

IRRIGATOR ADVISORY COUNCIL (IAC) MEETING
Meeting Minutes
June 16, 2011
12100 Park 35 Circle, Building A, Room 202
9:30 a.m. to 2:30 p.m.

1. Call to order

Chairman Bell called the meeting to order at 9:35 a.m.

Attendees:

Council Members: David Bell, Karen Guz, Emilio Escobar, Toni Fox, Mark Froehlich, Deville Hubbard, David Kania, Nora Mullarkey, Rusty Tucker.

TCEQ Staff: Richard Allen, David Bower, Rudy Calderon, Michael De La Cruz, Frank Espino, Candy Garrett, Louis C. Herrin, III, Melissa Keller, Wanda Kurio, Jim Reed, Graham Waak, Meagan Warneke, Sharmein White.

Visitors: Frank Chalouopka, Jerry Lewis, Todd Magatagan, Gene Reagan, Charles Swanson, Jeff Walls.

2. Consider approval of minutes from the February 17, 2011 meeting.

Mr. Bell moved that the minutes be accepted. Ms. Guz seconded the motion. The motion was approved.

3. Consideration of the next IAC meeting date-November 3, 2011 or November 17, 2011.

Mr. Bell discussed the next meeting date for the council. The council agreed that the next meeting date would be November 17, 2011.

4. Receive, Discuss and Act on Staff Reports (Office of Compliance and Enforcement)

- Outreach

Mr. Bell presented a handout on the irrigation industry and wanted to know the impact of the sunset bill on outreach efforts. Mr. Bell wanted to know if there would be enough money for 2012 and 2013. Ms. Mullarkey asked if Mr. Bell's concerns were in regards to an update. Mr. Bower, Director, Field Operations Support Division discussed House Bill 2694, which renews TCEQ for another 12 years. Mr. Bower stated that there was a \$300 million dollar funding cut for TCEQ, that 236 staff positions would be cut and that the Field Operations Support Division would lose 16 positions. Mr. Bower stated that

two of the biggest cuts were to the Air Programs and that the Texas On-site Wastewater Treatment Research Council has been abolished.

- Enforcement Activities

Mr. Allen discussed various enforcement activities and responded to questions about the enforcement process. Mr. Tucker stated that there was a lack of enforcement and that there was a subclass of individuals that were working very cheaply in irrigation in the state. Mr. Tucker also stated that the penalty amounts were too low. Mr. Bell would like a map of the unsubstantiated complaints that were closed by the landscape irrigation program. Ms. Keller and Mr. Calderon provided an update on the default orders for Mr. Cary Cantu and Mr. Juan Kozar. Mr. De La Cruz explained the agreed order and default order process. Ms. Garrett stated that the penalty amounts under the sunset bill have increased from \$2,500 to \$5,000.

- Update on Regional Landscape Irrigation Program Effort

Mr. Bower provided an update on the meeting with the area directors concerning regional staff assisting the landscape irrigation program with investigations. Mr. Bower stated that TCEQ would be using resources concerning the landscape irrigation program blitz that would start this summer. Mr. Bell suggested to also target the edges of San Antonio and suggested that Mr. Bower work with Mr. Tucker and Ms. Guz on the blitz. Mr. Tucker stated that the violations are occurring on weekends and in rural areas, and suggested that TCEQ have a hotline to report violations. Mr. Froehlich suggested that TCEQ could work with utility districts concerning violations. Ms. Guz stated that an outreach program would be a good partnership for the good and the bad players in the irrigation industry.

- Legislation

Mr. Tucker stated that Mr. Magatagan and the Texas Turf Irrigation Association (TTIA) were to be thanked for the passage of House Bill 2507. Mr. Tucker stated that violators might have to be taken before a judge and that the penalty amount was too low. Ms. Guz stated that it would be good to have an impartial witness and a best management practices guidance handbook. Ms. Mullarkey requested for the TCEQ landscape irrigation program staff to have an update on city ordinances. Ms. Keller stated that she and Ms. Garrett are working on updating the city ordinances list. Ms. Keller stated that program staff will be doing outreach with city staff before the next IAC meeting.

5. Receive, Discuss and Act on Staff Reports (Office of Permitting and Registration)

- Licensing, Training, Testing, and Renewals

Ms. Mullarkey presented handouts concerning education, training and licensing and presented a proposed list of topics. Ms. Mullarkey stated that she would like the education committee to review the topics by the end of July and work toward next year to have the topics approved. Ms. Mullarkey stated that there needs to be a course on water conservation. Mr. Walls stated that individuals should not be taking the same courses over and over again to get continuing education credit.

Ms. Warneke presented the following statistics on testing and passing rates for the landscape irrigator, landscape technician, and the landscape inspector for the time period of 09/01/2010-06/01/2011:

New Applications-866
Renewal Applications-1802
Total Applications-2668
Tests Administered-1394
Test Passed-783
Percent Passed-56.2%
New Licenses Issued-546
Renewal Licenses Issued-1756
Total Current Licenses-8022

- Legislation

Ms. Warneke provided an update on the following bills that may affect Occupational Licensing. These bills have been sent to Governor Perry and were waiting to be signed:

- House Bill 965-concerns continuing education requirements
- House Bill 1674-concerns enforcement of child support for license renewal and new licenses
- Senate Bill 867-concerns testing accommodations for individuals that have dyslexia
- Senate Bill 1733-concerns licensing of spouses that serve in the armed forces.

Ms. Guz stated to keep the IAC informed of when TCEQ management will make decisions concerning the rule making process for the House and Senate bills.

Several council members believe that there is a problem with the way that TCEQ is administering tests to the public. Mr. Lewis stated that there is a language issue problem and that the regional offices are giving dual English and Spanish books to test takers. Mr. Tucker stated that he knew that in the

Region 5 Tyler office that individuals were using open books while taking tests. Ms. Mullarkey stated that a requirement might be for individuals taking the irrigator test to have a General Equivalent Degree and this might be a new rule requirement.

- Consideration of a motion recommending that TCEQ require that eight hours of the twenty-four hours of continued education hours required to renew an irrigator's license be an approved water conservation course.

This motion was put on hold by the IAC.

- Honorary License-Mr. Robert E. Richardson-License Irrigator #6119

Mr. Bell expressed his appreciation of Mr. Richardson's efforts on the behalf of the irrigation industry.

- Should a water auditor be licensed?

Ms. Mullarkey stated if you are auditing and consulting that you should hold a license. Ms. Warneke stated that upper management determined that you did not have to hold a license, if you were auditing an irrigation system. Ms. Warneke stated that this issue came up in the Dallas area, due to irrigation systems that were being retrofitted in Dallas. Mr. Magatagan stated that this issue was more of a money issue and that auditing is much more advanced than an irrigation inspection and this issue is one of semantics. Mr. Walls raised the question of what does a water auditor do? Mr. Swanson gave an explanation of the water auditor courses that he teaches. Mr. Kania stated that an inspector takes the water auditing course, which is a requirement of TCEQ. Mr. Bell stated that rules and legislation would be needed if a water auditor needed to be licensed. Mr. Reagan stated the TCEQ legal department had address this issue over 15 years ago and the issue had been resolved. Ms. Garrett stated that the management structure has changed and management now looks at the issue in a different light. Ms. Guz stated that this issue should be looked as a rule change.

6. Hear from individuals wishing to address the Council

Mr. Magatagan stated that TTIA had a problem with the way TCEQ was processing licensing renewals. Mr. Magatagan stated that there are too many individuals that are missing the renewal deadline and that TCEQ should process renewals the way that the Texas Education Agency does. Ms. Garrett and Ms. Kurio stated that to change the renewal process would require a rule change. Mr. Hubbard stated that he liked the new TCEQ landscape irrigation program logo.

7. Receive, Discuss, and Act on Committee Reports

New Committee Structure:

- Rules/Legislation-TCEQ Staff Contact-Graham Waak

Ms. Guz made a motion to let it be known to include in the minutes the issue of potential legislation and rulemaking that would affect landscape irrigation. The motion was seconded by Ms. Mullarkey. Ms. Guz stated that the IAC was interested in the following issues regarding rulemaking and legislation:

8 hours of the 24 hours to renew a license be taken in water conservation
Recommendation of performing background checks for irrigators
Clarifying the water auditor's license
Clarification of who may turn on an irrigation system
Defining the education level of an individual before taking the irrigator examination
Master Valve and the backflow prevention device

Ms. Garrett spoke on the rulemaking process and how the IAC can contact the appropriate manager on legislation and rulemaking.

- Education-TCEQ Staff Contact-Richard Allen

Ms. Mullarkey presented handouts concerning education, training and licensing and presented a proposed list of topics (See comment under #5-Receive, Discuss and Act on Staff Reports (Office of Permitting and Registration))

- Enforcement-TCEQ Staff Contact-Melissa Keller

Ms. Keller spoke about the field citation program, what the process involves and the development of the field citation program. Ms. Garrett provided an update to upcoming meetings and outreach and clarified the purple pipe issue. Ms. Keller stated that a detailed report concerning the LIP blitz would be provided at the next IAC meeting.

8. Receive, Discuss and Act on Other Items of Interest to IAC

Adjourn

The meeting adjourned at 1:20 p.m.