

IRRIGATOR ADVISORY COUNCIL (IAC) MEETING MINUTES
November 15, 2006
Texas Commission on Environmental Quality (TCEQ)
12100 Park 35 Circle, Bldg. A Room 328, Austin, Texas
9:30 am

Prior to the start of the regular Council meeting, TCEQ Operator Licensing Section held a Stakeholders Meeting with the Council and the general public in attendance, to receive public comments on the proposed revisions to the Chapter 30 Occupational Licenses and Registration rules.

The regularly scheduled meeting of the Council began at 1:55 pm.

Attendees:

Council Members: William Gossett (Chairman), Jerry Lewis, Don Weiss, Michael Murr, Doug Goodwin, David C. Coleman, Carol Baker, and Suzy Santo.

TCEQ Staff: Manuel Flores, Richard Allen, Candy Garrett, Linda Saladino, Wanda Kurio, Bryan Sinclair, Lena Roberts and Bob Mann.

Visitors: DeVille Hubbard, Jeffrey Knight, Gene Reagan, and Todd Magatagan

- 1. The Chairman of the Council will call the meeting to order, and recognize persons in attendance.**

The meeting was called to order by Chairman Gossett at approximately 1:55 and introductions of attendees proceeded.

- 2. The Council will approve the minutes from the July 26, 2006 meeting.**

Mr. Weiss made a motion to approve the minutes and the motion was seconded by Ms. Santo. The council unanimously voted to approve the minutes as they were.

- 3. The Chairman of the Council will receive subcommittee reports as appropriate.**

Carol Baker was recognized as being appointed to attend a United Nations documentary on water conservation.

Ms. Baker mentioned the WaterSense label that EPA was rolling out. She stated that the Alliance for Water Efficiency is an organization that is being created to help promote water efficiency.

Rules Committee: Mr. Weiss stated that the committee had not met. Ms. Santo asked if there was form that needed to be filled out to request that the irrigation rules be opened up for revision. Mr. Flores answered by saying that in the past the request had come from a letter being sent to the executive director of the TCEQ. Mr. Goodwin stated that he had a draft of that letter and would get the Council a copy if requested.

Legislative Committee: Mr. Coleman stated that the committee had not met and there was no report.

4. Discussion and status of the candidate selection process for Council members.

Chairman Gossett requested that the TCEQ explain the selection process to the Council. Mr. Flores stated that the process began at the last Council meeting where Council members were informed that the TCEQ would be accepting nominations from the Council, the irrigation community and the general public. Mr. Flores explained that a notice was posted in the Texas Register and that the nominees would be approved by the Commission sometime in January 2007. Chairman Gossett asked Ms. Garrett how many nominations had been received. Ms. Garrett stated that a very good pool of candidates had been developed, but wasn't sure that the number could be disclosed. Chairman Gossett asked the Council if they were interested in reviewing the nominations before they went to the deputy director. Council asked Mr. Reagan how the process was handled in the past. Mr. Reagan stated that he could not definitely recall how the process occurred but felt that the nominees were an irrigation related issue and therefore the Council should be allowed to provide advice on the nominations. Chairman Gossett asked Ms. Garrett if a list of the nominees could be immediately provided to the Council for its review. Mr. Mann stated that the agency had already solicited and received the Council's input during the nomination process and that the Commission was the body that would decide which nominees would fill the vacancies. Chairman Gossett stated that that Council didn't want to tell the Commissions whom to appoint, but the Council wanted to provide its advice on the nominations. Chairman Gossett asked if it was too late to submit a nomination and Mr. Mann stated that all the nominations had previously gone to the deputy director and no more nominations were being accepted. Mr. Mann stated that he would submit any additional nominations, but that he could not promise that the deputy director would consider them.

Chairman Gossett asked Council if they would be interested in reviewing future nominations before they went to the deputy director and if so requested that a Council member make the request in the form of a motion. Ms. Santo made a motion to requesting TCEQ staff to give the Council the opportunity to review the nominees before the list is sent to the deputy director. Mr. Goodwin seconded the motion. The motion passed unanimously.

5. TCEQ staff will discuss staff changes, licensing, enforcement and training activities.

Ms. Saladino requested advice from the Council regarding correspondence training, information manuals and proprietary information. The Council discussed the proposed Chapter 30 rule change that would require a licensed irrigator to obtain twenty hours of continuing education credits instead of the current sixteen hours.

Mr. Goodwin made a motion that the Council recommend that of the proposed twenty four credit hours to renew a license that that eight hours be specifically oriented to water efficiency courses. The motion was seconded by Ms. Baker. The motion carried unanimously.

The motion was amended to state that if the rules were revised to change the renewal requirement from sixteen to twenty four hours, that eight of those hours be specifically related to water efficiency.

Ms. Wanda Kurio provided current licensing information for 01/01/2006 through 11/15/06:

18 - New applications received for Licensed Installers
706 - New applications received for Licensed Irrigators
76 - Renewal applications for installers
2,226 - Licensed Irrigator renewal applications
1093 - TEEEX administered exams
750 passed the exam (combined installers and irrigators)
13 - New Licensed Installers
472 - New Licensed Irrigators
77 - New installer licenses issued for date range.
2218 - New irrigator licenses issued for date range.
6055 - Total licensed individuals (combined installers and irrigators)
366 - licenses lapsed (combined installers and irrigators)
50 - reappplied
#15420 is the current license number

Mr. Richard Allen provided an overview of Enforcement Activities for FY 2006 and FY 2007.

FY 2006

Total incidents – 175

Closed out, lack of evidence – 67

Open Investigations – 35

NOVs or NOEs – 73

FY 2007

Closed out, lack of evidence – 3
Open Investigations – 18
NOVs or NOEs – 7

Mr. Flores introduced Ms. Lena Roberts, TCEQ Litigation Division and Mr. Bryan Sinclair, Section Manager, Enforcement Division. Ms. Roberts and Mr. Sinclair explained their respective duties in the enforcement process.

The Council asked questions concerning double jeopardy, and types of Notices of Enforcement and Notices of Violation.

6. The Council will discuss possible legislative action to introduce a bill that would affect the irrigation industry.

Ms. Baker gave a brief overview of the legislation from the previous legislative session. She asked the Council members to help her craft the language for the potential bills that affect irrigation because she needed to communicate those ideas to the legislators. Council asked Ms. Baker how the irrigation rules could be revised and she stated that a bill would need to be introduced requesting the TCEQ to open the Chapter 344 rules for revision.

7. The Council will discuss possible consideration of a recommendation to the TCEQ for a tiered licensing structure for landscape irrigation.

Chairman Gossett stated that he was bringing this topic back to the table in case someone wanted to continue the discussion from the last meeting. Mr. Flores stated that a tiered licensing structure would need to be addressed in the Chapter 30 rule revisions and since that process was already under way, would have to wait until a future date, to be considered. Mr. Coleman suggested that the Council establish a committee that would begin to look at how a tiered structure would be set up.

8. The Council will discuss reclaimed and alternate water sources and control measures.

Mr. Weiss stated that there are irrigation systems being designed using new sources such as reclaimed water, air conditioning (AC) condensate, AC blow down, trapping groundwater, and wells. He stated that an irrigator does not have any resources in the irrigation rules to provide guidance on how to install.

9. The Council will discuss the status of previous items discussed at Council meetings:

- Irrigator Emeritus designation; Mr. Mann stated that the agency was looking into how the designation would be implemented. Mr. Mann also stated that a list of criteria would need to be developed to screen applicants.

- Texas Engineering Extension Service (TEEX) contract; Mr. Flores stated that the contract was renewed through 08/31/07.

- Meeting with basic training and education providers; Ms. Saladino stated that the agency does not have the resources right now to conduct the meeting in the upcoming months. Mr. Reagan suggested that the basic training providers could gather themselves together for a meeting in Austin and invite the TCEQ to speak at the meeting. Mr. Lewis agreed to facilitate the organization of the meeting.

- Landscape architect exemption; Mr. Gossett stated that this topic had already been discussed during the Chapter 30 Stakeholders meeting.

- 10. The Council will select new officers.** Ms. Baker made a motion that for the upcoming year Mr. Weiss be nominated as chairman and Mr. Lewis nominated as vice-chair. The motion was seconded by Mr. Goodwin. The motion carried.
- 11. Council, guests, and TCEQ staff will discuss additional items of interest.** Mr. Reagan encouraged Council members to attend the Texas Turf Irrigation Association meetings in their area. Mr. Weiss presented Chairman Gossett and Mr. Coleman with recognition plaques for their service on the Council.
- 12. Council will adjourn**