

Texas Commission on Environmental Quality

Cross-Connection Control Subcommittee

June 6, 2019

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.

Draft Meeting Summary

Commencement

Mr. Charlie Middleton

The meeting commenced on time with the general announcements and introductions by meeting participants.

Comment was requested on the previous meeting summary which was provided with the meeting invitation. A clarification was made that both Type 1 reclaimed water and Type 2 reclaimed water require an RP at the domestic water line at recycled water facilities. The motion was then made to adopt the meeting summary. A second to the motion was heard and the vote to adopt was unanimous.

The next meeting of this Subcommittee will be held on September 5, 2019.

Update from Cross-Connection Control Program

Mr. Charlie Middleton

Mr. Charlie Middleton, TCEQ Cross-Connection Control Program, provided an update on this program. Cross-Connection Control Program surveys have continued at public water systems that have been identified by TCEQ regional investigators as benefitting from this form of technical assistance. Before the end of August, 2019, surveys will be conducted in the Abilene, Dallas/Fort Worth, San Antonio, San Angelo, and Houston regions. It was confirmed that the new BPAT form has been released online. Some water purveyors are still seeking approval for the old BPAT form and are not required to use the newest form if they do not wish to. The date water purveyors are using as the deadline for the next required test of a backflow prevention assembly was mentioned as a topic for discussion late in the meeting.

Concern was raised about the lack of cross-connection control questions during investigations by regional TCEQ staff. There are currently 10 questions that may be asked, but the depth of questions and which questions are asked is up to the individual regions and investigators.

Update from Landscape Irrigation

Mr. Al Fuentes

Mr. Al Fuentes, TCEQ Office of Compliance and Enforcement, provided an update on the Landscape Irrigation Program (LIP). The program has worked through the complaints it receives, and at the time of the meeting was up to date with complaint investigations. The LIP continues to receive a high volume of calls and emails.

Mr. Al Fuentes also provided an update on the IAC rule petition. All landscape irrigation rules have been thoroughly reviewed and the LIP is dealing with the new rules now.

Temporary irrigation systems were discussed. There was agreement that backflow prevention assemblies are required for temporary irrigation systems. Potential problems include the length of time that a temporary system may be in service, that exposed PVC pipe will be susceptible to degradation, and that members of the subcommittee have witnessed temporary irrigation systems using recycled water, and also pond water, as a source. Regulations for temporary irrigation systems would require new language in Title 30 of the Texas Administrative Code (30 TAC) §344.

During this update, interest was expressed in including Spill-Resistant Pressure Vacuum Breakers (SVBs) and removing Atmospheric Vacuum Breakers (AVBs) as acceptable devices to provide protection on irrigation systems.

Update from Occupational LicensingMs. Linda Saladino & Ms. Tamara Calhoun

Ms. Linda Saladino and Ms. Tamara Calhoun, TCEQ Occupational Licensing (OL), provided an update from the OL section. The following comparison was provided for BPAT and CSI applications and pass rates between the second and third quarters of 2019:

BPAT applications received increased by 9.66%, the number of tests taken increased by 32.77%, and the pass rate of 47.5% remained approximately the same. The reason for the large increase in the number of tests taken in the third quarter is unknown.

CSI applications received increased by 25.41%, the number of tests take increased by 38.64%, and the pass rate of 42.61% remained approximately the same.

OL discussed BPAT and CSI experience considerations and the process for licensing:

- Relevant water experience is very important, and shadowing is not considered acceptable experience, as hands-on training is needed.
- Backflow covers a wide range of knowledge and poor decisions can cause health hazards.
- Both BPATs and CSIs are technical and require significant experience. A backflow tester will not necessarily be a good CSI, and vice versa. Experience for one should not necessarily apply to the other.
- Concern was expressed that training classes are not properly preparing people for working after passing exams.
- Testers were encouraged to join networking organizations.
- Training providers are not allowed to promote a specific supplier or distributor. Training providers are not allowed to advertise as part of their training, as this poses a conflict of interest.

LF 289 Spill-Resistant AVB: Point-of-Use Untestable DeviceMr. Charlie Middleton

Untestable AVBs have been seen in the field stamped as SVBs (testable).

- These devices do have an American Society of Safety Engineers stamp.
- Contacting the manufacturer was suggested if it can be proved that it doesn't meet the definition of an SVB.

- Use of this device is unlikely to become a large problem, it is not a low-cost alternative to an SVB, and it is also not USC approved, which will prevent its use in areas where approval is a by-law requirement.

DIY Sprinkler Systems

Mr. James Garvin

Home made sprinkler systems are frequently seen by water purveyors. This presentation included several examples of homemade sprinkler systems that have been discovered by New Braunfels Utilities.

They are not currently addressed through 30 TAC §290 rules and are dealt with on a case by case basis. Inspectors are attempting to help water systems into compliance with safety regulations when these sprinkler systems are found. Little can be done to stop the use of DIY sprinkler systems unless language is added to 30 TAC §344.

All irrigation systems shall be designed, installed, maintained, altered, repaired, serviced, and operated in a manner that will promote water conservation, as required by 30 TAC §344.60.

DIY sprinkler systems are most likely to be found in flower beds, or may be moveable PVC configurations with spray heads attached. For any DIY irrigation systems attached to a hose bibb, Hose Bibb Vacuum Breakers are considered a type of AVB, and an additional shut-off valve should not be added downstream.

Annual Testing Requirements

Mr. Charlie Middleton

Are purveyors using the most recent test date, installation test date, or date of first test to determine the due date of the next BPAT test on backflow assemblies protecting against a health hazard?

The goal of all purveyors is to test every assembly at least once every 12 months, but in practice this is difficult.

Some testing agencies do not schedule too far in advance, limiting early testing.

There was concern that if tests were conducted before they were due, an assembly could wait longer than 12 months to be tested if the original installation date, or first test date, was used to schedule every subsequent test. In practice, very few assemblies are tested significantly early, and this was not an issue for the purveyors present at the meeting. The goal of testing 100% of assemblies protecting against health hazards each year is also hard to achieve for larger systems. However, it is possible to notify all property owners where assemblies need annual testing.

Working Lunch Discussion

BPATs and/or CSIs are sometimes representing themselves as TCEQ inspectors. A purveyor received a business card from an individual listing themselves as a "TCEQ Inspector". Similarly, some municipalities have had problems with third party contractors claiming to "work with" the municipality rather than being regulated by them.

The impact of the potential dissolution of the Plumbing-Board on cross-connection control was discussed. Regulations would have to be put in place at the local level, which would be a burden on local authorities, and on testers. If plumbing licenses were no longer required, would CSI licenses

still be issued based on previous exemptions? Subcommittee members felt that application, listing prior experience, and taking the exam should be required.

Possible Topics for Next Meeting

Updates on the guidance for conducting CSIs. The guidance has been drafted and approved, but not released.

Group Discussion

Test results were discussed for the following situation:

A BPAT tests an RP, both checks hold tight with adequate pressure. The tester checks the “No” box for “Is the assembly installed in accordance with the manufacturers recommendations and/or local codes” and checks the “TEST RESULT” box as failed. Should this be a failed test?

- General consensus is to fail the assembly automatically.
- Examples of improper installation include the RP being underground, having less than 12” of clearance, and having missing shut-off valves.
- How much needs to fail before failure? Purveyors and testers will have to review on a case-by-case basis. The example provided was an assembly installed without the minimum required clearance, but at an elevation where it was never going to be submerged.

Licensed Plumbers with WSPS Conducting CSIs on Their Own Work

There is nothing in rule preventing plumbers from inspecting their own work. However, the majority of purveyors present saw this practice as unethical, and those who conducted CSIs on their colleagues’ plumbing work reported that this was a valuable process. People are unlikely to notice mistakes if they are “grading their own test”.

Cross-Connection Control Program Surveys

Ms. Katherine McGlaughlin

Ms. Katherine McGlaughlin, TCEQ Cross-Connection Control Program, gave a presentation on the agency’s cross-connection control program surveys. This covered an overview of the survey process to improve systems’ cross-connection control programs. Systems are recommended for surveys by the TCEQ’s regional offices based on deficiencies noted during investigations. The survey is in the form of an interview and includes the authority a water system has to run a CCCP, testing requirements, record retention, response to incidents, facilities that may require assemblies, fireline testing, and knowledge of bacteriological monitoring requirements.

Violations are not cited as a result of these surveys, however, a letter listing any deficiencies is mailed following surveys, requiring the submission of any documents that could not be provided during the survey.