

Texas Commission on Environmental Quality

Interoffice Memorandum

To: Commissioners **Date:** April 4, 2023

Thru: Laurie Gharis, Chief Clerk
Erin E. Chancellor, Interim Executive Director

From: Craig Pritzlaff, Director
Office of Compliance and Enforcement

Subject: Docket No. 2022-1104-RES / Non-Rule Project No. 2023-002-RES-NR
Strikethrough Version of Commission Consideration of Appointment of
Members to the Irrigator Advisory Council Agenda Documents

The attached Agenda Item Request, Executive Summary, and Resolution to Fill Membership Positions on the Irrigator Advisory Council was updated to change and remove language regarding the continuation of the council's existence throughout the backup and Resolution. The Government Code requires extensions to happen through a rulemaking, rather than a resolution, therefore, extension is not necessary in this resolution. The name of nominee "Donald Eugene Jr. "DJ" Seeger" is updated to only "Donald "DJ" Seeger" throughout the backup to match the Resolution. These changes are reflected throughout the adoption documents as follows:

- Agenda Item Request
 - Page 1: Removed the language "and to extend the existence of the Council until February 1, 2029".
- Executive Summary
 - Page 2 and 3: Changed the reference from "Donald Eugene Jr. "DJ" Seeger", to "Donald "DJ" Seeger" to match the Resolution.
- Attachment F / Resolution
 - Page 6 and 7: Removed on page six, paragraph four "WHEREAS, the Commission issued and adopted a resolution on April 12, 2023, continuing the existence of the Council until February 1, 2029; and," page six, paragraph six "WHEREAS, the Commission finds that there is need to continue the existence of the Council until February 1, 2029," and page 7, paragraph two "BE IT RESOLVED FURTHER, that the Commission has established the Irrigator Advisory Council, which will continue in existence until February 1, 2029. The Irrigator Advisory Council shall continue to function through the Program Support Section to advise the Commission on matters related to landscape irrigation."

This project will be seen at the April 14, 2023, commissioner's agenda. Original back-up materials for this non-rulemaking project were filed on March 24, 2023.

Attachments:

Agenda Item Request

Executive Summary

Attachment F / Resolution

cc: Chief Clerk, 7 copies

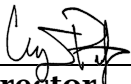
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
AGENDA ITEM REQUEST
for Consideration of Resolution

AGENDA REQUESTED: April 12, 2023

DATE OF REQUEST: March 24, 2023

INDIVIDUAL TO CONTACT REGARDING CHANGES TO THIS REQUEST, IF NEEDED: Gwen Ricco, Texas Register/Agenda Coordinator, (512) 239-2678

CAPTION: Docket No. 2022-1104-MIS. Consideration of the appointment of three nominees to the Irrigator Advisory Council (Council) to replace three members whose terms expired on February 1, 2023, ~~and to extend the existence of the Council until February 1, 2029~~ (See 30 Texas Administrative Code Section 5.2 and Section 344.80(e)). The Request for Nominations for Appointment to Serve on the Irrigator Advisory Council was published in the October 7, 2022, issue of the *Texas Register* (47 TexReg 40). (Melissa Keller, Alicia Ramirez) (Project No. 2023-002-OTH-NR)



Director

Andy Gardner

Division Deputy Director

Gwen Ricco

Agenda Coordinator

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(Project No. 2023-002-OTH-NR)



Director

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Division Deputy Director

Gwen Ricco

Agenda Coordinator

TCEQ Interoffice Memorandum

To: Commissioners

Thru: Brent Wade, Deputy Executive Director
Executive Office



2/14/2023

Craig Pritzlaff, Director
Office of Compliance and Enforcement

From:  Andy Gardner, Deputy Director
2/13/23 Program Support and Environmental Assistance Division (PSEAD)

Date: February 10, 2023

Subject: Consideration for the Appointment of Members to the Irrigator Advisory Council (Council) (Project No.:2023-002-OTH-NR; Docket No.: 2022-1104-MIS)

Requested Commission Action:

Staff requests Commission approval for the appointment of three nominees to the Council to replace members with terms expiring on February 1, 2023, See 30 Texas Administrative Code § 5.2 and § 344.80(e). The three nominees are Mr. Donald ~~Eugene Jr.~~ “DJ” Seeger (irrigator), Mr. Norman Werback (irrigator), and Ms. Monique Cogburn (public member). Once approved, these three nominees will each serve a six-year term expiring on February 1, 2029. See the detailed information of qualifications and resumes for recommended nominees (Attachment A), other nominees (Attachment B), and Current members (Attachment C).

Council Background:

The Council is established under Subchapter D of the Texas Occupations Code, §§1903.151-.159, as seen in Attachment D. The Council coordinates its advice to the Commission on matters relating to landscape irrigation through the Program Support and Environmental Assistance Division’s (PSEAD) Landscape Irrigation Program, See 30 Tex. Admin. Code §5.14(b). The nine-member Council has six members who represent licensed irrigators and three members who represent the public. Members should reflect diverse geographic areas of the state, ethnic groups, businesses, government entities, and trade associations. See 30 Tex. Admin. Code §5.2(2). Three Council members have terms that are set to expire on February 1, 2023, as shown in Attachment E.

Selection Process:

On February 1, 2023, three current members’ terms will expire and create three vacancies on the Council. Two of these vacancies must be filled by licensed irrigators and the remaining vacancy must be filled by a member who represents the public. PSEAD initiated the process to fill these vacancies by soliciting nominations through a notice sent through the irrigation listservs, publication in the Texas Register; Volume 47 Number 40, October 7, 2022, and correspondence to various trade associations and individuals. PSEAD received six nominations

to fill the three vacancies. For the two irrigator vacancies, PSEAD considered the professional experience, industry knowledge, subject matter expertise, experience with the Irrigator Advisory Council, and geographical representation of each nominee. For the public member, PSEAD considered the eligibility criteria set by Texas Occupations Code § 1903.152. Based on these criteria, PSEAD recommends the following individuals to fill the anticipated vacancies:), Mr. Donald ~~Eugene Jr.~~ “DJ” Seeger (irrigator), Mr. Norman Werback (irrigator), and Ms. Monique Cogburn (public member). A draft resolution was enclosed as Attachment F.

Nominees' Background:

Mr. Donald ~~Eugene Jr.~~ “DJ” Seeger, LI0003433, San Antonio, Texas (TCEQ Region 13)

Mr. Seeger is a Licensed Irrigator, Backflow Prevention Assembly Tester, and Customer Service Inspector. Mr. Seeger is the President of Seeger Water Corporation, a water management and development company which focuses on water conservation, landscape irrigation, backflow prevention, pumps and controls, and water operations. Mr. Seeger serves as the Chairman of the New Braunfels Irrigation Association, and he is an active member of the Texas Irrigation Association and the San Antonio Irrigation Association.

Mr. Norman Werback, LI0013721, Corinth, Texas (TCEQ Region 4)

Mr. Werback has been a Licensed Irrigator for over 10 years. Mr. Werback is the owner of Wet Dog Irrigation where he manages designs, estimates, constructions, and trainings. He serves as the EXPO Program Chair for the Lone Star Irrigation Association (LSIA) and has previously held the positions of Vice President and EXPO Host.

Ms. Monique Cogburn, public member, San Antonio, Texas (TCEQ Region 13)

Ms. Cogburn currently works as a customer service representative for a health care provider. She shows a great interest in landscape irrigation and TCEQ regulations regarding environmental protections. She has a passion for getting a better understanding of the issues in landscape irrigation and providing community feedbacks to the industry and TCEQ or local authorities.

The résumés of all nominees and current Council members are attached, along with a brief summary prepared by program staff.

Agency Contacts:

Melissa Keller, PSEAD, Special Assistant/Project Manager, (512) 239-6596

Alicia Ramirez, Staff Attorney, (512) 239-0133

Gwen Ricco, Texas Register Coordinator, (512) 239-2678

Brent Wade
Page 3
February 10, 2023

Attachments:

- A. Résumés of Recommended Nominees
- B. Summary of Qualifications and Résumés for Other Nominees Considered
- C. Summary of Current Members
- D. Copy of Texas Occupations Code, Subchapter D §§1903
- E. Map of IAC Members' Serving Areas
- F. Draft Resolution

cc: Chief Clerk, 7 copies

TCEQ Interoffice Memorandum

To: Commissioners

Thru: Brent Wade, Deputy Executive Director
Executive Office



2/14/2023

Craig Pritzlaff, Director
Office of Compliance and Enforcement

From: *AG* Andy Gardner, Deputy Director
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Attachment F

Draft Resolution

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



A RESOLUTION Appointing new members to the Irrigator Advisory Council at the Texas Commission on Environmental Quality;
TCEQ Docket No. 2022-1104-MIS
Project No. 2023-002-OTH-NR

WHEREAS, Texas Water Code, § 5.107 provides the Texas Commission on Environmental Quality (Commission) with the authority to create and consult with the Irrigator Advisory Council (Council); and

WHEREAS, the Regular Session of the 73rd Legislature (1993) adopted Senate Bill 383, subsequently codified as Texas Government Code, Chapter 2110; and

WHEREAS, the Commission advisory committees are subject to the Commission's rules regarding such committees pursuant to 30 Texas Administrative Code Chapter 5. The Council's sole duty is to advise the Commission. The Council has no executive or administrative powers with respect to the operation of the Commission, and all such powers and duties rest solely with the Commission; and

~~**WHEREAS**, the Commission issued and adopted a resolution on April 12, 2023, continuing the existence of the Council until February 1, 2029; and~~

WHEREAS, the terms of the following Council members will expire on February 1, 2023: Mark Warden, Valerie Miller, Robert Evans, and

~~**WHEREAS**, the Commission finds that there is need to continue the existence of the Council until February 1, 2029.~~

NOW THEREFORE, BE IT RESOLVED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY, that the following persons be appointed to fill the vacancies on the Irrigator Advisory Council, with their terms to expire accordingly:

Donald "DJ" Seeger, whose term shall be effective April 12, 2023 for a six-year term to expire February 1, 2029; and

Norman Werback, whose term shall be effective April 12, 2023 for a six-year term to expire February 1, 2029; and

Monique Cogburn, whose term shall be effective April 12, 2023 for a six-year term to expire February 1, 2029.

~~**BE IT RESOLVED FURTHER**, that the Commission has established the Irrigator Advisory Council, which will continue in existence until February 1, 2029. The Irrigator Advisory Council shall continue to function through the Program Support Section to advise the Commission on matters related to landscape irrigation.~~

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Jon Niermann, Chairman

Date Signed

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TEXAS COMMISSION ON
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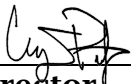
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Attachment A

Resumes for Recommended Nominees

Resume

Norman W Werback

3302 Benbrook CV

Corinth, TX 76208

940.395.8888

werback2043@yahoo.com

Work History:

2005 – present: **Wet Dog Irrigation**

Licensed Irrigator (LI0013721)

Licensed Backflow Tester (BP0010340, expired)

Owner

Daily management including, design, estimates, construction, training

2007 – 2012 **Adjunct Professor**

University of North Texas

Department of Retail & Hospitality Management

Responsibilities: Classroom Training

Course: Diversity in the Workplace; taught Fall and Winter semesters, 150 students each class

Course: Hospitably Management

1991 – 2006 WerbackRose, Inc.

President/Consultant

Focus: Large group adventure team building events; small group process facilitation

Associations: Lone Star Irrigation Association

2019, 2020, 2022 EXPO Program Chair

(The EXPO is an Annual CEU Training Event for 400+ Irrigators)

2015 – 2019 Board Member, Vice President

2017 – 2020, 2022 EXPO Host

2008 – present Member

American Society for Training and Development

Treasurer, Vice President

Dallas Chapter

Education: MS, Administrative Sciences with a concentration in Organizational Behavior
University of Texas, Dallas; 1988

BS, Agricultural Business Management
University of California, Davis; 1977



PROFILE

DJ Seeger is the President of Seeger Water Corporation, a water management and development company headquartered in San Antonio, Texas. Founded in 1987 as a lawn irrigation repair business, today Seeger Water is an industry leader in landscape irrigation, backflow prevention, pumps and controls, and water operations.

DJ is a thoughtful and determined leader, focused on the ever-changing future of the landscape irrigation and water management industry. Through creative programs and initiatives, Seeger is leading the way into the future of water conservation and management.

CONTACT

PHONE:
210-394-2443

WEBSITE:
www.seegerwater.com

EMAIL:
dj@seegerwater.com

HOBBIES

Woodworking
Hiking
Roller Skating
Cooking

DJ SEEGER

PRESIDENT, SEEGER WATER CORP.

WORK EXPERIENCE

Seeger & Son's Sprinkler Company

Childhood – January 2015

DJ got his start in landscape irrigation from a young age, helping his dad (Don Seeger Sr, LI0003433) with his small residential repair outfit. It started with carrying shovels and parts across customers yards, grew into administration, marketing, and office management, and eventually led to DJ taking the baton from his father and leading the company into the next generation.

Seeger Water

January 2015 - Present

Since DJ took over the 3 man sprinkler team, he rebranded the company to Seeger Water, reflecting the company's focus on water conservation and management, and expanding the company's capabilities to include plumbing, water operations, pumps and controls, and cross connection control. Today Seeger Water has nearly 40 employees and customers across the State of Texas.

COMMUNITY AND INDUSTRY INVOLVEMENT

Hill Country MHDD CAC Council Chairman

September 2021–Present

DJ serves as the Chair of the Community Advisory Council at Hill Country Mental Health and Developmental Disabilities, the State appointment mental health authority for 19 South Texas counties. As Chair, Seeger represents the material and financial interests of the public at large, ensuring proper allocation of taxpayer money, and high quality care for mental health and development disabilities populations.

New Braunfels Irrigation Association Chairman

June 2021–Present

NBIA was formed just months before the COVID-19 pandemic and DJ is working to reform the Board of Directors and membership to bring back in-person meetings and trainings. DJ remains active in the Texas Irrigation Association and the San Antonio Irrigation Association.

Monique Cogburn
San Antonio Texas
Tel: (210) 899-9645
Email: cogburnmonique@gmail.com

Professional Summary

Professional Administrator with more than 15 years experience in many arenas to include research and development, insurance, health care and legal system.

Having an ambition to succeed in any given environment; getting along well with others but am capable of working efficiently on my own.

Education

San Antonio College San Antonio Texas 66 credit hours
Obtained credits for business administration/secretarial related subjects

Work Experience

CVS Health (October 5, 2018 through current)

Perform the following tasks:

- Carefully listen to and understand customer issues
- Probe and isolate issue causes
- Utilize available resources to identify appropriate solutions for customers
- Explain product features and benefits, answering questions and setting proper expectations for customer inquiries
- Ensure customer satisfaction through effective call resolution
- Identify and escalate emerging product or customer dissatisfaction issues

QVC-Call Center Representative (Seasonal) (September 2010 to January 2011)

9800 Westover Hills Boulevard San Antonio, TX 78251-4125 (210) 522-4300

- Processed incoming phone calls for customer's orders.
- Ensured customer satisfaction with strong customer service skills.

United States Census Bureau-Field Supervisor (Seasonal) (April 2010 to September 2010)

8585 N Stemmons Freeway # 800S Dallas, TX 75247-3841 (214) 253-4400

- Supervised nine crew leaders, each of whom led a team of 18 enumerators.
- Conducted individual and group training sessions.

- Assessed progress and performance of employees to ensure field deadlines as well as quality standards were met.

JC Penney-Sales Associate/Cashier (October 2009 to July 2010)

6501 Legacy Drive Plano, TX 75024-3612 (972) 431-1000

- Assist retail industry with customers. Receive cash, checks, debit, and charge payments for purchases; bag or package purchases; give change and receipts; handle returns and exchanges of merchandise; and arrange for mailing or delivery of purchases. Count the money in the register; separate charge slips, coupons, and exchange vouchers; and make deposits at the cash office. In addition stock shelves or racks.

Adecco (05/26/2009 – 07/09/2009)

12015 San Pedro Ave San Antonio, TX 78216 (210) 545-5850

- Assist banking industry with investigative/research work. Respond to account inquiries, problem resolution, account maintenance, inputting transactions into appropriate systems and performing duties to enhance the relationship with the member.

Southwest Research Institute (December 1997 to January 2009)

6220 Culebra Rd San Antonio, TX 78238 (210) 684-5111

Contracts Department – Administrative Coordinator

- Assisted in developing the computer application process that helped decrease business risk and conflict of interest reviews from two days to four hours turnaround while increasing accuracy by 75%.
- Subsequently trained approximately 1,000 employees on implementation and use of this new business information system.
- Daily updating the intranet with the more than 600 business risk reviews annually.

Program Development Office

- Organized meetings between staff with foreign or military visitors
- Working knowledge of the applied scientific projects and proposed work in each of the 12 research divisions. Understood the project layout in each of the buildings toured.
- Daily updated the intranet with information Program Development wanted displayed to the employees, information such as their skills and areas of scientific or engineering expertise.
- Used exceptional customer service and hospitality skills in order to ensure the clients, local and internationals, happiness with their visit for future investments with the company.

Personnel Department

- Served as assistant to the Director's secretary in coordinating set-up of new employee files, totaling more than 200 yearly, for orientation meeting.

Two (2) temporary agencies – **Corestaff** (1995 to 1997) and **Today's** (1995 to 1996)

Worked in the legal, medical, human resources, marketing, public relations, advertising and engineering areas in secretarial or clerical capacity.

Santa Rosa Healthcare (1994 to 1995)

- Supported three departments in Primary CareNet of Texas (a start up Practice Management Organization of Santa Rosa's). The departments were Business Development, Physician Recruiting, and Patient Referral.
- Secretary to the Vice President of Community Outreach. This department sponsored program enlightening or aiding the indigent population of Bexar County, and also hosted one medical mission trip per year to Mexico. I was responsible for scheduling meetings. Served as back-up and aided the Chief Financial Officer's secretary.

Hartford Insurance Company (1982 to 1992)

- Secretary to Premium Audit Manager
- Supervised the Steno Unit for eight years
 - Duties included typing letters, memos and reports for various units throughout the company.
 - Kept statistics for quality and quantity management system
 - Word processing liaison for all departments in San Antonio
 - Would train personnel as needed.

Attachment B

Summary of Qualification and Resumes for Other Nominees Considered

Marvin Prestridge, LI0000846, Dallas.

Mr. Prestridge has been a Licensed Irrigator for over 40-years. Mr. Prestridge is currently the President and Owner of IRRI*TECH of Texas where he is actively involved in management of all phases of the company's operations, including system design, estimating, and construction.

Wade Spaulding, LI0021938, Abilene.

Mr. Spaulding has been a Licensed Irrigator for 7-years and is also a licensed Backflow Prevention Assembly Tester. Mr. Spaulding is currently the Irrigation Department Manager for MasterScapes where he manages a team of six to eight members, as well as design and install residential and commercial irrigation systems.

Wayne Burke, LI0001925, Burleson.

Mr. Burke has been a Licensed Irrigator for over 30 years and is a Backflow Prevention Assembly Tester. Mr. Burke currently owns and operates Burke Enterprises which provides specialized services and products to the commercial irrigation industry

Attachment C

Summary of Qualifications and Résumés for Current Members

Summary of Qualifications and Résumés for Current Members

David Moulton, LI0016835, term expires 02/01/2025, Mansfield

Mr. Moulton is a Licensed Irrigator, Irrigation Inspector, Customer Service Inspector and Backflow Assembly Tester. In addition to being a Licensed Irrigator for over 10 years, Mr. Moulton has served as the president of the Lone Star Irrigation Association as well as being a board member for the Texas Irrigation Network. Mr. Moulton currently works as the Utility Administration Superintendent for the City of Mansfield where he oversees the enforcement of the city's landscape irrigation ordinances.

Charles Swanson, LI0016931, term expires 02/01/2025, College Station

Mr. Swanson has been a Licensed Irrigator for over 10 years. Currently Mr. Swanson works for Texas A&M AgriLife Extension Service and has conducted over 185 short courses for over 3,500 licensed irrigation professionals. Mr. Swanson is currently the vice- chairman of the American Society of Biological & Agricultural Engineers (ASABE) Turf and Landscape Irrigation Committee. Mr. Swanson is also a member of the Irrigation Standards Development Committee created by the partnership of The Irrigation Association and the American Society of Agricultural and Biological Engineers (ASABE). As an extension specialist for landscape irrigation, Mr. Swanson also manages the Smart Irrigation Laboratory in the Biological & Agricultural Engineering Department at Texas A&M University where he conducts testing and assists with product development for irrigation manufacturers.

Mark Warden, LI0008780, term expires 02/01/2023, Georgetown

Mr. Warden is a Licensed Irrigator with over 15 years of experience. In addition to having experience as the City of Georgetown Conservation Coordinator, Mr. Warden also has previous hands-on experience in the landscaping and irrigation fields. Mr. Warden is a member of Central Texas Professional Irrigation Association.

Robert Evans, LI0001486, term expires 02/01/2023, McAllen

Mr. Evans is a Licensed Irrigator and Backflow Assembly Tester. In addition to having more than 33 years of irrigation experience, Mr. Evans is the founding member of his local backflow association, long time treasurer of the Rio Grande Valley Irrigation Association, and a past board member of Texas Irrigation Association, formerly known as Texas Turf Irrigation Association.

Jimmy Burgdorf, LI0008675, Term expires 02/01/2027, Saginaw

Mr. Burgdorf is a Licensed Irrigator, Irrigation Inspector, Customer Service Inspector and Backflow Assembly Tester. In addition to having more than 20 years of irrigation experience, Mr. Burgdorf has served as a board member for both the Texas Irrigation Association, and the North Texas American Backflow Prevention Association. He has also been an active member of the Lonestar Irrigation Association since 2007.

James Garvin, LI0020828, Term expires 02/01/2027, Cibolo

Mr. Garvin is a Licensed Irrigator, Irrigation Inspector, Backflow Prevention Assembly Tester, Customer Service Inspector, and an On-Site Sewage Facility Designated Representative. Mr. Garvin has served as a board member for the Texas Irrigation Association. He is the current President of the New Braunfels Irrigation Association; he has been an active member of the

American Backflow Prevention Association since 2012 and served as its Central Texas Chapter President from 2014-2016.

Valerie Miller, PhD, public member, term expires 02/01/2023, Austin

Dr. Miller is currently the Manager of Water Contracts and Conservation at the Lower Colorado River Authority. Dr. Miller has experience with city planning, water conservation, writing city ordinances, landscape design, water policy, and education in the Dallas/Fort Worth and Austin metropolitan areas.

Donna Starling, public member, term expires 02/01/2025, Flower Mound

Ms. Starling has approximately 30 years of experience in the public utility sector. Currently, she is the Water Utilities Program Manager for the City of Irving where she provides oversight for Water Conservation, Environmental Compliance, and Leak Detection Programs. She has a Bachelor of Science in Political Science from Texas A&M University and a Master of Public Administration with a focus on urban management from Texas A&M University. Ms. Starling is affiliated with the Texas Section of the American Water Works Association (AWWA) and the North Central Texas Council of Governments (NCTCOG).

Mark A. Peterson, public member, term expires 02/01/2027, San Antonio

Mr. Peterson is a project coordinator for water conservation programs pertaining to landscape and irrigation for the Conservation Department of San Antonio Water System (SAWS). Prior to joining SAWS, Mr. Peterson worked for the Texas Forestry Service (TFS) for over 20-years and maintains his license as a Certified Forester. Mr. Peterson also administered TFS Urban Forestry Partnership Grants for 24 Texas counties, and the Oak Wilt Suppression Project for ten counties within this same region. Mr. Peterson has continued membership in all following major professional organizations: Society of American Foresters (SAF), International Society of Arboriculture (ISA), and Municipal Arborists and Urban Foresters Society (MAUFS).

Attachment D

Copy of Texas Occupations Code, Subchapter D §§1903

OCCUPATIONS CODE

TITLE 12. PRACTICES AND TRADES RELATED TO WATER, HEALTH, AND SAFETY

SUBTITLE A. OCCUPATIONS RELATED TO WATER

CHAPTER 1903. IRRIGATORS

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 1903.001. DEFINITIONS. In this chapter:

- (1) "Commission" means the Texas Commission on Environmental Quality.
- (2) "Council" means the Irrigator Advisory Council.
- (3) "Executive director" means the executive director of the commission.
- (4) "Irrigation system" means an assembly of component parts permanently installed for the controlled distribution and conservation of water to irrigate landscape vegetation, reduce dust, or control erosion. The term does not include a system used on or by an agricultural operation as defined by Section [251.002](#), Agriculture Code.
- (5) "Person" means an individual.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 4, eff. June 1, 2003.

Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.434(a), eff. Sept. 1, 2003.

Sec. 1903.002. EXEMPTIONS. (a) In this section, "property owners' association" has the meaning assigned by Section [202.001](#), Property Code.

(b) The licensing requirements of this chapter do not apply to a person who is:

- (1) licensed by the Texas State Board of Plumbing Examiners; or
- (2) a licensed engineer, registered architect, or registered landscape architect to the extent the person's acts are incidental to the pursuit of the person's profession.

(c) The licensing requirements of this chapter do not apply to:

- (1) irrigation or yard sprinkler work performed by a property owner in a building or on premises owned or occupied by the person as the person's home;
- (2) irrigation or yard sprinkler repair work, other than extension of an existing irrigation or yard sprinkler system or

installation of a replacement system, that is:

(A) performed by a maintenance person who does not act as an irrigator or engage in yard sprinkler construction or maintenance for the public; and

(B) incidental to and on premises owned by the business in which the person is regularly employed or engaged;

(3) irrigation or yard sprinkler work performed:

(A) by a regular employee of a railroad who does not act as an irrigator or engage in yard sprinkler construction or maintenance for the public; and

(B) on the premises or equipment of the railroad;

(4) irrigation or yard sprinkler work performed on public property by a person who is regularly employed by a political subdivision of this state;

(5) irrigation or yard sprinkler work performed by an agriculturist, agronomist, horticulturist, forester, gardener, contract gardener, garden or lawn caretaker, nurseryman, or grader or cultivator of land on land owned by the person;

(6) irrigation or yard sprinkler work performed by a member of a property owners' association on real property owned by the association or in common by the association's members if the irrigation or yard sprinkler system waters real property that:

(A) is less than one-half acre in size; and

(B) is used for aesthetic or recreational purposes;

(7) irrigation or yard sprinkler work performed by a person using a garden hose, hose sprinkler, hose-end product, or agricultural irrigation system;

(8) activities involving a commercial agricultural irrigation system;

(9) a person who assists in the installation, maintenance, alteration, repair, or service of an irrigation system under the direct supervision of an individual described by Subchapter F of this chapter who is licensed under Chapter 37, Water Code; or

(10) an owner of a business that employs an individual described by Subchapter F of this chapter who is licensed under Chapter 37, Water Code, to supervise the business's sale, design, consultation, installation, maintenance, alteration, repair, and service of irrigation systems.

(d) A person who is exempt from the licensing requirements of this chapter shall comply with the standards established by this chapter and the rules adopted under this chapter.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 4, eff. June 1, 2003.
Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.435(a), eff. Sept. 1, 2003.

SUBCHAPTER B. COMMISSION POWERS AND DUTIES

Sec. 1903.053. STANDARDS. (a) The commission shall adopt by rule and enforce standards governing:

- (1) the connection of irrigation systems to any water supply;
- (2) the design, installation, and operation of irrigation systems;
- (3) water conservation; and
- (4) the duties and responsibilities of licensed irrigators.

(b) The commission may not require or prohibit the use of any irrigation system, component part, or equipment of any particular brand or manufacturer.

(c) In adopting standards under this section, the commission shall consult the council.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 4, eff. June 1, 2003.
Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.436(a), eff. Sept. 1, 2003.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 1352 (H.B. 4), Sec. 13, eff. June 15, 2007.

Acts 2007, 80th Leg., R.S., Ch. 1430 (S.B. 3), Sec. 2.34, eff. September 1, 2007.

SUBCHAPTER D. IRRIGATOR ADVISORY COUNCIL

Sec. 1903.151. COUNCIL MEMBERSHIP. (a) The Irrigator Advisory Council consists of nine members appointed by the commission as follows:

- (1) six members who are irrigators, residents of this state, experienced in the irrigation business, and familiar with irrigation methods and techniques; and
- (2) three public members.

(b) Appointments to the council shall be made without regard to the race, creed, sex, religion, or national origin of the appointee.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 4, eff. June 1, 2003.
Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.438(a), eff. Sept. 1,

2003.

Sec. 1903.152. ELIGIBILITY OF PUBLIC MEMBERS. A person is not eligible for appointment as a public member of the council if the person or the person's spouse:

(1) is licensed by an occupational regulatory agency in the field of irrigation; or

(2) is employed by, participates in the management of, or has, other than as a consumer, a financial interest in a business entity or other organization related to the field of irrigation.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 4, eff. June 1, 2003.

Sec. 1903.155. PRESIDING OFFICER. The council shall elect a presiding officer.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 4, eff. June 1, 2003.

Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.438(b), eff. Sept. 1, 2003.

Sec. 1903.157. MEETINGS. The council shall hold meetings at the call of the commission or presiding officer.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 4, eff. June 1, 2003.

Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.438(c), eff. Sept. 1, 2003.

Sec. 1903.158. PER DIEM; REIMBURSEMENT. A council member is entitled to a per diem as set by legislative appropriation for each day the member engages in the business of the council. A council member is entitled to reimbursement for travel expenses, including expenses for meals and lodging, as prescribed by the General Appropriations Act.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 4, eff. June 1, 2003.

Sec. 1903.159. COUNCIL DUTIES. The council shall provide advice to the commission and the commission's staff concerning matters relating to irrigation.

Acts 2003, 78th Leg., ch. 1276, Sec. 14A.438(d), eff. Sept. 1, 2003.

SUBCHAPTER F. LICENSING REQUIREMENTS

Sec. 1903.251. LICENSE REQUIRED. (a) A person must hold a license issued by the commission under Chapter 37, Water Code, if the person:

- (1) sells, designs, installs, maintains, alters, repairs, or services an irrigation system;
- (2) provides consulting services relating to an irrigation system;
- (3) connects an irrigation system to a private or public, raw or potable water supply system or any water supply; or
- (4) inspects an irrigation system for a municipality or water district.

(b) A person is ineligible for a license under Subsection (a)(4) if the person engages in or has a financial or advisory interest in an entity that engages in an activity under Subsection (a)(1), (2), or (3).

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 4, eff. June 1, 2003.

Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.435(c), eff. Sept. 1, 2003.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 874 (H.B. 1656), Sec. 1, eff. June 15, 2007.

Sec. 1903.252. LICENSING OF LANDSCAPE ARCHITECT. The commission may not require a person who on August 27, 1979, held a license as a landscape architect under Chapter 457, Acts of the 61st Legislature, Regular Session, 1969 (Article 249c, Vernon's Texas Civil Statutes), to pass an examination in order to be licensed.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 4, eff. June 1, 2003.

Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.435(c), eff. Sept. 1, 2003.

Sec. 1903.255. RECIPROCAL LICENSING. The commission may waive any prerequisite for obtaining a license for an applicant who is registered or licensed as an irrigator or installer by another jurisdiction with which this state has a reciprocity agreement. The commission may make an agreement, subject to the approval of the governor, with another state to allow for licensing by reciprocity.

Added by Acts 2001, 77th Leg., ch. 1421, Sec. 4, eff. June 1, 2003.

Amended by Acts 2003, 78th Leg., ch. 1276, Sec. 14A.439(a), eff. Sept. 1, 2003.

Sec. 1903.256. INSTALLATION OF IRRIGATION SYSTEM WITHOUT LICENSE; OFFENSE. (a) Unless exempt under Section [1903.002](#), a person commits an offense if the person installs an irrigation system without holding a license issued by the commission under Chapter [37](#), Water Code.

(b) An offense under this section is a Class C misdemeanor.

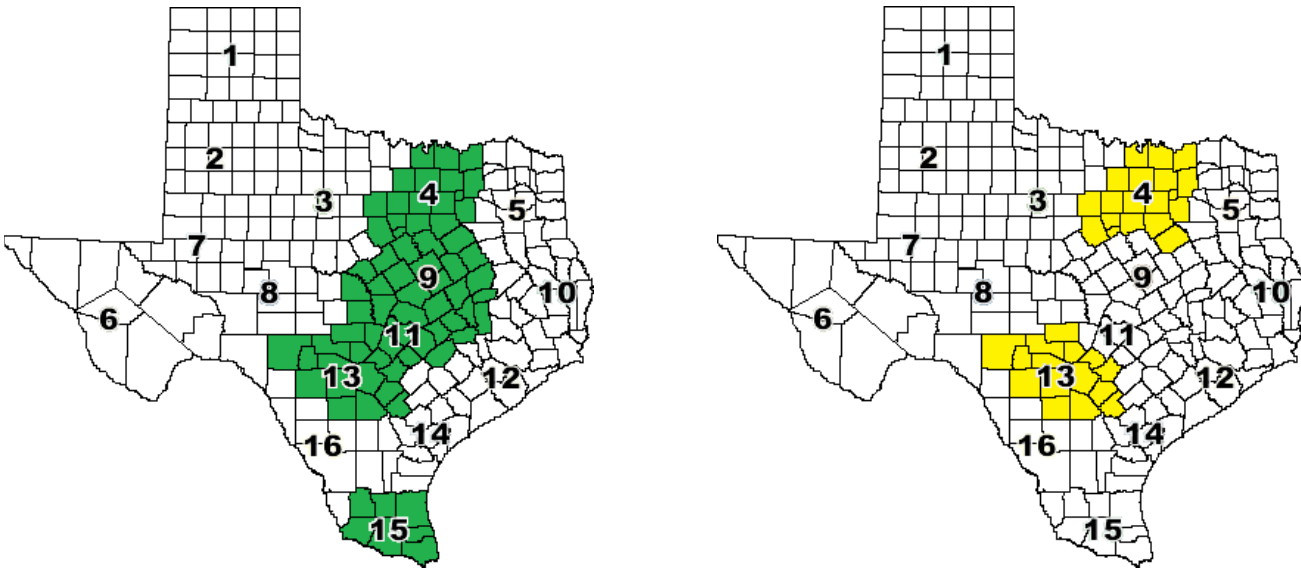
Added by Acts 2011, 82nd Leg., R.S., Ch. 324 (H.B. [2507](#)), Sec. 1, eff. September 1, 2011.

Attachment E

Map of IAC Members' Serving Areas

TCEQ REGIONAL MAP OF IAC CURRENT MEMBERS AND RECOMMENDED NOMINEES

- Current Members through February 1, 2023 (left)
- Future members with recommended nominees (right)



Name	TCEQ Region	Current member*	Outgoing member	Future member*
David Moulton	4	Yes (i)	-	-
Donna Starling	4	Yes (p)	-	-
Jimmy Burgdorf	4	Yes (i)	-	-
Norman Werback	4	-	-	Yes (i)
Charles Swanson	9	Yes (i)	-	-
Mark Warden	11	Yes (i)	Yes	-
Valerie Miller	11	Yes (p)	Yes	-
James Garvin	13	Yes (i)	-	-
Mark Peterson	13	Yes (p)	-	-
DJ Seeger	13	-	-	Yes (i)
Monique Cogburn	13	-	-	Yes (p)
Robert Evans	15	Yes (i)	Yes	-
Other nominees received	3, 4	-	-	-

*i: irrigator member; p: public member

Attachment F

Draft Resolution

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



A RESOLUTION Appointing new members to the Irrigator Advisory Council at the Texas Commission on Environmental Quality;
TCEQ Docket No. 2022-1104-MIS
Project No. 2023-002-OTH-NR

WHEREAS, Texas Water Code, § 5.107 provides the Texas Commission on Environmental Quality (Commission) with the authority to create and consult with the Irrigator Advisory Council (Council); and

WHEREAS, the Regular Session of the 73rd Legislature (1993) adopted Senate Bill 383, subsequently codified as Texas Government Code, Chapter 2110; and

WHEREAS, the Commission advisory committees are subject to the Commission's rules regarding such committees pursuant to 30 Texas Administrative Code Chapter 5. The Council's sole duty is to advise the Commission. The Council has no executive or administrative powers with respect to the operation of the Commission, and all such powers and duties rest solely with the Commission; and

WHEREAS, the Commission issued and adopted a resolution on April 12, 2023, continuing the existence of the Council until February 1, 2029; and

WHEREAS, the terms of the following Council members will expire on February 1, 2023: Mark Warden, Valerie Miller, Robert Evans, and

WHEREAS, the Commission finds that there is need to continue the existence of the Council until February 1, 2029.

NOW THEREFORE, BE IT RESOLVED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY, that the following persons be appointed to fill the vacancies on the Irrigator Advisory Council, with their terms to expire accordingly:

Donald "DJ" Seeger, whose term shall be effective April 12, 2023 for a six-year term to expire February 1, 2029; and

Norman Werback, whose term shall be effective April 12, 2023 for a six-year term to expire February 1, 2029; and

Monique Cogburn, whose term shall be effective April 12, 2023 for a six-year term to expire February 1, 2029.

BE IT RESOLVED FURTHER, that the Commission has established the Irrigator Advisory Council, which will continue in existence until February 1, 2029. The Irrigator Advisory Council shall continue to function through the Program Support Section to advise the Commission on matters related to landscape irrigation.

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

Jon Niermann, Chairman

Date Signed