

**DRAFT
IRRIGATOR ADVISORY COUNCIL (IAC)
MEETING MINUTES**

November 15, 2007

Texas Commission on Environmental Quality (TCEQ)
12100 Park 35 Circle
Bldg. F, Room F2210
Austin, Texas
9:30 a.m.

The regularly scheduled meeting of the Council began at 9:30 a.m.

Attendees:

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

TCEQ Staff: Tony Franco, Bob Mann, Terry Thompson, Candy Garrett, Manuel Flores, Richard Allen, Flor Parra

Visitors: Jeff Walls, Doug Christianson, Matt Piper, James Seabolt, Rob Starr, Deborah Phillips, Dean Mitchell, Guy Ralls, Gene Reagan, David Turnage, John Vadoll, Elizabeth Drasafer, David Lauraler, Tom Watson, Charlie Houston, Don Clark.

COUNCIL MEETING AGENDA

1. The Chairman of the Council will call the meeting to order.

Chairman Weiss called the meeting to order.

2. The Council will consider approval of minutes from the August 10, 2007 meeting.

The minutes from the August 10, 2007 meeting were approved by Chairman Weiss. Ms. Santo moved that on page 3 the "s" from her name be dropped for consistency in the minutes. The motion was approved and seconded by Ms. Baker. The motion was carried.

3. The Council will hear status report on Chapter 344 Rules Revisions

Ms. Garrett gave a status update and timeline on the Chapters 344 and 30 rules revisions. Ms. Garrett stated that the rules package is out of the Landscape Irrigation Program and is in for management review. The package is scheduled for the January 16, 2007 TCEQ agenda. The rule proposal will be published in the Texas Register on February 1, 2008, and the public hearings will be on February 26, 2008. The comment period closes on

March 5, 2008. The rules proposal will be considered for adoption on June 4, 2008. The Chapter 30 package for Mr. Thompson will be effective June 26, 2008.

Mr. Lewis inquired if the comment date and the hearing date could be posted on the TCEQ website. Mr. Flores stated to Mr. Lewis that he would check on posting the hearing date and the comment date on the TCEQ website.

4. The Council will discuss duties of licensees

Chairman Weiss and Mr. Lewis stressed that the current 344 rules are the ones in place right now and that the proposed rules are right now just visions, recommendations and ideas and are not currently in place. Mr. Flores stressed that in the current edition of the TTIA newsletter referred to the new rules being already in place. Mr. Flores stressed that the current rules are still in effect and that the new rules have not been adopted yet and that this needs to be communicated to the irrigation industry. Mr. Thompson stated that some of the confusion maybe due to the proposed Chapter 344 rules and the recent adoption of the Chapter 30 rules.

5. The Council will discuss topics of Irrigation Inspector License

Mr. Lewis stated that since the new inspector license became effective September 1, 2007, that is important to better disseminate information to the irrigation industry. A city or water district could adopt regulations that are higher than the State standards but that would be unique to that regulatory authority. Since the rules revision are being considered in the next few months there may be a need for be some additional communication with the cities and water districts since the minimum standards may change. Mr. Lewis stressed that there will need to be a cooperative effort between TCEQ, and state and local associations and will take a lot of time. Mr. Lewis further stated that focus groups have been held in El Paso, Houston, Dallas/Fort Worth and Austin among water purveyors, training providers, distributors and contractors regarding the type of training that will be needed for the inspector position. Mr. Lewis also stated that suggestions have been asked for on topics for test/exam questions to help TCEQ staff formulate an exam for the Irrigation Inspector License.

Ms. Baker asked for the effective date for the license inspector position. Mr. Mann stated that HB1656 became effective immediately for cities with a population over 20,000. Mr. Mann stated that Ms. Garrett sent out letters immediately to those cities that were affected. Mr. Mann stated that many communities already had a program but that staff recently received telephone calls regarding the Irrigation Inspector License. Mr. Mann stated that the bill had a provision that a city could hire a licensed irrigator inspector or a licensed plumbing inspector to comply with the new legislation.

Mr. Lewis stated that some members of the IAC met with Mr. Robert Maxwell, State Board of Plumbing Examiners, regarding the training that plumbing inspectors received and how this training could be carried over to the irrigation inspectors position. Mr. Lewis stated that Mr. Maxwell has offered his assistance to the Council.

Mr. Flores stated that the City of Austin and the City of Dallas are using plumbing inspectors to inspect irrigation systems. Mr. Flores stated that the City of Austin has sent out a bid for a trainer for the irrigation inspector.

Ms Santo stated that the City of El Paso has removed the irrigation permit from the plumbing permit process and now created a new irrigation permit that documents things such as reclaimed water effective November 1, 2007. Training will be provided to inspectors on backflow devices on December 1.

Mr. Thompson stated that the training providers and the training will need to be in place once the rule is adopted in order that the licenses can be issued as soon as possible.

6. TCEQ Staff Reports – Licensing, Training, Enforcement

Mr. Flores explained the Program Activity report that Ms. Wanda Kurio provided.

Mr. Flores stated that he did not generate a report on NOE's issued but stated that approximately five have been issued. Mr. Flores stated that there have been few complaints received perhaps due to the heavy rains that Texas received earlier this year and irrigation systems were not being put in. Mr. Flores stated that he may have some complaints older than 30 days on individuals that are doing unlicensed work because he is trying to locate the individuals.

Mr. Lewis asked staff how their responsibilities will change with the new rule proposal as it relates to enforcement. Mr. Flores stated that there will always be a need for one and one-half individuals working on enforcement - conducting investigations and writing reports. Ms. Santo stated that she foresees more of the complaints being handled at the local level and the more complex/major complaints being handled by TCEQ. Mr. Allen stated that he sees TCEQ's role as more of an outreach or a mentoring relationship to the local regulatory authorities. Mr. Mann stated that there will always be a role of oversight over the licensees. There will be local enforcement but there will be a need to get the documentation from the local enforcement for licensing purposes.

Mr. Flores stated that at least half of the complaints TCEQ have received deal with systems that are outside of municipalities and are in the county's jurisdiction where there is no permitting process. Chairman Weiss stated that the complaints received in the San Antonio area are coming from the county because of San Antonio's local rules and regulations. Chairman Weiss stated that the quality of the systems installed outside of the city limits has plummeted resulting in complaints. The San Antonio program has made it difficult for the unlicensed individuals to work inside the city limits. Ms. Baker stated that the legislation allows cities to now go into their ETJ with irrigation programs.

TCEQ was asked if they tracked repeat offenders of the landscape irrigation rules and what happens to a repeat offender. Mr. Flores stated that unlicensed persons are tracked, but he has not seen the penalty amount for a second time enforcement action of a repeat

offender. He also stated that there are a few licensed irrigators that are repeat violators and they are also tracked. If there are repeated violations within 18 months the violation is referred to enforcement and a higher administrative penalty amount is assessed. Mr. Thompson stated that the more times an individual goes through enforcement, the penalties continuing to mount with each enforcement action that is taken. Mr. Thompson also stated that if the behavior is habitual, a suspension or revocation of the license could be a possibility. A commenter stated that companies are not following the rules and regulations and do not follow the irrigation design because no one verifies that the installation follows the design. Ms. Garrett stated that the new rules being proposed may have a higher penalty amount. Ms. Santo stated that the City of El Paso has a regulation that requires the permit to be closed. If permits are not closed, the company is subject to revocation of the privilege to permit any construction project. Ms. Santo stated that several air conditioning companies did not follow the regulation and were eventually forced to close because they could not do business within El Paso.

TCEQ was asked how long does a NOV or NOE is considered relevant. A concern was expressed that if a NOV or NOE falls off after two years, then that individual can continue to cycle thru the system. It was suggested that TCEQ develop a database similar to the TCEQ integrated water utility database that would allow someone to look up a person's license number or irrigation company to see if a person has been issued NOV and NOE's. Mr. Flores stated that TCEQ already has this database in place and that the database is three or four years old and is tracking NOV's and NOE's indefinitely. Mr. Thompson stated that when an enforcement action is considered, the commission looks at the past five years of NOV's and NOE's but after five years the NOV and NOE will drop off the database. Mr. Thompson stated that the Commission is looking at steps that can be taken if a licensed individual does not comply with an agreed order or does not pay a penalty.

7. Update from Staff on Chapter 30 rule change

Mr. Thompson gave an update on the recent Chapter 30 rule revision. The biggest change is from a 2 year validity period (costing \$70.00) to a 3 year validity period (costing \$111.00), beginning January 1, 2008. Irrigator license that expire on or before 12/31/07 will be renewed for two years. Irrigator license that expire on or after 1/1/08 will be renewed for three years. When the next renewal period becomes due, each irrigator will be required to complete at least 24 hours of CEU credit to renew the license. Licensees cannot repeat the same distance learning class for CEU credit during the validity of the license. Letters are being prepared and the webpage is being updated to inform licensees of this change. There were substantial changes to §30.28 and the regulatory guidance document is being updated to address the new rule requirements. The on-line renewal process is working well.

8. Water Conservation Techniques – Mr. Clarence Elmer

Chairman Weiss stated that Mr. Elmer would not be able to make a presentation on Water Conservation Techniques due to illness.

Ms. Baker gave a presentation on the Alliance for Water Efficiency organization, based in Chicago, and supported by the EPA. Ms. Baker was appointed the Chair of the organization.

9. Presentation on Smart Controllers

Mr. Piper, Weathermatic; Mr. Starr, Toro; Mr. Watson, Aquawater; Mr. Houston, Hunter Industries; and Mr. Clark, Rainbird, gave presentations on the different technologies being used in smart controllers.

10. The Council will elect officers for upcoming year

Chairman Weiss nominated Mr. Lewis as the next Chairman of the Council. The motion was approved and seconded by Ms. Baker. The motion was carried. Ms. Baker nominated Mr. Goodwin as the next Vice-Chairman of the IAC. The motion was approved and seconded by Mr. Hubbard. The motion was carried.

11. The Council will discuss Committees for upcoming year

Mr. Lewis recommended that IAC members serve on at least two committees. Mr. Lewis named four standing committees: Rules, Conservation, Legislative, and Education. Mr. Lewis requested that Council members email Mr. Lewis with their committee choices. Mr. Mann recommended forming an outreach committee. Ms. Santo asked if an outreach committee was formed, could travel expenses be reimbursed by the local irrigation associations. Mr. Murr recommended that the outreach committee could fall under the education committee and that each committee could list one or two accomplishments that the committee made. Mr. Goodwin suggested that TCEQ staff and the IAC work together on outreach to the irrigation industry.

Mr. Lewis stated that news of the council meetings be accurately reported to the TTIA newsletter and stated that Mr. Bell had been asked to prepare an article for the next newsletter. Mr. Lewis stated that other members will be asked to prepare future articles.

12. The Council will schedule February 2008 meeting and discuss 2008 schedule.

Mr. Lewis asked Mr. Flores for the next schedule meeting of the IAC. Mr. Mann suggested that the meeting be held on February 27, 2008. Mr. Lewis suggested that the meeting be held on February 25, 2008. The target date for the next IAC meeting was in the time frame of February 25-27, 2008.

Mr. Lewis and Mr. Goodwin later suggested dates for the Council meetings in 2008. The dates are: February 27, June 9, August 15, and November 14.

11. Council, TCEQ Staff, and guests will discuss additional items of interest.

No additional items were discussed.

12. Council will adjourn.

Chairman Weiss adjourned the meeting. The motion was seconded by Mr. Murr. The motion carried and the meeting was adjourned.