

Irrigator Advisory Council (IAC) Meeting Minutes

Date: May 12, 2016

Time: 9:00 a.m. – 2:30 p.m.

**Location: Texas Commission on Environmental Quality, 12100 Park 35 Circle,
Building A, Conference Room 202, Austin, Texas 78753**

Chairperson: David Kania called the meeting to order at 9:00 a.m.

I. Roll Call:

Irrigation Advisory Council:

Present:

David Kania

Brooke Furrh

Philip Hathaway

Mark Froehlich

Toni Fox

John DeCell

Justin Lewis

Absent: Paul Ward

Texas Commission on Environmental Quality (TCEQ):

Office of Compliance and Enforcement Program Support Section:

Kristi Mills-Jurach, Melissa Keller, and Andre Clark

Office of Compliance and Enforcement, Enforcement Division:

Michael De La Cruz

Office of Water, Water Supply Division:

Richard Bosch, Alfonso Fuentes, Joel Klumpp, and Chirag Patel

Office of Legal Services, Litigation Division:

Jess Robinson

Office of Waste, Permitting and Registration Support Division:

Jaya Zyman, Russell Gardner, and Ismael Parra

II. Agenda Topic: Consideration of the February 11, 2016 Minutes

Minutes were approved with changes. Mr. Froehlich motioned, Mr. Furrh seconded.

III. Agenda Topic: TCEQ Reports

a. TCEQ Office of Water and Office of Waste: Update from Joel Klumpp

Mr. Klumpp explained that RG-206 will remain unpublished until the stakeholder process begins in summer 2017. RG-206 was originally authored in 1997 after the CSI was created in 1996.

b. TCEQ Office of Waste, Permitting and Registration Support, Occupational Licensing

Mr. Ismael Parra provided an update for the third Quarter Fiscal Year 2016-See Handout. Council member Justin Lewis asked Mr. Parra did he have a breakdown of people who have taken the test multiple times. Mr. Parra stated he does not have that type of report currently, but he has put in a ticket to TCEQ's (IRD) section to get those numbers. Audience member asked Mr. Parra will he be able to determine a new license number if a person had a license expire and has gotten a new license number. Mr. Parra stated TCEQ's website will tell you if they have had a previous license and if they have acquired a new license number. Council member John DeCell asked what percentage of people let their license expire then obtain another license number to bypass the CEU's. Mr. Parra stated there would have to be another report generated to determine that. Mr. Gardner stated that would require a hand count. Mr. Gardner stated the Occupational License department are averaging 7 to 10 days for license renewals. Audience member asked Mr. Gardner what is average wait for new licenses. Mr. Gardner stated they are averaging 30 to 45 days on new licenses. Any delays are due to deficiencies with the renewal application packet.

c. TCEQ Office of Water and Office of Waste: Update from Backflow and Cross-Connection

Mr. Bosch stated they have created a questionnaire that they have sent to over 1,700 systems and have received approximately 850 back. This questionnaire is intended to provide a snapshot of cross-connection control programs and make water systems aware of the requirements. Mr. Bosch stated they are seeing a lot more challenges with the smaller systems due to limited resources. Mr. Bosch stated that they are also working on systems to have the option to document and maintain the records for a cross-connection control program using electronic media such as the internet. Mr. Fuentes stated a recent issue they were assisting the City of Corpus Christi with was approximately 70 private wells that were discovered and may be cross connected to the potable water supply.

d. TCEQ Office of Legal Services, Litigation Division

Mr. Jess Robinson, TCEQ Litigation Division, provided an update on the number and types of landscape irrigation cases in litigation.

Council member John DeCell asked Jess Robinson if irrigation is classified as a health hazard, would existing backflow prevention assemblies be grandfathered, or would they be required to be updated immediately. Mr. Robinson indicated that he had not researched the issue, but he would imagine that existing backflow assemblies would be grandfathered.

The process of license revocations was discussed.

e. TCEQ Office of Compliance and Enforcement, Enforcement Division

Mr. Michael De La Cruz, TCEQ Enforcement Division, reported the number of Field Citations and Agreed orders for FY16 to date. Four agreed orders resulting in \$4,839 in penalties, three Field Citations with \$525 in penalties, and twelve default orders totaling \$11,764.

f. TCEQ Office of Compliance and Enforcement, Program Support Section

Mr. Andre Clark reported the investigation numbers for the landscape irrigation team. As of May 9, 2016, there were three open incidents, 16 incidents under investigation. For FY16 there had been 116 total approved investigations (52 of those were Notices of Violation and 25 of those were Notices of Enforcement).

Mr. Clark further explained the TCEQ Landscape Irrigation Program is a complaint based investigation program only. The most common complaint received is regarding advertisements.

IV. Agenda Topic: CSI Inspections and the change to the RG-206

Council member David Kania stated by adding the Customer Service Inspection (CSI) you are taking away from the irrigator. Mr. Kania stated that an irrigator inspector and irrigator is incompetent to perform Customer Service Inspections (CSI). Mr. Kania stated the Customer Service Inspection (CSI) will effect customers and the way they do irrigation.

V. Agenda Topic: Committee Reports

a. Rules and IAC Committee

John DeCell was appointed to the committee.

b. Enforcement and Legislative

c. Education, Training and Licensing Committee

Justin Lewis was appointed to the committee.

VI. Individuals wishing to address the Council

Concern was expressed between CEUs offered by an association vs what is offered by training providers. Mr. Hathaway motioned for the IAC to meet with Occupation Licensing to discuss further. Ms. Fox seconded.

VII. Meeting Recap

Justin Lewis appointed to be the IAC scribe.

The Enforcement and Rules committees were combined for the rest of the IAC calendar year.

VIII. Adjournment

Mr. Kania motioned to adjourn, Ms. Fox seconded. The meeting was adjourned at 2:14 pm.