

# Irrigator Advisory Council (IAC) Approved Minutes

*Note: These draft meeting minutes are posted for review and comment by meeting attendees. They will be available for comment at the next meeting of the Irrigator Advisory Council at which time they will be voted on for adoption.*

Date: Friday, January 29, 2021

Time: 9:00am

Location: Microsoft Teams.

## Call to Order

**Micah Reed**

Mr. Micah Reed, IAC Chair, called the meeting to order at 9:00 am. Mr. Reed explained that IAC term limits for outgoing members will expire on February 1st, and the IAC would be holding the vote on the new IAC Chair and Vice Chair.

The present members of the council introduced themselves: Mr. Micah Reed, Mr. Robert Evans, Mr. Brooke Furrh, Mr. Charles Swanson, Ms. Donna Starling, Mr. David Moulton, Ms. Valerie Miller, and Mr. Phillip Hathaway, and Mr. Mark Warden.

TCEQ staff also introduced themselves: Mr. Shannon Frazier, Ms. Chelsea Atkinson, and Ms. Pamela Ezeani.

The members of the public in attendance also introduced themselves.

## Open Discussion

**Micah Reed**

Mr. Micah Reed asked if there were any open discussion items that the council wished to discuss before the rest of the agenda items.

Mr. Phillip Hathaway asked if outgoing IAC members had voting privilege after this special meeting. Mr. Reed stated that outgoing members would not have voting privileges after this special meeting.

Mr. Hathaway stated the IAC should recommend the TCEQ remove language from rules and literature which allowed for the use of double-check valve assemblies (DCVAs) on irrigation systems classified as non-health hazards. Mr. Shannon Frazier referred to previous IAC discussions on this topic, adding that all information for those discussions is available in the IAC minutes on the TCEQ's public website, and that the determination had already been made by the Commission that the use of a DCVAs is permitted on irrigation systems classified as a non-health hazard.

Ms. Donna Starling stated the need for ample data (i.e. complaint data, health data, failure data) before the IAC make the recommendation Mr. Hathaway presented. Ms. Starling recommended looking at how long DCVAs need to be replaced and making rules regarding maintenance and replacement of DCVAs.

Mr. Reed requested that this discussion matter be saved until after the nomination votes for Chair and Vice Chair. Mr. Reed asked about any other discussion before the vote.

Ms. Starling requested clarification on a typo in the Annual report that Mr. Reed sent out.

## **Nominations for Chair and Vice Chair**

**Micah Reed**

Mr. Charles Swanson nominated Mr. Mark Warden for the Chair Position. Mr. Micah Reed seconded the nomination.

Mr. Phillip Hathaway nominated Mr. Charles Swanson for the Chair Position. Mr. David Moulton seconded the nomination.

A brief discussion was held on year requirements to become eligible for IAC chair, and it was confirmed that Mr. Charles Swanson would meet the minimum requirement of 2 years on the council as of February 2021. Mr. Swanson spoke to the council tradition off Council Vice Chairs being chosen as the Council Chair position.

Ms. Donna Starling made a motion to nominate Mr. Swanson as Vice Chair. Phillip Hathaway seconded the nomination.

## **Vote**

**Micah Reed**

The council voted on Mr. Mark Warden to become the Council Chair for the next two years:

- All council members were in favor. None were opposed.
- Mr. Warden is the IAC Chair for the next two years.

The council voted on Mr. Charles Swanson to become the Council Vice Chair for the next two years:

- All council members were in favor. None were opposed.
- Mr. Charles Swanson is the IAC Vice Chair for the next two years.

## **Comments from Council**

The council returned to the topic Mr. Hathaway presented during the open discussion. Mr. Hathaway expressed that he did not wish to ban the use of DCVAs, but that he wanted the TCEQ to no longer include language for DCVAs in the rules and guidance documents. Mr. Frazier responded that the commission cannot tell the public that we allow the use of a specific assembly and then omit that from the regulatory language and guidance. Mr. Frazier also spoke to the Interim Charge and questions about public comments on legislative discussion. Mr. David Moulton stated that it would be a waste of time to petition the TCEQ without evidence. Mr. Hathaway cited the City of Mansfield evidence submitted to the TCEQ with the rule petition, and Mr. Moulton cited the City of College Station data provided during public comment.

Mr. Brooke Furrh spoke in agreement about how all backflow prevention assemblies need to be tested, but that some may fail more frequently depending on water quality. Mr. Furrh cited his preference for DCVAs due to their ability to prevent freezing in colder temperatures if buried, and added that power failures can last up to two weeks in north Texas. Ms. Donna Starling suggested that DCVAs should be tested every three years. Mr. Moulton expressed his interest in regular testing frequencies.

Mr. Phillip Hathaway made a motion that the IAC recommend to the TCEQ that DCVAs be tested annually or every three-years, at a minimum. Mr. Brooke Furrh seconded the motion.

The council discussed the motion. Ms. Valerie Miller, Ms. Donna Starling, and Mr. Micah Reed all agreed that there was not enough evidence and details to support the recommendation. Mr. Furrh

suggested the Council get with cities to locate test reports. Mr. Hathaway cited the City of Mansfield study, and noted that it accompanied the Council recommendation to the TCEQ.

Mr. Hathaway changed his motion to recommend a three-year testing frequency to the TCEQ based on the data from Mansfield and College Station. Mr. Brooke Furrh seconded the motion.

Mr. Reed believes that evidence should accompany the motion, and that the council work on this topic as a project. Mr. Frazier added that this would be a long-term project, and that the IAC and stakeholders would need to perform the research. Mr. Mark Warden commented on the complexities of this project, and added that the IAC does not have enough data to support the recommendation. Mr. Frazier agreed. Mr. Robert Evans reiterated that all the Council can do is make a recommendation. Mr. Evans added that the testing frequency is ultimately the responsibility of the water purveyor, and that the enforcement of such rules is a local issue. Mr. Furrh suggested this become one of the IAC's tasks for 2021.

Mr. Phillip Hathaway called a vote on the motion that the IAC recommend to the TCEQ a three-year testing frequency for DCVAs based on the data from Mansfield and College Station. Mr. Charles Swanson, Mr. Phillip Hathaway, Mr. Brooke Furrh, Mr. David Moulton, and Mr. Robert Evans all voted in favor. Ms. Valerie Miller, Mr. Micah Reed, Mr. Mark Warden, and Ms. Donna Starling voted against the motion. The motion passes.

## **Adjournment**

Ms. Donna Starling made a motion to adjourn the meeting and discuss the approved motion on testing recommendations at the February meeting. Mr. Phillip Hathaway seconded the motion. The meeting was adjourned at 10:12 AM.