

IRRIGATOR ADVISORY COUNCIL (IAC)

August 15, 2008

Meeting Minutes

12100 Park 35 Circle, Building F, Room 2210

Austin, Texas

9:30 a.m. to 5:00 p.m.

The meeting of the Council began at 9:45 a.m.

Attendees:

Council Members: Carole Baker, David Bell, Doug Goodwin, Deville Hubbard, Chairman Jerry Lewis, Michael Murr, Don Weiss and Emilio Escobar (by telephone). Absent: Suzanne Santo

TCEQ Staff: Terry Thompson, Allan Vargas, Linda Saladino, Candy Garrett, Denielle Garza and Tiffany Shelly.

Visitors: George Boothe, Carl Caussey, Toni Fox, Barney Herl, Bob McDuff, Nora Mullarky, Gene Reagan, Austin Smith and Tommie Smith.

1. Call to order.

The meeting was called to order by Chairman Lewis.

Chairman Lewis suggested that the Council members introduce themselves and discuss their involvement in the irrigation industry. Ms. Baker noted that she is not employed as a lobbyist, but has had a long interest in water conservation. Chairman Lewis noted that IAC members come from a diverse background, but share a common goal of water conservation.

2. Consider approval of minutes from the May 08, 2008 and May 09, 2008 meetings.

The minutes from the May 08, 2008 meeting were approved with no changes.

Mr. Murr noted that the word "Agenda" needed to be changed to "Minutes" on the May 09, 2008 minutes. No other changes were made.

3. Special Recognitions.

Chairman Lewis discussed the significance of the new Honorary Irrigator title, and presented a certificate to the first two Honorary Irrigator's. Carl Caussey, Licensed Irrigator #65 and the first chair of the IAC, was the first to be recognized. Bob McDuff, Licensed Irrigator #581 and the first Irrigation Inspector at TNRCC, was presented with the second certificate.

4. Hear from individuals wishing to address the Council.

Chairman Lewis asked visitors and TCEQ staff members to introduce themselves and state their reason for attendance. Mr. Vargas was introduced as the new Section Manager of Operator Licensing. Ms. Garrett mentioned the arrival of the new Section Manager of Regulatory Compliance, Andy Gardner, and the new team lead of the Landscape Irrigation program, Roger Dawley, who were unable to attend.

No one wished to address the Council.

5. Receive, Discuss and Act on Staff Reports:

Ms. Saladino reported on the status of the Irrigation Technician license, discussing the steps required to create the new license. First a list of tasks and job description were created based on criteria in the rules. From this, a curriculum guidance was created, which will be presented to training providers at the September 5, 2008 meeting and will eventually be posted on the web. Ms. Saladino supplied Council members with a draft of the curriculum guidance, asking for comments by September 2, 2008. Ms. Saladino stated that the Technician exam is the next hurdle. Ms. Saladino stated that training for the Technician, rather than implementation of the exam, is more of a concern. Ms. Saladino recognized TCEQ staff member, James Pope, for his help with implementing the new irrigation licensing rules.

Ms. Saladino spoke about phone calls she has received from licensed Installers, who were confused about the new license. Installers were claiming the rules stated that a Technician license would take the place of an Installer license, and that they would be grandfathered. Chairman Lewis asked if the rules actually stated that the Installers would be grandfathered. Ms. Saladino replied that the Chapter 30 rules do not have that implication. Mr. Thompson stated that TCEQ staff members will educate Installers about the change through a mail-out. Mr. Thompson clarified that there are 194 licensed Installers who would receive a notice. Chairman Lewis asked about the possibility of having a pro-rata license for Installers, since the license will no longer exist in 16 months. Mr. Thompson replied that a pro-rata license is being considered and the logistics are still being worked out.

Ms. Saladino discussed the Irrigation Inspector license, saying that more progress has been made on this license. Ms. Saladino stated that a task list was created from a workgroup meeting previously held at TCEQ, and that list was used to create a draft

curriculum guidance. Ms. Saladino discussed the curriculum guidance in detail, and asked the Council members to submit comments by September 2, 2008. Ms. Saladino thanked the Council for their participation in submitting exam questions and gave the Council members draft exams to review. Chairman Lewis asked about including a site plan in the exam. Ms. Saladino replied that staff members are in the planning process and would provide more specific details at a later date. Chairman Lewis commented that he may need to be excluded from reviewing the exam because he is a training provider. Mr. Reagan spoke about the importance of the IAC's input and expertise to staff members, disagreeing with excluding Chairman Lewis' comments. Ms. Saladino responded that Chairman Lewis would be excluded from reviewing the exam questions only, not inputting comments for the Irrigation Technician exam.

Ms. Saladino commented that staff members have been very busy with the creation of the two licenses. Mr. Vargas interjected with his goal of adding a new employee to help Ms. Saladino with the workload. Ms. Saladino discussed the upcoming meeting with training providers and stated that some of the exam questions on the Irrigator exam will be modified to comply with the new rules.

Mr. Murr introduced Barney Herl, who came from Fort Worth to give a presentation on water conservation. Mr. Herl works as a property manager for Hillwood Development and came up with water conservation techniques for a development called Alliance Texas. Alliance Texas is a 17,000 acre development in Fort Worth that saved 23 to 28 percent of water by fine tuning the irrigation system, but not changing the design. The irrigation system has saved the city of Fort Worth \$234 and the city of Haslett \$860 for each watering cycle that was not used because of the programming for water conservation that has been implemented. Mr. Herl recognized Tommie Smith, from Texas Environmental Management, for his help with the project. Mr. Lewis noted that Mr. Herl had implemented many of the recent rule revisions a couple of years ago and was seeing a cost savings while maintaining healthy landscape. Mr. Reagan and Ms. Baker commented on the effectiveness of the system and thanked Mr. Herl for his time.

Mr. Thompson gave a report on licensing and renewal. Mr. Thompson revealed the prefixes for the new licenses, II for an Irrigation Inspector and IT for an Irrigation Technician. Mr. Thompson discussed the status of online testing and the progress that has been made. Mr. Goodwin asked if a licensed installer could test once for a Technician license without taking the courses. Mr. Thompson replied that he was unsure and would consult the rules. Chairman Lewis discussed the importance of including design in the exam, claiming that testers should be able to read and implement the parameters and intentions of the devices. Ms. Fox asked if staff members' goal was to allow people to test from home. Mr. Thompson clarified that that was not the intention; testing sites would still be utilized.

Mr. Thompson reported that online renewals are at 80 percent. Mr. Boothe asked if TCEQ staff members sent out renewal notifications through the mail. Mr. Thompson replied with a yes, saying that irrigators receive a blue postcard in the mail 90 days before their license expires. Mr. Thompson stressed the importance of renewing

licenses in time and not procrastinating, deficiencies come from waiting until the last minute.

Ms. Garrett discussed TCEQ's outreach efforts by talking about a pamphlet that is being created for homeowner's. Ms. Garrett reported that translating irrigation technical terms into Spanish is an issue and asked Mr. Escobar for assistance. Mr. Escobar confirmed that he could help with the translation process.

Ms. Garrett discussed enforcement activities, reporting that there have been 47 NOV's and 32 NOE's for the year, noting a decline from last year. Ms. Garrett gave Council members a list of enforcement activities and a list of penalties assessed, noting the largest fine of \$7,500.00. The large fine was in place because the respondent installed 12 irrigation systems without a license. Ms. Garrett reported that the new complaint form is now accessible on the Landscape Irrigation web site.

Ms. Garrett briefly discussed IAC replacements, reading aloud the names of the 15 individuals who were nominated. Ms. Garrett informed the Council that management has not been briefed on the subject, nor have recommendations been made. Mr. Weiss inquired why there were only two public members on the list. Ms. Garrett replied, and Mr. Reagan confirmed, that gaining public involvement has always been an issue on the Council. Ms. Garrett asked for comments on the nominees by August 22, 2008 in order to begin the appointment process. The committee discussed the rule requirements for public members.

Ms. Garrett reported on the IAC travel budget. The budget for this fiscal year was \$3801.75. The amount available for the next fiscal year (beginning September 1, 2008) will be determined after staff travel plans are finalized. Chairman Lewis discussed the need to raise the budget. Ms. Garrett informed the Council that there is a statutory limitation on the IAC budget and that the dollar amount is tied to a percent from a previous year. Mr. Bell suggested that the money be spent on all necessary travel expenses for meetings above other expenses and talked about the possibility of having meetings over the telephone or computers. Mr. Weiss stated that the process of receiving travel reimbursement was confusing, asked for an explanation, and claimed there needs to be checks and balances from the Chairman or things will get out of line. Mr. Murr expressed concern about the budget after receiving notification that the cap on funds had been met and commented that the state should recognize those individuals willing to devote their time. Chairman Lewis suggested the idea of creating a new Travel Reimbursement Subcommittee. Chairman Lewis asked Mr. Bell, Mr. Hubbard and Mr. Weiss to serve on the Subcommittee and they agreed.

Ms. Garrett discussed enforcement penalties and stated that penalties will probably go up in the coming years. Chairman Lewis gave a reminder to TCEQ staff members that IAC members could serve as technical staff who could help in assessing penalty charges.

Ms. Garrett discussed the re-formatting of TCEQ's Landscape Irrigation web site and the current status of the web site. Ms. Garrett stated that a more efficient web site is the goal, but is an on-going process. Ms. Shelly talked about outreach efforts through mail-outs to municipalities, water districts, and yellow page advertisers, as well as meetings.

Chairman Lewis voiced concern about the outcome of the Chapter 344 rules revisions. Chairman Lewis provided Ms. Garrett with a document outlining several proposed changes to the new rules and discussed his reasoning.

6. Receive, Discuss and Act on Committee Reports:

Ms. Baker discussed the progress that has been made at the EPA level. Ms. Baker encouraged individuals to visit savetexaswater.org for information on the conservation board. Ms. Baker reported that individuals in Washington D.C. have an interest in Texas' rules and implementation. Ms. Baker discussed the EPA proposed program for new homes.

Chairman Lewis asked Ms. Garrett to draft a letter to EPA requesting them to recognize the TCEQ licensing program as equivalent to the EPA WaterSense Irrigation Partner. The letter would also request that EPA consider the TCEQ Landscape Irrigation Program as being equivalent to the EPA's voluntary program. Ms. Garrett agreed to begin working on a letter.

Mr. Weiss discussed the status of the Tiered License Subcommittee. Mr. Weiss provided Council members with a report outlining five recommendations from the Subcommittee. The report discussed the hands-on training requirement, the importance of having a high school diploma or GED to practice irrigation, the exemption of engineers and architects and new insurance requirements. Mr. Weiss and Ms. Fox agreed that the Subcommittee successfully came to a consensus.

7. Conduct of IAC Committees.

Chairman Lewis spoke about the workgroup meeting for irrigators held at TCEQ on June 6, 2008. Chairman Lewis claimed that the meeting could have been more successful. Chairman Lewis asked if the next workgroup meeting for training providers, on September 5, 2008, would be staff sponsored. Ms. Garrett confirmed that the meeting would be planned and conducted by TCEQ staff members.

8. Consider requesting TCEQ to seek EPA approval for the Texas Irrigator license being a Certified Water Sense program.

This item was previously discussed by Chairman Lewis.

9. EPA Proposed Program for New Homes.

This item was previously discussed by Ms. Baker.

10. IAC Report to TCEQ.

Chairman Lewis discussed the IAC's report to TCEQ that is due to TCEQ at the end of every fiscal year. Chairman Lewis and Ms. Garrett agreed to work on the report together. Chairman Lewis asked for input from all Council members. Mr. Murr suggested including a bullet point for each Subcommittee to outline their duties. Mr. Murr gave ideas on topics to include in the report such as the IAC's purpose, when the IAC meets, how the IAC helps TCEQ, future goals, the IAC's role in the rule package and how important the IAC is in trying to control water usage in Texas.

11. Receive, Discuss and Act on New Business and additional items of interest.

Mr. Hubbard shared new restrictions relating to landscape irrigation in the City of Allen.

Chairman Lewis asked for support in nominating Ms. Baker for the EPA's "Leaders in Water Conservation" award. The Council members unanimously agreed on the recommendation.

Chairman Lewis noted that there is one additional meeting for the year, on November 14, 2008.

12. Adjourn.

The meeting was adjourned at 5:00 p.m.