

Texas Commission on Environmental Quality Cross-Connection Control Subcommittee

June 4, 2020

Microsoft Teams Webinar

Time: 9:00 – 12:00

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

Ms. Katherine McGlaughlin

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

The previous Subcommittee meeting minutes were adopted with some modifications made.

Cross-Connection Control Program

Ms. Katherine McGlaughlin

Ms. Katherine McGlaughlin, TCEQ Cross Connection Control Coordinator, provided updates from the Cross-Connection Control Program.

Following the previous subcommittee meeting, the program provided guidance on backflow prevention as it pertained to COVID-19 induced quarantine. Staff fielded questions from water purveyors and the general public on how best to deal with new quarantine and social distancing measures.

In light of COVID-19, the Cross-Connection Control Program is rescheduling cross connection control surveys for later in the year. Options for conducting remote assistance are being explored. The program continues to receive recommendations for systems that may be in need of assistance.

Katherine was invited to conduct a presentation at the FY20 Regional WQ Training to internal TCEQ staff. Katherine will provide a presentation with a focus on WWTPs and internal premises isolation.

Landscape Irrigation

Mr. Shannon Frazier

Mr. Shannon Frazier, Work Leader with the Program Support and Environmental Assistance Division, provided updates to the Landscape Irrigation Program. Mr. Al Fuentes now serves as Public Water Supply liaison, and Mr. Shannon Frazier is now Work Leader.

Updates regarding the 344 Rule Package were provided to the Subcommittee. The 344 Rule Package was sent to Agenda on July 10, 2020 and can be viewed on the TCEQ Commissioner's Agenda Page. A draft of the new rule will be posted to the Texas Register for the public.

At this time, Ms. Chelsea Atkinson, Landscape Irrigation Program, is working on a survey to study commercial and residential backflow prevention assemblies. Systems around Texas were to be surveyed June 2020.

Mr. Peter Abel, Landscape Irrigation Program, provided an update on complaints in the Landscape Irrigation Program. The LIP has received 10 new complaints. Licensed irrigators are currently in high demand, and the LIP has received one design-based complaint. Since Q1, 2020, 13 new investigations have been received. There remain concerns that lots of unlicensed irrigators continue to operate.

Occupational Licensing

Ms. Tamara Calhoun

Ms. Tamara Calhoun, TCEQ Occupational Licensing (OL) Division, provided updates.

There has been a decrease in applications for backflow related licenses. OL received 511 backflow tester assembly tester applications this quarter. Exams administered have decreased from 249 last quarter to 55 this quarter. The percent of exams passed has remained consistent. As of May 31, 2020, 5,614 backflow prevention assembly testers are licensed with the TCEQ.

There were 182 customer service inspector applications in Q2, 2020. The number of exams taken dropped from 117 in Q1, 2020, to 29 in Q2, 2020. The number of current CSI licenses decreased by 2.8%. As of May 31, 2020, there are 2,128 licensed customer service inspectors with the TCEQ.

The total number of licenses with the TCEQ has decreased by 4%. Some of these are licenses that have not been renewed due to COVID-19 related delays. People will not be penalized if this is the case. License holders that encounter COVID-19 related delays in renewing their licenses are encouraged to contact the Occupational Licensing Division.

The COVID-19 Response

Group Discussion

The topic of the COVID-19 pandemic was thoroughly discussed. At the time of the meeting, the Governor's office has published a several step plan to open back up that was published a few weeks ago in the wake of COVID-19. The TCEQ was approached by the regulated community to provide guidance early in the lockdown as it pertained to backflow prevention.

As with other programs in the agency, we were unable to lift or reduce backflow testing and CSI requirements. The Cross Connection Control Program however provided guidance for how to handle backflow and CSI requirements during the crisis:

- Continue conducting backflow testing as able. Quarantine measures should not impact the ability to test premises isolation assemblies, but internal point-of-use assemblies may need to be delayed, especially for connections with vulnerable populations. CDC's recommendations for social distancing and personal protective equipment should be followed during backflow activities
- Continue customer service inspections (CSIs) as able. Indoor access to complete a CSI may need to be delayed. Certain locations with sensitive populations, such as Hospitals and Nursing Homes, may consider delaying these inspections.
- Water supplies should communicate with customers, testers, CSIs, and other involved members of the backflow community to work out delays and issued caused by COVID-19.
- Water supplies should communicate any difficulties to the TCEQ for their records and future investigations. It can be used as additional documentation to resolve or add background to

potential violations. For example, an investigator will request documentation as to why an annual test may have been delayed.

These recommendations are not state requirements, and can be adopted and adapted on a local level, keeping local declarations in mind.

Water purveyors present at the meeting were concerned by the ongoing requirement to conduct CSIs and wanted clarification on whether CSIs should continue. It was reiterated that purveyors needed to ensure adequate protection of their supplies was maintained. It is possible to facilitate CSIs in occupied structures while maintaining proper social distancing.

Mr. Byron Hardin, Hardin and Associates Consulting, asked purveyors how they were currently testing, inquiring whether there were issues with businesses like restaurants permanently closing. He was aware of some testers wanting to remain at home and not increase their risk by testing assemblies. Most cities were operating as normal to the best of their abilities.

Enforcement actions had not increased, cities were working with closed facilities to conduct tests, and in the case of permanently closed buildings were having to reach out to landlords/property owners to arrange testing. Customers were also being provided with reminder notices by some purveyors in preparation for the relaxation of restrictions. Some water suppliers are working with their customers through testing delays. Either they can't get a testing company scheduled or they are staying at home. With the state opening back up, we are generating reminder notices.

It was recommended that purveyors keep documentation of the reasons for any delays to testing assemblies to provide to investigators if necessary. In addition, test dates should still be tied to assembly installation dates. Late tests should not result in a creeping test date requirement. Situations where the owners of vacant properties cannot be reached should be dealt with on a case-by-case basis.

A representative with the Texas Rural Water Association (TRWA) noted TRWA is working with people to get continuing education credits (CEUs) for licensing. They are conducting classes with guidance from the hosts as to attendee numbers and sanitary control measures.

Online training providers are helping trainers deliver courses online. Classroom courses are also continuing, following CDC and local guidelines (reduction in room capacity, measuring student temperature before entry, mask wearing requirement). Training providers are experiencing an increased demand for online courses as testers are less able to travel to in-person classes. Previously there have not been many online BPAT or CSI classes available online. Ms. Tamara Calhoun noted that the Occupational Licensing division waived 8 hours of hands on training for license renewals for April, May, and June for backflow prevention assembly testers renewals. It was confirmed that the 30 day extension was still in place for expired licenses. License holders are still required to get 24 hours training, as this amount of training is available online.

Other Topics

Group Discussion

As social distancing, remote work, and closed offices continue, future cross-connection subcommittee meeting will be conducted remotely via Microsoft Teams.

The Subcommittee followed up from a topic from the previous meeting regarding the clarification of the use of purple pipe and gauges. The TCEQ was encouraged to identify trainers incorrectly teaching that firelines should use purple pipe. This needs to be addressed, as some purveyors have adopted this practice. Non-potable gauges are for use on assemblies with Type 1 or Type 2

reclaimed water. They should not be used for assemblies supplied by a potable source, including firelines being supplied by a drinking water distribution system. The purple pipe on a potable water line is incorrectly identified as reclaimed water, leading to certain testers using the incorrect test gauge. If the water entering an assembly is potable, a potable gauge must be used to test the assembly. Updating RG-493 “Accuracy Testing of Gauges Used for Testing Backflow-Prevention Assembly” to clarify this information was recommended.

A brief discussion on the protection of groundwater sources occurred. TCEQ drinking water regulations do not cover protecting groundwater sources from backflow incidents, and directly regulate water purveyors instead. The regulation of private groundwater wells falls under Groundwater Conservation Districts and the Texas Department of Licensing and Regulation.