to the Enforcement Division and one Field Citation for \$175, one agreed order for \$936, and one default order for \$609 were adopted by the Commission.
- e) Jess Robinson, Litigation Division, reported that there are currently seven active cases in litigation. The types of violations of the current cases include advertisement, providing services without a license, work without a permit, and not testing the backflow assembly prior to placing into service. Mr. Robinson explained these active cases are currently pending approval and subject to change, at the moment the highest penalty amount was \$11,213 and the lowest was \$250. Mr. Robinson also reported last quarter there were two cases approved at commission agenda.

Presentation of Honorary License. Justin Lewis presented a certificate acknowledging an

Honorary License for Mr. Gene Reagan. Mr. Reagan was a licensed irrigator and former TCEQ Irrigation Program lead.

Break

V. Agenda Topic: IAC Discussion on who can review a plan.

David Kania opened for discussion the concern that city representatives are not trained to be able to properly review construction plans for compliance with the Texas Administrative Code rules for Landscape Irrigation. The Council will schedule a meeting to discuss the concern with Office of Legal Services, Environmental Law Division.

Break for Lunch

VI. Agenda Topic: Backflow Presentation

Brooke Furrh presented on backflow prevention assemblies. He discussed with the council the importance of protecting backflow devices from freeze. He opened for the Council to discuss options for preventing freeze damage to backflow prevention assemblies.

VII. Agenda Topic: Committee reports

a) Rules and IAC Administrative, Enforcement, and Legislative Committee

John DeCell reported that the committee is currently waiting for a meeting with the Office of Legal Services, Environmental Law Division on pending items.

The Council discussed the concern about the lack of identification on trailers used for irrigation purposes. The Council decided keep suggested changes with the addition of “visible on both the driver and passenger side.”

Philip Hathaway motioned for a vote regarding the backflow prevention classification for irrigation system: “As it is our responsibility to advice the TCEQ on matters

relating to landscape irrigation and as it is our responsibility to protect public health, safety, and water quality. I move that we, the IAC, recommend to the TCEQ with regard to classification, degree, or assessment of hazard that irrigation systems without chemical additives and a single water source be changed from non-health hazard to health hazard. The IAC recommends to the Commission to make this change in order to bring the rules relating to the Landscape Irrigation Sprinkler Systems (Chapters 344 and 290) in line with recognized national and international authorities and standards such as: the International Plumbing Code, the American Water Works Association, the University of Southern California's Foundation for Cross-Connection Control and Hydraulic Research, and the American Backflow Prevention Association." Toni second the motion. The Council vote outcome was majority of the council in favor of the change and will be added to the rule petition. Brooke Furrh is recorded as voting against the motion.

b) Education, Training, and Licensing Committee

The committee is currently waiting for a meeting with the Office of Legal Services, Environmental Law Division on pending items.

VIII. Agenda Topic: Individuals wishing to address the council that have signed up.
No individuals signed up to discuss concerns with the council.

IX. Agenda Topic: Address outgoing and incoming members

- a) Introduction of new members. Micah Reed, Robert Evans, Mark Warden introduced themselves to the Council. Robert Evans and Mark Warden will begin their terms in February 2017.
- b) Election of Chair and Co-Chair Members for 2017. Toni Fox nominated John DeCell for Chair, Philip Hathaway second the nomination. John DeCell nominated Justin Lewis for Vice-Chair, Toni Fox seconded the nomination.
- c) Outgoing Members. In absence of a TCEQ presentation, Jerry Lewis honored outgoing members Mark Froehlich, Toni Fox, and David Kania with plaques of appreciation for their terms served as members of the IAC.

X. Agenda Topic: Meeting Recap

a) Review of Parking lot Items

Schedule a meeting with the Office of Legal Services, Environmental Law Division to answer questions:

- i. Who can review a plan?
- ii. Can the 20,000 or more rules or House Bill be changed?
- iii. Who can design an irrigation system? What does it mean for within the scope of work in regards to Licensed Professional Architects?
- iv. If the changes to the CSI rules goes forward do 344 rules need to be updated to match?

b) Items for the February 9, 2017 Agenda

Provide update from meeting with Office of Legal Services.

XI. Agenda Topic: Adjournment

Justin Lewis made to motion to adjourn, Philip Hathaway second the motion. The Meeting was adjourned at 2:30pm.