

# **Texas Commission on Environmental Quality Cross-Connection Control Subcommittee**

**December 3, 2020**

## **Microsoft Teams Webinar**

**Time: 9:00 – 12:00**

### Commencement

Ms. Katherine McGlaughlin

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

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 March 4, 2020.

### Update from Cross-Connection Control Program

Ms. Katherine McGlaughlin

Mrs. Katherine McGlaughlin, TCEQ Cross-Connection Control Program, provided program updates.

Cross-Connection Control Program surveys continue at public water systems that have been identified by TCEQ regional investigators as benefitting from this form of technical assistance. One remote survey has been conducted during this Quarter. Suggestions for systems to receive surveys can be submitted to the TCEQ for issues such as: staff turnover, customer complaints, a lack of a Cross Connection Control Program, and others. The Cross-Connection Control Program is working with the Office of Compliance and Enforcement to identify additional candidates. In addition, Level 2 Assessments (L2As) offer potential candidates that may benefit from a survey. Surveys will continue to be conducted remotely through Microsoft Teams.

Future Subcommittee meeting notifications are sent out prior to meetings. To subscribe to this list, interested parties can reach out to the TCEQ Cross Connection Program directly or sign up via “Email Alerts” on the TCEQ homepage.

Mr. Charles Middleton, TCEQ Cross-Connection Control Program, provided follow-up information from the previous Subcommittee meeting regarding firelines and potable line use. An email addressing the issue of some purveyors treating potable supplied firelines as non-potable is awaiting review from the Fire Marshal’s Office before being sent to training providers via Occupational Licensing. Subcommittee members encouraged the TCEQ to provide an explanation of what specific issue is being corrected – specifically, that the type of gauge to be used is determined by the water supplied to the gauge.

### Update from Landscape Irrigation

Ms. Chelsea Atkinson

Ms. Chelsea Atkinson, TCEQ Office of Compliance and Enforcement, provided an update on the Landscape Irrigation Program (LIP).

The LIP continues to receive a high volume of calls and emails. The program fielded 8 new complaints focused mainly around Central Texas and metropolitan areas. Ms. Atkinson stressed the importance of utilizing Landscape Irrigation General Complaint Form (TCEQ Form 10380). The form

streamlines the investigation process and provides information regarding the complaint process. TCEQ Form 10380 is available on the TCEQ LIP website or directly at:

- [www.tceq.texas.gov/assets/public/compliance/compliance\\_support/regulatory/irrigation/forms\\_li/10380.pdf](http://www.tceq.texas.gov/assets/public/compliance/compliance_support/regulatory/irrigation/forms_li/10380.pdf)

Ms. Chelsea Atkinson also provided an update on the IAC rule petition. A summary of the changes to Chapter 344 are posted on the TCEQ's website for public use. This summary can be accessed directly at:

- [www.tceq.texas.gov/drinkingwater/irrigation/landscape-irrigation-regulation-stakeholder-process](http://www.tceq.texas.gov/drinkingwater/irrigation/landscape-irrigation-regulation-stakeholder-process)

At this time, the Irrigators Advisory Council (IAC) is taking nominations for representatives and irrigators to staff the IAC. 1 representative and 2 irrigator positions are available for this next upcoming year. These positions were posted to the Texas Register on October 30, and nominations close on December 4.

#### Update from Occupational Licensing

Mr. James Murphy

Mr. James Murphy and Ms. Jaya Zyman, TCEQ Occupational Licensing (OL), provided an update from the OL section.

In the 1<sup>st</sup> Quarter (September 1, 2020 - November 30, 2020), 134 new Backflow Prevention Assembly Tester (BPAT) license applications were received along with 399 renewal applications. Out of the 192 tests administered, 84 passed. This brings the total number of BPAT licenses in the State of Texas to 5,557. At this time, the eight hour CEU hands-on requirement for acquiring BPAT licenses has been waived through March 2021.

In the 1<sup>st</sup> Quarter, OL received 55 new Customer Service Inspector (CSI) applications and 155 renewal applications. This brings the number of total licensed CSIs to 2,106.

Since the end of September, paper-based exams have been offered for those license exams which are not available through computer-based testing. At the time of the meeting, over 40 test centers are available that offer computer-based testing. Recent revisions have been made to the Class A Water System Operators exam and the Wastewater Treatment Plant and Collection System Operators exam. The On-Site Sewage Facilities Installer II License exam will be available as a computer-based test from January 2021.

#### The Lead Copper Rule and Backflow Discussion

Mr. Jason Williams

Mr. Jason Williams, TCEQ Lead and Copper Program, introduced the Lead and Copper Rule (LCR) to the Subcommittee. Mrs. Katherine McGlaughlin introduced the concerns regarding failed lead testing following CSIs. The TCEQ Cross-Connection Control program received customer calls seeking assistance with lead-positive CSIs, but little guidance exists on the state level for follow up. This topic was a follow-up from a previous meeting.

The presentation covered the current tier system for water purveyors to select sample sites for LCR sample, and that the requirement to identify sample sites and determine which connections to use for LCR sampling falls on the PWS/purveyor.

Mr. Byron Hardin, Hardin and Associates, LLC, gave a summary that the CSI program asks customer service inspectors to complete lead indicator tests, and plumbing appurtenances are required to meet lead free requirements, but wanted information on the correct protocol to contact PWSs/purveyors.

The advice for inspectors is to inform the relevant PWS of properties where lead is discovered, and for the PWS to determine if these sites need to be added to the LCR sampling pool. The PWS determines the appropriate follow-up determined on a case-by-case basis. It was noted that it is not the responsibility of the customer service inspector to follow up on behalf of the public water supplier. The Subcommittee stressed that the comments section of the CSI form be used to record lead detections, and that the PWS checks and uses the information received on the form. This was the way most of the meeting participants were already dealing with informing PWSs.

The possibility of a requirement for a lead service line inventory for entire distribution system as part of a future rule change was briefly discussed. Mr. Adam Smith, City of Austin asked about the correct course of action when connections there are lead detections at connections during CSIs as far as trying to remedy the issue and/or informing the customer. Informing the relevant PWS so they could determine whether these connections need to be added to the LCR sampling pool was recommended. It is also acceptable for PWSs to collect non-compliance samples for their own purposes to determine whether connections with lead detections also have detectable lead in their tap water. This would require some education for the property owners as LCR samples are collected from inside properties by the occupants.

The fact that lead detections during tests of plumbing and appurtenances does not necessarily mean a problem with lead in drinking water was also discussed. The presence of lead does not automatically mean that lead is leaching into water.

## Data Capture

## Group Discussion

Backflow prevention assemblies fail, but little in the State of Texas has been conducted to track the frequency and reasons for failure. A discussion on how to begin identifying failure rates and reasons began. Identifying such information could be used to justify rule changes, explain Agency positions, aid in creating guidance documents, and more.

Mr. Byron Hardin noted that electronic recordkeeping companies have the ability to data mine from both BPAT and CSI forms, especially backflow prevention assembly failure rates. Establishing criteria and when to “flag” a test would be useful information in developing a response for a water supplier. Several problems to a data capture plan were postulated that would need clarification:

- A vast majority of forms show assemblies passing first time. Are testers marking forms as failing, or adding a comment if a minor repair (e.g. debris removal) was required before an assembly passed?
- What are the top reasons for failure? Software companies may be able to provide insights into the main issues and reasons for failure that impact assemblies from the “Remarks” box.
- Mr. Fred Baird, Bac-Flo Unlimited, Inc., stated that the failure rate he encountered when working for San Antonio was approximately 11%, spiking to 20% during recessions. The

failure rate for new assemblies was as high as for existing assemblies, due to fouling from debris. How would new versus old assemblies be tracked?

Mr. Paul Schwartz, former USC representative, discussed the issue as being a problem nationally, with failure rate data not being frequently recorded, and many states having difficulty providing failure rate data to administrations, commissions, etc. In addition, Mr. Schwartz clarified that there is a difference between an assembly failing field-test and an assembly failing to prevent backflow. The USC relies on utilities providing data to determine the performance of different products. This has become much harder to follow as many utilities are not tracking this information anymore.

The group will seek to identify criteria to flag a failed assembly. Members expressed how their water supplies respond to failed tests and capture data. The City of Austin's database records assemblies that failed then passed, and also reports instances where the last result received was a failure (critical to maintain water service, replacement parts not available, customer refuses repair, etc). The City of Austin also flags responsible employees for follow up - as a result, the City has tracked a BPA failure rate at 14.5%. Mr. Brian Fiorisi is sent failed test reports in quotes for repair parts where tests were not completed (e.g. test not conducted due to missing handles on assemblies), so in some cases tests are being considered failed before the test has been completed/before it has been started. Mr. DJ Seeger noted commented that a lot of testers don't report failures if they subsequently passed.

Mrs. Katherine McGlaughlin proposed bringing back a questionnaire for water systems to assist in gathering data. Mr. Byron Hardin, volunteered to head up a group on reintroducing the questionnaire. A group was established for research on capturing data and researching failure rates.

Updating RG-206

Ms. Katherine McGlaughlin

This topic was tabled for future Subcommittee meetings.

### Other Topics to Discuss

Mr. Kelley Stalders, Texas Fire Marshall's Office, asked does a fire department typically get notified when a BPA that serves a fireline sprinkler system fails? In this situation, the Subcommittee expressed that PWS should follow up and emphasize communication, coordination, and cooperation between departments. If a BPA it shut down the system needs to be notified for time period as per State Law, so they can have backup provisions (such as BPAs installed in parallel). It was recommended that the Fire Marshal's Office contact the City of Plano as an example for advice on PWSs communicating with the fired department.

Mr. William "Buddy" Heuberger expressed concern regarding testers and underground contractors that not following Fireline insurance rules outlined by the Texas Fire Marshall's office. Mr. Heuberger explained the qualifications for conducting work on firelines, and encouraged trainers to stress these rules during training.

Mr. Jerry Lewis, Sundance Irrigation brought up the new irrigation rules. Mr. Lewis emphasized that Y-strainers have been removed as a requirement, AVBs are no longer

allowed as backflow protection on irrigation systems, SVBs are approved, and temporary irrigation systems must have backflow protection.

Several concerns during the Subcommittee meeting were raised regarding backflow preventers on carbonators. Specifically, the rise in PEX and PVC piping pose as reduced risks of copper and lead leeching. The TCEQ reiterates that, despite the change in the trends, carbonators continue to pose a hazard to copper and lead lines, as well as the potential hazards to unknowns upstream.