

**TEXAS NATURAL RESOURCE CONSERVATION COMMISSION
IRRIGATOR ADVISORY COUNCIL
OCTOBER 23, 2001**

Council Members in Attendance:

David Burrell, Chairman, Public Member
Harvey McLarty, Vice Chairman, Lic. Irrig.
Alex Garza, Licensed Irrigator

Robert Thurmond, Licensed Irrigator
Dave Coleman, Licensed Irrigator
Wm. "Willie" Gossett, Licensed Irrigator

Council Members Absent:

Gene Barnes, Licensed Irrigator
Alice Megna, Public Member
Edmund Archuleta, Public Member

Guests in Attendance:

Scott Stewart, Licensed Irrigator
Jerry Lewis, Licensed Irrigator

TNRCC Staff Present:

Carol Batterton
Richard Craig
Gene Reagan

Bettye Jean Urban
Lori Dennis
Kelly Ware (contract temp. employee)

Agenda Item No. 1

Chairman David Burrell called the meeting to order at 9:45 a.m. in Room 257, Building A, at the TNRCC, 12100 Park 35 Circle, Austin, Texas.

Agenda Item No. 2:

Willie Gossett moved that the minutes from the April 24, 2001 Council meeting be approved as printed. Seconded by Alex Garza. Passed with no opposition.

Agenda Item No. 3, Item A:

Gene Barnes, chairman of the Water Conservation Committee was not in attendance; therefore the

report was given by committee member, Dave Coleman. Mr. Coleman stated that there are several different water conservation viewpoints in the industry. However, they each look to save water. For instance, one deals with soils, and another deals with evapotranspiration. Mr. Coleman addressed the items which were in the minutes of the committee meeting given to the Council and to the agency staff. The committee is in an information gathering mode. They want to standardize information from the irrigation side, for state, local and the general public so as to avoid confusion. The development of a manual for water conservation was discussed. Mr. Coleman handed out the "Water Right" publication which was obtained from a section in TNRCC which deals with composting.

Agenda Item No. 4:

Carol Batterton, Division Director of Compliance Support, addressed the council regarding the status of the new rules, the Commissioner recently appointed to the agency, the new Division Directors for several areas of TNRCC, and distributed a booklet entitled "Legislation of Interest to the TNRCC - GI239", along with other items of interest regarding the staffing changes.

Ms. Batterton stated that the new Commissioner, Kathleen Hartnett White replaces John M. Baker, and that she would most likely be the point of contact for the industry at the Commissioner level.

Ms. Batterton also thanked the industry for their participation and input regarding the rules process.

Agenda Item No. 3, Item B:

Gene Reagan introduced the new enforcement personnel for the program, Ms. Lori Dennis. He briefly summarized her educational and work background for those present. Ms. Dennis recently completed the Basic Training Course, given by Water Educational Training Services (WETS).

Mr. Reagan also announced that during the month of September and October, three cases went to agenda before the Commissioners. Two were actual Agreed Orders with penalties, and one was a Default Order. Mr. Reagan explained that the Default Order meant that the respondent did not respond to the Executive Director's Preliminary Report and Petition that alleged violations of Chapter 34, Texas Water Code, and included administrative penalties. This file may eventually go to the Attorney General for further action.

Agenda Item No. 3, Item C:

Ms. Urban spoke. The examination held on October 22, 2001 had a total of 654 candidates signed up. The examination was administered to a total of 539 candidates. The results will be finalized within 45 days of the examination and mailed to the candidates. The next examination, it was announced, will be held at the Austin Convention Center February 25, 2002 with the deadline to sign up being January 11, 2002.

Mr. Craig then discussed the outsourcing of the examination process. The Agricultural Extension

Service of Texas A&M, is now call the Cooperative Extension Service because it deals with the urban and the agricultural areas of the state. Mr. Craig stated that several draft schedules have been presented to the TNRCC but none has been adopted. He went on to state that he wants a significant number of exams held throughout the state, and probably on a monthly basis, if at all possible. He stated that the Dallas/Fort Worth areas will be where exams are given the most because of the intensity of the irrigators located in that area. The process for making application should be the same. However, stricter guidelines for submission of the training rosters will be required. Part of the reason that the TNRCC is giving the next exam also is because the instructors of the Basic Training Course have begun advertising the February date.

Mr. Craig stated that the Council will be advised as soon as the TNRCC knows when the outsourcing process will begin. He further stated that the project will not be done if it does not work out or does not meet the needs TNRCC would like to see fulfilled. Mr. Craig made the following statements:

- The design portion of the exam will not be “dumbed down.”
- The outsourced contractor will receive the examination booklets from TNRCC. They will be responsible for security, but the agency will reserve the right to audit the stock of booklets, and the examination site. Council members may be asked to audit an examination site in their immediate area.
- The exam needs to be more accessible to the general public. Giving it in statewide areas will allow for that.
- The atmosphere of a smaller number of examination candidates is better.

Agenda Item No. 5:

Mr. Craig addressed the Council regarding the new rule changes. The industry and other interested parties have been advised of the proposed changes. The agency has been charged with the responsibility to create one consistent and uniform licensing process. The new Subchapters will consist of “A” through “K.” Chapter 344 will now be named Landscape Irrigation rather than Landscape Irrigator.

Comments have been received and some will be taken in a positive light, some suggestions cannot be done, and other comments made will be handled in policy changes rather than rule changes. Several of the specific rule changes were discussed, such as the staggering of renewals, the fees, etc..

The rules should be adopted the 20th of November, and will become final December 11, 2001 with an implementation date of January 1, 2002.

Agenda Item No. 6, Items of Interest.....:

Scott Stewart, guest and Licensed Irrigator, asked if there has been any thought given to having Licensed Irrigators take the pilot test design section when it moves to a ScanTron format before it is given to the general public. Mr. Craig thanked Mr. Stewart for the suggestion. He stated that it has been taken into consideration; in fact, he continued, the program has also received a comment that we consider combining the hydraulics section and the design section.

Jerry Lewis, guest and Licensed Irrigator, stated that he wanted to commend the staff on the examination and the manner it was conducted on the 22nd. It was very professional, very efficient and very organized. The staff thanked him for the compliment.

Discussion followed about the Design Section changing to a ScanTron format. Mr. Garza stated that he would like to be certain that the trainers place emphasis on designing an irrigation system. He further stated that even though it would not be required to draw one at the exam, the need to know how to draw an irrigation system is still required in the real world.

Mr. Craig stated that the intent of TNRCC is to incorporate the requirement for design problems into the training course criteria. The TNRCC may require the Basic Training Course be longer than 32 hours. This change, however, will show up in a policy guidance document rather than by rule.

Jerry Lewis agreed with the statement that the ability to design an irrigation system is of utmost importance.

Mr. Garza commented that the rules need to become more specific. Having done a recent investigation with Mrs. Urban, he stated that he came to realize exactly how difficult it is to find a rule that fits a particular problem with a system. The staff readily agreed.

Dave Coleman commended the TNRCC and staff for the sensitivity to the industry that has been exhibited during the rule change process. He further stated that he was glad to see that the sensitivity is still there, and that the industry's concerns are being taken into consideration.

Mr. Thurmond again asked for the appropriation figures and information he previously requested. Mr. Craig stated that the new bill will cause the irrigator's fund to no longer become unique and we will not be able to specifically identify the funds. Mr. Thurmond stated that he would still like to see what was appropriated previously and how it was spent.

Mr. Craig stated that one of the things that may need to be done by the TNRCC is that legislation be presented which will cause county or municipal entities to have the authority to do enforcement of landscape irrigation rules.

Further, Mr. Craig stated that the position which is now occupied by Lori Dennis has been defined as an Irrigation Program position.

In general, it was agreed that enforcement between municipalities and the TNRCC would be a good

thing. Mr. Garza stated that in San Antonio there is a pilot program which may take place which will cause irrigation systems to come off a separate meter. If so, this would mean that the City of San Antonio has the need for five inspectors.

Discussion followed with the Council regarding the inspections which are done currently with the On-Site Program and Designated Representatives in certain counties of the state.

Fees for the licenses that are issued by TNRCC were discussed. The fees that are to be charged will now cover the expenses incurred by each program, and will be uniform within the agency. The Irrigator and Installer licensing fee will now be \$70 for a two year licensing period.

Agenda Item No. 7:

The Chairman asked for nominations from the floor for the position of Chairman of the Council. Alex Garza nominated Harvey McLarty which was seconded by Robert Thurmond. Passed with no opposition.

Agenda Item No. 8:

The new Chairman, Harvey McLarty, asked for nominations from the floor for the Vice Chairman position. Mr. Gossett nominated Dave Coleman. Alex Garza nominated Gene Barnes. Mr. Barnes was elected vice chairman of the Council.

Gene Reagan expressed to David Burrell thanks from the staff for Mr. Burrell's fine work while chairman of the council. He stated that Mr. Burrell has never wavered from his responsibility as chairman, committee member position, and has consistently worked with the TNRCC staff members. Everyone was in agreement.

Agenda Item No. 9:

Dave Coleman moved that the meeting be adjourned. David Burrell seconded the motion. Passed with no opposition.