

# **Texas Commission on Environmental Quality**

## **Cross-Connection Control Subcommittee**

**March 1, 2018**

**Building F, Room 2210**

**Time: 9:00 – 3:00**

*Note: This draft meeting summary is posted for review and comment by meeting attendees. It will be available for comment at the next meeting of the TCEQ Cross-Connection Control Subcommittee at which time it will be voted on for adoption.*

### Commencement

Mr. Al Fuentes

The meeting commenced on time with the general announcements. The next meeting will be held on June 7, 2018. Comment was requested on the previous meeting summary. No comment was voiced and a motion was made to adopt the meeting summary as-is. A second to the motion was heard and the vote to adopt was unanimous.

### Landscape Irrigation Program

Ms. Kristi Mills-Jurach

Ms. Kristi Mills-Jurach, Program Support, provided a brief update on the Landscape Irrigation Program (LIP). Mr. Michael Beatty, former LIP Work Leader, has accepted a position in the Austin Regional Office (Region 11). There has been a reduction in the number of complaints regarding irrigation systems. LIP is currently working 22 complaints. The LIP is also working closer with local municipalities to resolve complaints.

### Irrigators Advisory Council Rule Petition

Ms. Melissa Keller

Ms. Melissa Keller, Program Support Section, updated the subcommittee on the recent rule petition by the Irrigator Advisory Council (IAC). The comment period closed on February 28. After reaching out to Texas water systems, 40 different organizations, and the backflow prevention assembly testers, there were 212 written comments received which are being compiled for review by the TCEQ Commissioners. An update on the comments received should be available by the June meeting of this subcommittee.

### Cross-Connection Control Program

Mr. Shannon Frazier

Mr. Shannon Frazier, TCEQ Cross-Connection Control Program, provided an update on the Cross-Connection Control Program:

- Program staff traveled to multiple locations throughout the state to participate in Landscape Irrigation Program (LIP) rule petition stakeholder meetings - Dallas, Houston, El Paso, Lubbock, Austin
- The program has been requested, by the regional offices, to perform 35 Cross-Connection Control Program Surveys throughout the state in the next 5-6 months. The systems were chosen based on the recommendation of regional investigators.

- Program staff has been requested to review the TEEEX CSI manual and that is currently underway.
- Al Fuentes, Cross-Connection Control Program Coordinator will provide a technical presentation at the Central Texas Environmental Health Association (CTEHA) conference in May.
- Kenny Dykes, Team Leader Response and Capacity Development Team, will give a presentation at the 2018 American Backflow Prevention Association convention in Orlando, Florida. The subject is Regulatory Guidance Document Number 206 (RG-206), Customer Service Inspections: A Guide for Public Water Systems.
- Program staff assisted in the revision of the criteria for the Outstanding Cross-Connection Control Program Award.

Occupational Licensing

Ms. Linda Saladino

Ms. Linda Saladino, Occupational Licensing, introduced Ms. Stephanie Spencer as a new employee in the Occupational Licensing section. Ms. Saladino provided the current statistics for fiscal year 2018 regarding the Backflow Prevention Assembly Tester (BPAT) and Customer Service Inspection (CSI) licenses:

<b>FY2018</b>	<b>Tests Administered</b>	<b>Tests Passed</b>	<b>Percent Passed</b>	<b>New Licenses</b>	<b>Renewals</b>	<b>Total Current Licenses</b>
BPAT	216	96	44.4%	93	385	5,901
CSI	104	49	47.1%	44	90	1,998

Some of the challenges the Occupational Licensing section is facing are:

- The practical exam forms and the proctor application have been updated.
- Training is needed for individuals wishing to become proctors. At this point training providers for this are being identified.
- There is continued discussion on what experience qualifies for the CSI license. Working under the direct supervision of a qualified individual as well as working as a licensed backflow prevention assembly tester are the types of experience being considered.

Water System Information on the T&M Form

Mr. Al Fuentes

Mr. Al Fuentes, TCEQ Cross-Connection Control Program, lead the discussion on the challenges testers face in getting the water system information. Mr. Fuentes provided an example of a recent phone conversation with a tester in which the water system, for some reason, did not want to provide him their identification number which he needed for the test report. Are the testers responsible for this information? During the general discussion, it was determined that testers are trained to acquire this information either before they go out to test or after and they are responsible for filling the test report out in its entirety. A good resource for testers to get water system information is Texas Drinking Water Watch (DWW) located on the internet at: <http://dww2.tceq.texas.gov/DWW/>

Mr. Byron Hardin, Hardin & Associates, provided an in-depth presentation on air gaps and the requirements for them. His presentation covered:

- Regulatory requirements in TCEQ Regulations, Federal Regulations, the International Plumbing Code, and the American Society of Mechanical Engineers (ASME).
- Air Gap vs. Air Break and how an air break does not meet the definition of an air gap in TCEQ regulations.
- Engineered Air Gaps and how they do not meet the definition of an air gap in TCEQ regulations and their necessity in industry (chemical dispensing).
- How air gaps can become compromised.

Water systems continue to struggle with conflict of interest. An example was provided in which the Cross-Connection Control Program administrator for a water system required annual testing of backflow prevention assemblies and would send its customers a list of testers they could use. The first name on the list is the Program Administrator for the city. Title 30 Texas Administrative Code, Chapter 290, Subchapter D, "Rules and Regulations for Public Water Systems," do not address conflicts of interest. Due to this, the best results could be achieved by addressing this through the local rules.

The subject of using an individual's license(s) to avoid a conflict of interest was discussed. In the scenario described above, the city would limit the program administrator's use of his license to only sites **outside** of their service area. He would not be allowed to use his license within their service area to generate business for himself. Another example would be a licensed plumber with a Water Supply Protection Specialist (WSPS) endorsement on his license. The WSPS endorsement qualifies him to conduct a Customer Service Inspection (CSI) so, he could install the plumbing then conduct a CSI of his own work. During the discussion, it was the consensus that conflicts of interest were best handled on a case-by-case basis at the local level. Water systems could use their local ordinance, policies, contracts, or registration lists.

Mr. Fred Baird, Bac-Flo Unlimited, provided a presentation and led the discussion on using the USC Test Procedures in the field. During the 40-hour course for the Backflow Prevention Assembly Testers (BPAT) License, TCEQ approved training providers are required to teach the testing procedures listed in the 10<sup>th</sup> edition University of Southern California manual for Cross-Connection Control. The tester's license is based on these procedures and it is expected that these procedures will be used in the field. However, because there isn't a rule that requires this, oversight of testers as they go about their job is difficult, and because there are other procedures available to testers, the USC procedures are not always used. This leads to discrepancies when filling out the test report and taking continuing education courses. Although this is very challenging, the subcommittee stressed that testers should use the USC testing procedures when testing backflow prevention assemblies.

A difference in the lead-free requirements was observed between the TCEQ regulations and the EPA definition of “lead free.” The TCEQ regulations do not specify that the “wetted” surfaces must be ≤ 0.25% lead. This was likely an oversight during the rule change in which TCEQ requirements were brought in line with EPA requirements. It should be noted that the intent of the TCEQ regulation is to be as stringent as the EPA requirement and not more.

The TCEQ Water Supply Division recommended that the Commissioners deny the recent petition to change the definition of “air gap” in TCEQ regulations. The new definition was limited in scope to air gaps in equipment such as chemical dispensing units and did not consider all the other uses of air gaps in a water systems distribution system. The petition was denied.

Mr. Al Fuentes led the discussion on backflow prevention on non-health hazards. Non-health hazards are defined as:

*290.38(57) Nonhealth hazard--A cross-connection, potential contamination hazard, or other situation involving any substance that generally will not be a health hazard, but will constitute a nuisance, or be aesthetically objectionable, if introduced into the public water supply.*

It was important to note that a non-health hazard is still a hazard and the potable water supply still needs to be protected from it. For example, a backflow of orange juice would not necessarily hurt anybody but, you would not want to shower with it. During the discussion on this topic, the consensus was to refer to the adopted plumbing code as most of these cross-connections occur within the site. Because these are non-health hazards, the TCEQ annual testing requirement would not apply.

Challenges continue in field reporting of testing of backflow prevention assemblies. Mr. Fred Baird, led the discussion on testers filling out the test reports. Too often, a tester will call in or email the test results to administrative staff and they actually fill out the test report. This adds another level of data entry in which error could occur and a degree of separation from the actual test report filled out by the licensed tester. If the administrative staff entering the test results are trying to read a hand-written test report, the writing is sometimes illegible which will lead to inaccuracies. It is **imperative** that a tester, whether using a hardcopy or accessing an on-line service, fill out the test report while in the field conducting the test. The requirement for the tester to fill out the test report is specified in:

*290.44(h)(4)(C) A test report must be completed by the recognized backflow prevention assembly tester for each assembly tested. The signed and dated original must be submitted to the public water supplier for recordkeeping purposes. Any form which varies from the format specified in commission Form 20700 must be approved by the executive director prior to being placed in use.*

Mr. Byron Hardin reviewed the recent article which appeared in the February issue of Journal from the American Water Works Association and which he co-authored. This article covered the results from a 2016 survey of public water systems and is based on the 724 water systems that responded. The survey was aimed at determining the level of compliance with national, state, and local regulations. Some of the main points resulting from the survey were:

- Staffing cross-connection control programs is still an issue partly due to funding;
- Some states are doing the bare minimum to comply;
- The use of paper record keeping is dwindling;
- Some smaller utilities are not tracking testing of backflow prevention assemblies;
- There is a need for more training; and
- Enforcement needs to be more stringent.