

Texas Commission on Environmental Quality
Cross-Connection Control Subcommittee
March 10, 2009
Building F, Room 2210
9:00a m - 3:00 pm

Welcome and Introductions

Announcements

1. Update on progress of guidance documents:
 - a. RG-206: "A Public Water System Guide to Customer Service Inspections" was sent to the TCEQ Publications Team at the beginning of February;
 - b. Draft guidance document on a "Backflow Incident Protocol" has been modified as a result of the TCEQ peer-review process and should be ready for review by the subcommittee before the next meeting.
2. Follow-up on discussion regarding y-type strainers to be installed on double-check valve backflow prevention assemblies (DCVA) installed below-grade on irrigation systems. Candy Garrett, TCEQ Landscape Irrigation Program, stated that TCEQ staff have received numerous comments on the y-type strainer requirement and are aware of concerns regarding this requirement. Joe Smolinski, City of Mansfield, expressed his concerns that a y-type strainer installed below-grade may result in a cross-connection should the strainer be serviced incorrectly. A short discussion regarding the requirement in Chapter 344 for installation of a y-type strainer on the supply side of a DCVA followed. The consensus of the group is that this requirement is potentially problematic since no requirement for ensuring proper maintenance of the strainer is included in the regulations. The Cross-Connection Control Subcommittee's recommendations will be considered at the next Chapter 344 rule revision.
3. The remaining quarterly meetings for 2009 will be held on:
 - Wednesday, June 3,
 - Wednesday, September 2, and
 - Wednesday, December 2.

Adoption of minutes from meeting held December 3, 2008

Minutes were adopted without discussion.

TCEQ Method for Assessing Cross-Connection Control Programs

Steve Fain, A-ACES, spoke on TCEQ's current methods for assessing Cross-Connection Control Programs. In general, he believes that current questionnaires and checklists sufficiently capture information regarding public water systems' programs. He recommended modifying the language for questions related to Customer Service Inspections.

Art Smith, City of Rockport, agreed with Mr. Fain that the current documents in place are an effective means of gathering information on Cross-Connection Control Programs. He questioned whether the information compiled from the annual questionnaires is available to the public. While these questionnaires are public record and therefore accessible to the general public, there is currently no system in place to provide the public a summary of the information gathered from the questionnaire. A database is maintained by TCEQ staff which tracks the ranking of the Cross-Connection Control Programs of all community public water systems in the State. This database is used to prepare an annual report to the legislature regarding the percentage of the population of the state served by a water system with an acceptable Cross-Connection Control Program.

Byron Hardin, Hardin and Associates, commented on the current documents used to assess Cross-Connection Control Programs. He recommended that the following questions be added to TCEQ's questionnaire and survey forms:

- Does the public water system (PWS) collect revenue to offset the cost of running their Cross-Connection Control Program?
- Has the PWS implemented provisions to terminate the water service of customers who do not comply with cross-connection control regulations?
- Does the PWS provide education to its customers regarding cross-connection control?
- Does the PWS currently track and record cross-connection control incidents? If so, how and who does this? How does the PWS mitigate contamination incidents?

Fred Baird, Bac-Flo Unlimited, commented that instead of questioning a PWS regarding tracking of backflow incidents, it would be better to establish a system of recording unprotected cross-connection as they are discovered.

Steve Fain suggested that for more complicated issues such as tracking backflow incidents or unprotected cross-connections, a second questionnaire be mailed to PWSs who have a good Cross-Connection Control Program in place.

Mark Redlitz, State Fire Marshall's Office, suggested that a system for reporting backflow incidents or unprotected cross-connections is best achieved by a legislative requirement for TCEQ staff to track this information. If a reporting system can be established, a standardized report format should be developed.

Update on Peer-Review of Draft Guidance Documents: *A Public Water System Guide to Preparing an Emergency Response Plan to Prepare for a Backflow Incident*

Byron Hardin, Fred Baird, and Bruce Rathburn with the San Antonio Water System reviewed the TCEQ's draft guidance document, and also created a new draft guidance document addressing preparation for a backflow incident. Fred Baird stressed the importance of adequate training in cross-connection control and backflow prevention for

public water system staff who respond to water quality complaints. TCEQ staff will review both drafts and merge them into one document.

Checks of Rain and Freeze Sensors on Irrigation Systems

Charles Ansley, Metroplex Training, stated that some public water systems are requiring a test of rain and freeze sensors installed on irrigation systems at the same time that the backflow prevention assembly installed on the system is tested. Since at least one of these systems believes that only licensed Irrigators have sufficient training to perform the test on rain and freeze sensors, this water system is prohibiting a licensed Backflow Prevention Assembly Tester (BPAT) from testing the backflow prevention assembly on the irrigation system unless the licensed BPAT is also a licensed Irrigator. Licensed BPATs do not receive training on the inspection and testing of rain and freeze sensors as part of the BPAT curriculum.

A general discussion of this topic followed. The consensus of the subcommittee was that 30 TAC Chapter 290.44(h)(4)(A)(i) clearly gives a licensed BPAT the authority to test the backflow prevention assembly on an irrigation system, and that a public water system does not have the authority to prohibit a licensed BPAT from performing such tests.

Candy Garrett stated that public water system staff are authorized to perform the tests on the rain and freeze sensors installed on irrigation systems. If a licensed BPAT was contracted by public water system staff, s/he would be authorized to perform the tests on the rain and freeze sensors installed on irrigation systems.

A suggestion was made that the tests on the rain and freeze sensors installed on irrigation systems be performed during a water audit. A water audit can be conducted to determine whether any water losses are occurring in a system.

Guidance on Who Can Install Backflow Prevention Assemblies

Steve Fain presented his flowchart depicting who can install backflow prevention assemblies based on the exemptions found in the Plumbing License Law. Lisa Hill with the Texas State Board of Plumbing Examiners (TSBPE) affirmed that this flow chart correctly determines who can install backflow prevention assemblies based on these exemptions. Steve Fain has agreed to allow the TCEQ to use his flow chart in the development of a guidance document addressing this topic.

This topic led to a general discussion regarding TSBPE enforcement procedures for public water systems that have adopted a plumbing code but may not be meeting all of the code's requirements.

Presentation on the Texas Small Public Water System Training Program

Sandi Mota and Patricia Maner, TCEQ Texas Small Public Water System Training Program, spoke regarding the program's recent approval from EPA to provide funding

for working operators of small public water systems for training classes needed to attain or maintain the Customer Service Inspector and Backflow Prevention Assembly Tester licenses.

The Texas Small Public Water System Training Program provides funding for training opportunities for operators working at small public water systems (those that serve a population less than or equal to 3,300 and are community or nontransient noncommunity). The funding for this program comes from a grant from the EPA. The program ends when the funds are gone, but no later than August 31, 2010.

The program is currently seeking training providers for classroom training include for the Customer Service Inspector and Backflow Prevention Assembly Tester licenses. Training providers interested in applying to participate in this program should contact Lucille Pineda at (512) 239-0385 or Ms. Mota at (512) 239-6659.

Additional information about this program is available through the TCEQ website at the following URL:

www.txsmallwater.org

Presentation on Modifications to the State of Florida's Cross-Connection Control Program

Joel Klumpp, TCEQ Public Drinking Water Section, presented information available online regarding changes being made to the State of Florida's cross-connection control regulations. His presentation covered:

- Florida's existing cross-connection control regulations;
- The reasons why the Florida Department of Environmental Protection (DEP) is revising the regulations;
- Examples of inaccurate information regarding cross-connection control and backflow prevention that are available online;
- Actions that the Florida DEP has taken to address public concerns; and
- Florida's proposed new cross-connection control regulations.

A general discussion followed the presentation. A comment was made that as auxiliary water sources continue to gain popularity due to ever-increasing water conservation awareness, the potential for cross-connections will increase. Multiple water sources may result in cross-connections, especially if no color-coding system for piping is developed. Byron Hardin recommended investigating Australia's developments in the field of auxiliary water source development.

Presentation on Inspections Required by the Texas Residential Construction Commission (TRCC)

Dora Alicia Rivera gave a presentation on the TRCC's County Inspections. Janet Gallagher, TRCC, was also present. These inspections review residential construction for code compliance in unincorporated areas of Texas. The inspections are conducted by a fee inspector at three stages of construction for both new construction and remodels: the foundation, prior to laying concrete; the framing and mechanical systems prior to constructing interior walls, and the entire house upon substantial completion. The following licensed people can become fee inspectors: licensed engineers, registered architects, professional inspectors licensed by the Texas Real Estate Commission, and third party inspectors registered with TRCC. Pending legislation may allow additional licensed individuals to be eligible to serve as fee inspectors, including Plumbing Inspectors licensed by the TSBPE.

Discussion of the County Inspections led to the conclusion that specific inspections of plumbing for cross-connections and lead tests are not performed by the Fee inspectors. This underlines the importance of the TCEQ-required Customer Service Inspection in rural/unincorporated areas to ensure that no cross-connections or illegal lead materials are present in residential construction.

Follow-up on Rule Petition for Private Wells

Danny Lytle and Cory Harmon, City of Austin, discussed the rule petition they prepared as private citizens and submitted to the TCEQ in December 2008. Their goal of their petition was to ensure protection of groundwater in the State. They proposed a backflow prevention assembly be required on all private wells, commensurate with the hazards on site. This petition was denied by the TCEQ and the petitioners were referred to pursue their request with the Texas Department of Licensing and Registration (TDLR). Mr. Lytle and Mr. Harmon will report back to the subcommittee on progress made pursuing this matter with TDLR.

The discussion of proposed changes to the Chapter 290 regulations was tabled until the June 3, 2009 meeting.

Other Issues Stakeholders Would Like to Discuss

- Michael Aldrup requested discussion of revising the TCEQ Backflow Prevention Assembly Test and Maintenance Report form (T&M form) to include a requirement to record the latitude and longitude of the backflow prevention assembly which is tested. A licensed tester could use a GPS unit to find this information.
 - The subcommittee discussed this recommendation and reached a consensus that due to the difficulty that licensed BPATs will face in acquiring accurate latitude and longitude data, they do not recommend adding this requirement to the T&M form.
 - GPS equipment varies on a wide scale of accuracy, limiting the usefulness of the latitude and longitude data collected (for example in distinguishing between two backflow prevention assemblies in the same facility). GPS

equipment also does not always perform indoors, which further limits the usefulness of including this requirement.

- Many cities require all blanks to be filled in on the T&M form, thus licensed BPATs without GPS equipment may become excluded from testing in certain places, creating an unfair playing field.