Texas Commission on Environmental Quality

Cross-Connection Control Subcommittee

June 5, 2025

Microsoft Teams

Time: 9:00 – 12:00

Commencement — Mrs. Katherine McGlaughlin

The meeting commenced on time with general announcements, reminders and introductions by meeting participants. This meeting was held virtually on Microsoft Teams.

The next meeting of this Subcommittee will be held on September 4, 2025.

Cross Connection Control Program Updates — Mrs. Katherine McGlaughlin

Mrs. Katherine McGlaughlin, TCEQ Cross-Connection Control Program (CCCP), provided an update on this program.

The CCCP has new contact information. There is now a dedicated phone line and email.

- CCCP dedicated phone number: 512-239-1075
- CCCP dedicated inbox: crosscon@tceq.texas.gov

Anyone with questions can reach out via the new number, new email, or directly to Mrs. McGlaughlin.

The CCCP has completed reviewing all alternate form approval requests that were in pending review status. Water systems who would like to have their alternate form reviewed, whether it is customer service inspection certificate (CSI) or backflow prevention assembly test and maintenance report (BPAT) can reach out to the CCCP for additional information.

Since last subcommittee meeting, former University of Texas-Arlington (UTA) contractor Deborah Carballo has joined TCEQ as a Full Time Employee (FTE) with the Resiliency and Preparedness Team (RPT). She will continue assisting the CCCP with administrative tasks and will receive additional technical training in cross-connection control. The Texas Optimization Program (TOP) has an intern, Kayla Husband, who will be assisting with TOP related tasks.

Pending items for CCCP include the new BPAT form (TCEQ Form-20700) and RG-478. The new BPAT form which was discussed during the last subcommittee meeting has been revised and will be published in the upcoming months. RG-478 is currently in administrative review.

CCC staff attended the American Backflow Prevention Association (ABPA) national conference in Little Rock, Arkansas in May. There was a lot of productive communication with customers, systems and testers. CCC staff presented at the Texas Rural Water Association (TRWA) meeting in Kaufman, TX. The CCCP and TOP will have additional trainings for the TRWA area until the end of the fiscal year. If anyone has any questions on what these trainings are, reach out to Mrs. Katherine McGlaughlin or to Mr. Charles Middleton. Nichol Everingham, TRWA, notes that you do not need to be a TRWA member to view or register for TRWA trainings. More information can be found online at:

- https://www.trwa.org/page/training

The week of June 9, CCC staff will be attending the Biennial Public Water Supply Investigator Training in Waco, TX. There will be a presentation on a recent backflow event as well as case studies for TCEQ investigators. Planning for the annual Public Drinking Water (PDW) Conference is still underway and is scheduled to take place on August 5-6 at the Renaissance Hotel. This is a free event, and registration opens on June 10 at 10 am. Attendance will be in-person as well as virtual.

The 89th legislative session has now concluded as of June 2. One bill that the Agency had been tracking was SB 2702, which involved licensing and regulation of persons who may repair or test backflow prevention assemblies. The bill was filed on March 13, then voted on in the Senate Committee on Business/Commerce on April 15, and then passed by the Senate. On April 28 it was assigned to the House Committee on Natural Resources and afterwards public testimony was heard in the House Committee on May 14 but has since stalled. During this process, our CCCP prepared proposed amendments and had Agency staff testify as resource witnesses to answer questions.

More information is available on the Texas Legislature Online website at:

- Texas Legislature Online (TLO)

Landscape Irrigation Program Updates — Ms. Jayme Martone

Ms. Jayme Martone, from the Landscape Irrigation Program (LIP), provided updates for this program.

Since the last Subcommittee meeting, LIP has welcomed a new staff member, Morgan Zander. She will be trained for investigations, outreach, and more.

LIP continues to receive and investigate complaints related to landscape irrigation. If anyone has a complaint that they would like to file related to the rule and regulations, they can submit through the agency's general complaint form on their website:

- Make an Environmental Complaint - Texas Commission on Environmental Quality

There are no legislative session updates from LIP that will have a direct impact on the program, and LIP does not expect to have any changes to their rules. One bill that was passed was HB517 which is related to restrictions on HOAs from issuing fines during times of drought restrictions. It is noted that while this is more related to water supply issue, it is a tangential issue for irrigators. At the time of the subcommittee meeting, there are no plans for any outreach at irrigation and other conferences at this time.

Occupational Licensing Program Updates — Ms. Theresa Etheredge

Mr. Paul Munguia from Occupational Licensing Program (OL) provided an introduction and Ms. Theresa Etheredge provides program updates.

Mr. Munguia introduces Ms. Madison Nickells, who is returning to intern with OL. Mr. Munguia announces a project that they will start within the upcoming year. Staff members with OLP will begin conducting surveys of individuals who attend trainings (across water, wastewater, licensing) and will be using that information as a tool to help determine audits. OLP will continue audits based on complaints, but the surveys will be an additional tool to use. The types of questions asked may include: Was the environment conducive to learning? Was there a manual provided for core courses?. Asking these questions will provide a better idea of the quality of training throughout the state. A subcommittee

member asks when the surveys will begin and Mr. Munguia states in about a month (July). Surveys will be done at random and will not be conducted at every training event.

Ms. Etheredge screenshared a spreadsheet of stats and goes over comparisons from the previous quarter to the current quarter (second quarter). For the BPAT program, there was an increase in 2.1% in applications received, 17.9% in tests administered and an increase in 1.3% for total licenses. For CSI, there was an increase in 21.1% in received applications, a decrease in exams at 3.1% and total licenses increased by 1%.

Ms. Etheredge notes that the rule changes that were mentioned all through last year have now gone into effect as of March 23, 2025. There has been a pause put on fingerprinting because implementation needs additional work.

OLP went through a DPS audit and it will now be necessary to fill out a form by all individuals who are submitting applications, whether it is for a new license, an upgrade or renewal. Additionally for renewals, individuals will also need to complete an attestation and fingerprinting. Essentially, OLP can no longer use one form for more than one license. The DPS form has been added to all the applications including the renewal application. If someone is filling out an online application, there will be a question where they will need to click on a hyperlink to download and complete the DPS form. Afterwards, they will upload the DPS form to the last page of the electronic application. The DPS form informs individuals that there are two ways to search their criminal history. One method is to search by name and DOB which has been the traditional way when individuals complete the attestation form. The other method is to search for your criminal history where you purchase the fingerprints and have a fingerprint subscription on file. It is noted that the fingerprinting method is better for the individual since the first method has more room for error such as misinformation. After June 1, 2025, the DPS form will now be required. Renewals without this form will result in a deficiency letter and information on next steps.

Ms. Etheredge also reminds subcommittee members that as of January 1st, OLP is now emailing application notices to email addresses that are already on file with them. OLP sent out an email to inform everyone and to ensure OLP had current contact information. Once applications are reviewed, individuals should receive an email of the status of their application, approved or deficient. If there is no email on file, it will be mailed with the address on file.

Subcommittee member asks if there are any updates on TCEQ creating a portal or login for licensees to access their TCEQ information. Not at this time but it is something OLP will be working on in the future. The Subcommittee also asked how many people have responded to the authorization form and if OLP is receiving a high number of people agreeing to have their contact information publicly available. Individuals who fill out the authorization form will have their licensing information and business information publicly available, and it will be provided on a separate excel sheet from OL. It was noted that if any individual changes their mind, they can reach out and have their information removed within a few days.

Subcommittee members asked a question regarding the CSI pass/fail statistics. They referred to the statistic where there has been an increase in people taking the class but also a decrease in individuals taking the test. Subcommittee members also notes that they are seeing a similar trend in their training classes. Ms. Etheredge is asked if she has any insight on this, and she notes that there is no direct explanation, but it could be the result of several possibilities. It could be that the group this past quarter happened to take their exams earlier in the year or could have been focused on other licenses, but there is no definitive one reason.

Rule Making Process: What and How — Ms. Jennelle Crane

Ms. Jennelle Crane, Assistant Deputy Director of the Water Supply Division gave a presentation on drinking water regulations and the legislative rule-making process.

Ms. Crane's presentation began with background information on why drinking water regulations exist and the risk to public health if they are not implemented. Next, it is discussed how the TCEQ uses the multibarrier approach in which the source, treatment, and the distribution of water are all looked at and ensured that they are protected. Ms. Crane discussed how it was not until the 1950s, that the Cross-Connection Control statute was created and later finalized into our regulations. Afterwards, in 1978, TCEQ received primacy, where TCEQ is required by federal regulations to implement the rules of the Safe Drinking Water Act. This is done through the Water Supply Division, the CCCP, as well as with the Office of Compliance and Enforcement, quality assurance labs, Small Business and Local Government Assistance (SBLGA) program, etc.

The topic of rule hierarchy and statutes were discussed next in the presentation. The Texas Health and Safety Code and the Texas Water Code are noted as being the TCEQ's baseline on what is set out by the legislature. They're implemented through the Texas Administrative Code, internal policies and procedures, data, standard operating procedures, and more.

It was mentioned that in our special primacy requirements with the EPA, we must verify that operators are certified, our labs are credited to perform analysis on contaminants for drinking water, etc. Additionally, we perform sanitary surveys (comprehensive compliance inspections), and we also must review all plans and specifications for public water systems for any changes. The TCEQ also helps public water systems through capacity development for financial, managerial and technical (FMT) assistance.

Ms. Crane mentions that when the TCEQ receives laws from the legislature which requires the TCEQ to change our rules, a rule package must be developed. It can be federal new regulations such as PFOS as well as through a petition. More information on petitions is available at:

- https://www.tceq.texas.gov/rules/petitions.html

Ms. Crane discussed the rule development process, public comment period, and posting in the Texas Register where the rules become effective unless there is a specific effective date. Ms. Crane emphasizes the importance of this process which can at times take up to two years to complete.

Subcommittee member asks what the difference is between a rule change and a process or procedure change. A rule change will have to go through a lengthy process and will be published in the Texas Register under 30 Texas Administrative Code (TAC). A procedure change is just a change that happens in our everyday business. Another subcommittee member asks Ms. Crane to explain a rule change in an RG document. A Regulatory Guidance (RG) document is a guidance document that is given to public water systems or any regulated entities to be able to comply with the rules. Reviewing this is an internal process that can take four to five months because it will be a full review process to make sure everything else is up to date. It is noted that sometimes stakeholder input is requested.

Another question regarding what the process would look like if a group of people wanted to have a Chapter 290 rule changed and create a petition. Ms. Crane explains the requirements the petitioner must follow, and the instructions can be found from the link provided earlier. It is noted that the TCEQ must make their determination within sixty days, and afterwards if the decision is made to move forward, then the TCEQ would begin the rule making process. The petition process moves quicker whereas the rule process takes longer due to stakeholder input as well as ensuring the rules are

enforceable. As an example, Ms. Crane also discusses how there were rule changes to Emergency Preparedness Plans (EPPs) after winter storm Uri.

The topic of firefighting foam backing up into drinking water systems is briefly discussed. Ms. Crane mentioned that there have been incidents that have caused a Do Not Consume notice and that these incidents are a concern and notes that an RG on this topic would be beneficial. It is also noted that this topic was discussed at the previous subcommittee meeting and details can be found in the previous summary. Mr. DJ Seeger mentions the possibility of forming a workgroup on this topic.

Backflow Event Reporting Group Discussion

Mrs. Katherine McGlaughlin provides background information on why this topic was included in the agenda.

Mrs. McGlaughlin stated that if an emergency or security event may negatively impact the production or delivery of safe and adequate drinking water, then the TCEQ or the Executive Director should be immediately contacted with our toll-free number. The possibility of developing other submission methods for reporting backflow events, as well as the potential underreporting of backflow events to the TCEQ, is what led to this as a point of discussion on the agenda.

Mr. DJ Seeger developed and brought a sample document in which water systems would fill out in the event that their water pressure falls below a specified threshold. Mr. Seeger explains that when a water system's pressure falls below 20 psi, the water system must notify TCEQ and go into a boil water notice (BWN) and that there is an increased chance of back-siphonage:

- Immediate Notification for Water Outage, Boil Water, Do-Not-Use, and Do-Not-Consume Notices

Mr. Seeger's goal with this follow-up form is to gather data and have records of these events and turn it into something actionable. A discussion about whether or not backflow events are required to be reported to the TCEQ is deliberated as well as experiences with documented backflow incidents. It is noted by Mr. Byron Hardin that it is required to report backflow incidents as stated in the Health and Safety Code.

Sec. 341.033. PROTECTION OF PUBLIC WATER SUPPLIES.

(...)

(i) An owner, agent, manager, operator, or other person in charge of a public water supply system that furnishes water for public or private use or a wastewater system that provides wastewater services for public or private use shall maintain internal procedures to notify the commission immediately of the following events, if the event may negatively impact the production or delivery of safe and adequate drinking water:

(...)

(5) a natural disaster, accident, or act that results in damage to the public water supply or wastewater system; or

(6) for a nonindustrial public water supply system, an unplanned condition that has caused a public water supply outage or the public water supply system to issue a do-not-use advisory, do-not-consume advisory, or boil water notice.

(...)

Mr. Hardin notes that another helpful step would be to properly educate our professional organizations, training providers, and even field investigators on the requirements for reporting backflow incidents.

CSI Workgroup Update — Mr. Buddy Heuberger

Mr. Buddy Heuberger provides an update on the CSI Workgroup.

Mr. Heuberger noted that communication and decision making through email has been a challenge and that he will attempt a new approach. Mr. Heuberger will potentially begin sending out one question or statement in emails and allow people to respond to that one item before moving on to the next one. It is noted that the direction of the CSI working group is not clear and that it is something that will need to be developed.

Other Topics of Discussion — Group Discussion

Subcommittee member mentioned a recent CSI done via video call. Mrs. McGlaughlin explains that the TCEQ received a complaint regarding a plumbing inspector conducting a CSI via FaceTime. After the complaint, it was discussed on how to address this issue whether through education or some other method. Ultimately, the issue was sent to the Texas State Board of Plumbing Examiners where the plumbing inspector is being investigated at the time of the Subcommittee meeting. Mrs. McGlaughlin notes that the customer inspection form states that it needs to be completed on site at the same time as the backflow testing form.

Mr. Byron Hardin reiterated the rules that Mrs. McGlaughlin noted earlier and adds that from his understanding on the matter, the utility group where the issue occurred has since banned the individual from conducting other inspections within their jurisdiction. Mr. Hardin noted that while this is a good course of action, there is nothing to prevent the individual from repeating a FaceTime CSI at another utility. Mr. Hardin adds that the individual strongly believed in his capability to conduct a FaceTime CSI that he had the property owner hold their smartphone during the inspection to help visualize and verbalize the setting. The CSI was then submitted without a lead swabbing. Mr. Hardin pointed out that in a situation like this, it will be up to the local jurisdictions to police their own programs, which can be difficult.

Mr. Seeger answers subcommittee member question if the inspector was Water Supply Protection Specialist (WSPS) certified, which they are. Mr. Seeger mentions that he went to the site after the FaceTime inspection and pointed out that the inspector missed an irrigation system with no backflow prevention assembly. Another subcommittee member mentions that the WSPS training needs to be reviewed which could potentially be an issue having it changed with the plumbing board and their providers.

Subcommittee member refers to when the Irrigation Advisory Council (IAC) put together a pamphlet a couple of years ago titled "Hire a Licensed Landscape Irrigator", and there were three pamphlets. Pamphlets were targeted to property owners, commercial property managers, and water utilities, with the goal of educating readers on the importance of hiring a licensed irrigator. A Subcommittee member then adds that perhaps a similar pamphlet should be put together for what a CSI inspection entails so that water utility companies can distribute them to homeowners when they are informed about the requirement. This would preface homeowners on expectations of a CSI inspector who attempts to decline conducting a CSI inspection on-site. Mrs. McGlaughlin agrees that this would be helpful and adds that the TCEQ CCCP receives several calls from customers who are not informed on what a CSI is and

that they are almost always told that they need one. It is noted that while RG-206 covers what a CSI is, in most cases a residential or commercial homeowner will take the time to read the document in its entirety and that it would be easier to read if it was condensed to one page. Ms. Jayme Martone from LIP mentions that she can send the flyers that were discussed earlier as well as with information on how they were developed.

Another subcommittee member requested that future meeting summaries include action items and follow-up topics for future meetings. A few identified follow-up items from this meeting are posted below:

- Firefighting foams were the cause of a few recent backflow events – more research, including discussion on developing guidance documentation for foams, will be needed.
- The Subcommittee meeting link will now be posted to the public Cross-Con page if the initial invitation via GovDelivery is missed or lost.
- More research will be needed to review and write an educational CSI document like those developed by LIP and IAC.

The next Subcommittee meeting is scheduled for September 4, 2025.