

## **Irrigation Advisory Council (IAC) Minutes**

**Date:** Thursday, November 9, 2017

**Time:** 9:00 am

**Location:** Texas Commission on Environmental Quality, 12100 Park 35 Circle, Building A, 2nd Floor, Conference Room 202, Austin, Texas 78753

**Call to Order** (John DeCell) at 9:00 am. Roll Call: John DeCell, Robert Evans, Brooke Furrh, Phillip Hathaway, Justin Lewis, Valerie Miller Ph.D, Paul Ward, Mark Warden

Council Member Micah Reed was unable to attend.

Introductions of the IAC and audience were made.

**Approval of Previous Meeting Minutes:** August 10, 2017 minutes were approved with minor changes. Motion to approve was made by Robert Evans, motion seconded by Mark Warden.

### **TCEQ Reports**

#### **1. Office of Waste, Permitting and Registration Support Division, Occupational Licensing Section**

- a. Linda Saladino presented an update from the Occupational Licensing Section.
  - i. Program Activity: The Irrigation Licensing Program results for both the 4<sup>th</sup> Quarter and the 2017 Fiscal Year (September 1, 2016-August 31, 2017) were shared with IAC. A reminder that soon there will be only one pass rate to track for the Irrigation Technician licensing exam. The previous data was not reliable as applicants were switching between the English/Spanish and the English-only exam and not always because they required the Spanish translation.
  - ii. Disaster Relief Policy: The Texas Commission on Environmental Quality's (TCEQ) Permitting and Registration Support Division has adopted an emergency Disaster Relief Policy in order to assist individuals who have been affected by Hurricane Harvey. This policy was developed to: 1) assist licensed individuals in Texas who have been impacted by this natural disaster to continue work with an active license or registration and (2) assist individuals who have a current application within TCEQ to have additional time to complete licensing or registration requirements. This Disaster Relief Policy is restricted to

individuals in those counties set forth in the Hurricane Harvey Disaster Declaration issued by the Governor of Texas.

This policy will allow TCEQ Occupational Licensing staff the flexibility to grant an extension for a license or registration that has expired, or will expire, between August 1, 2017 and December 31, 2017 for up to 120 days from the original expiration date to licensees or registrants who request assistance. This will allow additional time for these individuals to fulfill all licensing and registration renewal requirements. This policy will cover all occupational licenses and registrations issued by the TCEQ within the Hurricane Harvey impacted counties that are under Disaster declarations.

Extensions will be addressed on a case by case basis. An extension will not extend the original expiration date of a license or registration. It will be the licensee's or registrant's responsibility to contact the Occupational Licensing Section and request the extension on a standard form approved by the executive director.

To request an extension, a licensee must complete a Hurricane Harvey Disaster Relief extension form found at <https://www.tceq.texas.gov/licensing> and email to [Licenses@tceq.texas.gov](mailto:Licenses@tceq.texas.gov) with *Hurricane Harvey* in the subject line or by postal mail to the address on the form. TCEQ Occupational Licensing staff will process the requests as expeditiously as possible. A letter of acknowledgment will be sent via email and postal mail to the licensee regarding approval or denial of the extension request.

The results of the policy as of 11/6/17 show 39 of the 133 requests for license renewal applications were approved for Landscape Irrigation licenses.

- iii. Online eApp Improvements: Improvements to the online application for new license application (eApp) were recently approved and TCEQ is looking for the public to see the changes in about one year. Improvements include applicants completing the criminal history attestation and paying while in the application to avoid applicants submitting without the required information or payment.
- iv. IAC Reciprocity Question: John DeCell asked if the rules allow for TCEQ to consider reciprocity of Irrigator licenses. Linda Saladino will look into the rule interpretation with TCEQ legal.

**§30.26. Recognition of Licenses from Out-of-State; Licenses for Military Service Members, Military Veterans, or Military Spouses.**

(a) Except for landscape irrigators the executive director may waive qualifications, training, or examination for individuals with a good compliance history who hold a current license from another state, territory, or country if that state, territory, or country has requirements equivalent to those in this chapter.

(b) A license may be issued after review and approval of the application, receipt of the appropriate fee, and verification of the license from the corresponding state, territory, or country.

(c) The executive director may waive any of the prerequisites for obtaining a landscape irrigator license, if the applicant is licensed as an irrigator in another jurisdiction that has a reciprocity agreement with the State of Texas.

- v. TSBPE Clarifications-IAC Discussion: Occupational Licensing is updating many of the experience supplemental forms in preparation of their inclusion in the new and improved eApp. Therefore, TCEQ is clarifying what is considered compliant irrigation experience when applying for a backflow prevention assembly tester license or customer service inspector. TCEQ also would like to clarify the irrigation licensing rule exemption with the Texas State Board of Plumbing Examiners (TSBPE).

The IAC also requested clarification of the language currently being used on the Irrigator and Irrigation Inspector Affidavits where the licensee attests to which license is being used or reactivated. TCEQ will work to make the intent and language of the affidavits more understandable.

**2. Office of Water Supply Division, Backflow and Cross-Connection Control**

- a. Alfonso Fuentes presented an update from the cross-connection control program.
- i. New Braunfels Utility has requested the presentation of Directed Assistance Module 12 (DAM 12). This is training on a cross-connection control program. The training is an all-day training on November 16<sup>th</sup>.
  - ii. Cross-connection control program staff will be presenting at the local ABPA Chapter meeting in San Marcos on November 16<sup>th</sup>.
  - iii. The Backflow Prevention Assembly Test and Maintenance Report (BPAT) Form and the Customer Service Inspection (CSI) Certificate have been revised and are available on the TCEQ website.

- iv. The TCEQ Cross-Connection Control Subcommittee will hold its quarterly meeting on December 6<sup>th</sup>.

### **3. Office of Compliance and Enforcement, Program Support Section (PSS)**

- a. Elizabeth Vanderwerken provided an update on current projects conducted by the Program Support Section, Landscape Irrigation Program.
  - i. Ms. Vanderwerken has been working with local municipalities on developing enforcement processes and more effective local landscape irrigation programs.
  - ii. Elizabeth Vanderwerken and Michael Beatty recently presented at the Central Texas Professional Irrigation Association (CTPIA) meeting.
  - iii. With assistance from the cross-connection control program staff, TCEQ has been collecting information regarding cross-connection issues from irrigation systems and pass/fail rates of backflow prevention devices.
- b. Question—Will TCEQ Regional Offices begin landscape irrigation investigations?
  - i. Answer—Due to workloads in the regional office staff does not have the current capabilities to add another investigation program.

### **4. Office of Legal Services, Litigation Division**

- a. Jess Robinson presented an update on active cases
  - i. 6 cases with penalties ranging from \$200 to \$11,000.
  - ii. One license revocation of a technician's license.
  - iii. Common challenge litigation faces during cases is locating the respondent.

### **5. Office of Compliance and Enforcement, Enforcement Division**

- a. Enforcement Division Staff was unavailable to attend but provided a handout update. (see attached handout)

### **Irrigator Emeritus Recognition**

1. Jerry Lewis presented an Honorary License for Greg Turner. Mr. Turner was not available to attend the meeting.

### **Update on Chapter 344 Rule Petition**

1. John DeCell presented an update on the rule petitions the IAC submitted to the TCEQ.

- a. Commissioners have received and approved the petitions to open the rules for changes.
  - b. Petitions are available on the TCEQ website
2. Michael Beatty explained Melissa Keller is now the project manager for the rule changes.
3. James Hemple notified that stakeholder meetings are being scheduled and notice of dates and locations will be posted on the TCEQ website.
4. Elizabeth Vanderwerken suggested the IAC submit to the TCEQ Landscape Irrigation Program a full packet of requested rule changes for consideration.

### **Working Lunch Session**

1. Addressing “consulting” as it relates to an irrigation system inspection
  - a. Should inspectors be allowed to consult?
    - i. After deliberation the IAC decided to not suggest changes to “consulting” or add it to inspector’s capabilities.
2. City of Austin Ordinance No. 20170615-104
  - a. John DeCell explained that the City of Austin sent a proposed interpretation on Exemptions from Permitting on Irrigation System to the IAC for public discussion (see attached code interpretation proposal).
  - b. Mr. DeCell explained that it is not the IAC’s role to mediate discussions between public and local programs on local ordinances and encouraged the irrigation community and local associations to continue the discussions with the City of Austin.

### **IAC Committee Reports**

1. Education, Training and Licensing Committee (Philip Hathaway)
  - a. Philip Hathaway reported that the Committee is working with Take Care of Texas (TCOT) on developing short web videos for customers.
  - b. Mr. Hathaway has set a goal to have first video up by next IAC meeting.
  - c. Current Topics the Committee has included Winterization of a System and System Start up.
  - d. Mr. Hathaway requested the IAC email more topic ideas for other videos to him.
2. Enforcement, Planning and Legislative Committee (John DeCell) and Rules and IAC Administrative Committee (Justin Lewis)
  - a. John DeCell and Justin Lewis presented and discussed the local municipality irrigation program survey results with the IAC.
    - i. 10 cities Responded to the survey; 221 cities did not.
    - ii. Goal was to find those cities who need assistance to improve enforcement processes

- iii. The IAC would like to provide an option for anonymous responses in case there is any fear of enforcement action for concerning answers.
- iv. The IAC requested a copy of the survey results from the city survey conducted approximately 3 years ago.
- b. The IAC asked Elizabeth Vanderwerken about the TCEQ outreach efforts to improve local municipality programs and enforcement mentioned during the PSS updates.
  - i. Ms. Vanderwerken explained that cities contacted are chosen based on customer complaints received.
- c. The IAC discussed the option of sending a survey to backflow prevention testers to determine an average price for backflow tests by region or area.
  - i. Justin Lewis offered to create a survey template to send out to associations.
  - ii. Paul Ward made the motion to send the survey to local associations. Philip second the motion.

### **Individuals Wishing to Address the Council that have signed-up**

1. James Garvin addressed the council and public to extend an invitation to upcoming cross-connection training events in the New Braunfels area.

### **Election of a new Chair and Vice-Chair for 2018**

1. Election of Chair:
  - a. Philip Hathaway nominated John DeCell to continue being Chair.
  - b. John DeCell nominated Justin Lewis to be Chair.
  - c. IAC voted in favor of Mr. DeCell continuing to be Chair.
2. Election of Vice-Chair
  - a. The IAC voted all in favor of Justin Lewis continuing to be Vice-Chair.
3. Committee Chair assignments
  - a. Education, Training and Licensing Committee will continue to have Philip Hathaway as Committee Chair
  - b. Enforcement, Planning and Legislative Committee will have Mark Warden as Committee Chair
  - c. Rules and IAC Administrative Committee will continue to have Justin Lewis as Committee Chair

### **Meeting Recap**

1. Review of Parking lot items
  - a. IAC will re-send the survey for more responses.

- b. Justin Lewis will create a template for the new survey regarding backflow testing prices.
  - c. IAC will email outreach video topics to Philip Hathaway
- 2. Suggested items for the February 8, 2018 Agenda
  - a. IAC will discuss via email
- 3. List of meeting dates for next year
  - a. February 8<sup>th</sup>
  - b. May 10<sup>th</sup>
  - c. August 9<sup>th</sup>
  - d. November 8<sup>th</sup>

**Adjournment**

Justin Lewis motioned to adjourn and Phil Hathaway seconded the motion. The next IAC meeting is February 8, 2017.

## **Irrigation Advisory Council Agenda**

Thursday, November 9, 2017 9:00 am  
Texas Commission on Environmental Quality  
12100 Park 35 Circle  
Building A, 2nd Floor, Conference Room 202  
Austin, Texas 78753

- 9:00 am**                    **Call to Order** (John DeCell)
- 9:00-9:05 am**            **Introductions**
- 9:05-9:10 am**            **Approve Previous Meeting Minutes**
- 9:10-10:15 am**        **TCEQ Reports** (13 Minutes Each)
- a. Office of Compliance & Enforcement, Enforcement Division
  - b. Office of Legal Services, Litigation Division
  - c. Office of Compliance & Enforcement, Program Support Section
  - d. TCEQ Office of Water, Water Supply Division – Update from Backflow and Cross-Connection Control
  - e. TCEQ Office of Waste, Permitting & Registration Support, Occupational Licensing
- 10:15-10:30 am**        **Break**
- 10:30-10:40 am**        **Irrigator Emeritus Recognition**
- a. Recognize several individuals who have worked in the industry for more than twenty years and are no longer active in the industry.
- 10:40-11:30 am**        **Update on Chapter 344 Rule Petitions**
- a. Mailed the Rule Petitions covering 344.50 and 344.52
  - b. Received the recommended approval from the Executive Director on September 15, 2017
  - c. Commissioner’s Agenda on October 4, 2017
- 11:30-12:00 pm**        **Break for Lunch**
- 12:00-12:30 pm**        **Working Lunch Session**
- a. Address “consulting” as it relates to an irrigation system inspection
  - b. City of Austin Ordinance No. 20170615-104
- 12:30-1:30 pm**            **IAC Committee Reports** (20 Minutes Each)
- a. Education, Training and Licensing Committee (Philip Hathaway)



- b. Enforcement, Planning and Legislative Committee (John DeCell)
- c. Rules and IAC Administrative Committee (Justin Lewis)

**1:30-2:00 pm**      **Individuals Wishing to Address the Council that Have Signed-up**  
(5 Minutes Each)

**2:00-2:30 pm**      **Election of a new Chair and Co-Chair for 2018**

**2:30-3:00 pm**      **Meeting Recap**

- a. Review of Parking Lot Items
- b. Suggested Items for the February 8, 2018 Agenda

**3:00 pm**              **Adjournment** (John DeCell)

Irrigation Program Results  
 Fiscal Year 2017  
 (September 1, 2016 – August 31, 2017)

Irrigation	
Total Current Licenses	8,348
Landscape Irrigation Inspector	78
Landscape Irrigation Technician	1,479
Landscape Irrigator	6,791

New Applications	1,148
Landscape Irrigation Inspector	10
Landscape Irrigation Technician	344
Landscape Irrigator	794
Renewal Applications	2,683
Landscape Irrigation Inspector	13
Landscape Irrigation Technician	186
Landscape Irrigator	2,484

Examinations		Passing Percentage
Irrigation Technician (Spanish exam version)	83	16.9
Landscape Irrigation Inspector	19	36.8
Landscape Irrigation Technician	211	58.8
Landscape Irrigator	738	63.4
Overall	1,051	58.3

Irrigation Program Results  
 4<sup>th</sup> Q Fiscal Year 2017  
 (June 1, 2017 – August 31, 2017)

Irrigation	
Total Current Licenses	8,348
Landscape Irrigation Inspector	78
Landscape Irrigation Technician	1,479
Landscape Irrigator	6,791

New Applications	
	247
Landscape Irrigation Inspector	3
Landscape Irrigation Technician	63
Landscape Irrigator	181
Renewal Applications	663
Landscape Irrigation Inspector	1
Landscape Irrigation Technician	38
Landscape Irrigator	624

Examinations		Passing Percentage
Irrigation Technician (Spanish exam version)	14	28.6
Landscape Irrigation Inspector	9	55.6
Landscape Irrigation Technician	55	58.2
Landscape Irrigator	204	59.8
Overall	282	57.8

## TCEQ Disaster Relief Policy Results

(As of 11/6/17)

License Extension Requests Received	W &							More				
	BPAT	IRR	LPST	OSSF	CSI	WTS	WW	Approved	Denied	Complete	Info Needed	On Hold
6 New	1			2	1		2	4	1*	1		
133 Renewals	22	39	2	19	28	1	22	122		7	4	
Training Approval App Extension Requests Received												
4		1		2			1					4

**Irrigator Advisory Council Meeting November 09, 2017**

**OCE Enforcement Updates**

FY 2018 to date: 9/1/2017-11/06/2017

Enforcement Data	Number	Penalty
Number of Settled Field Citations Referred	---	---
Number of Irrigator EARs Referred	---	---
Number of Enforcement Cases Unable to Reach Settlement/Referred to LD	---	---
Number of Effective Agreed Orders:	1	\$240
Number of Effective Default Orders:	---	---
Number of Effective Field Citations:	---	---



<b>Code Interpretation:</b>		Landscape Irrigation System	
<b>Division:</b>		Building Inspections	
<b>Effective Date:</b>		Immediately	
<b>Prepared by:</b>		<b>Date:</b>	<b>Approved by:</b>
Tony Hernandez		10-27-2017	
<b>Title:</b>	Program Manager	<b>Title:</b>	

<b>Applicable Code Section:</b>	
<p><b>104.2 Exempt work.</b> A permit is not required for the following activities:</p> <ul style="list-style-type: none"> <li>• Work required to stop a leak in a drain, soil, waste, or vent pipe if it is not necessary to remove and replace a defective concealed trap, drain, pipe, solid, waste, or vent pipe with new device; work required to clear a stoppage, including removing and reinstalling a water closet or to repair a leak in a pipe, valve, or fixture if the repair does not involve or require the valves, pipes, or drains be replaced or rearranged;</li> <li>• Work required to repair or replace fixtures and to replace exposed traps, continuous waste piping, fixture supply valves, or faucets if the work does not involve other city departments or inspections from other trades.</li> <li>• All work exempt from a permit must comply with the requirements of the Plumbing Code and all other laws or ordinances.</li> </ul>	
<b>Definitions:</b>	
<p><b>PLUMBING FIXTURE</b> as per Uniform Plumbing Code. A receptacle or device that is connected to a water supply system or discharges to a drainage system or both. Such receptacles or devices require a supply of water; or discharge liquid waste or liquid-borne solid waste; or require a supply of water and discharge waste to a drainage system.</p> <p><b>PLUMBING FIXTURE</b> as per International Codes. A receptacle or device that is connected to a water supply system or discharges to a drainage system or both. Such receptacles or devices require a supply of water; or discharge liquid waste or liquid-borne solid waste; or require a supply of water and discharge waste to a drainage system.</p> <p><b>FIXTURE</b> as per legal definition, An article in the nature of personal property which has been so annexed to the realty that it is regarded as a part of the real property. That which is fixed or attached to something permanently as an appendage and is not removable.</p> <p>A thing is deemed to be affixed to real property when it is attached to it by roots, imbedded in it, permanently resting upon it, or permanently attached to what is thus permanent, as by means of cement, plaster, nails, bolts, or screws.</p> <p>Goods are fixtures when they become so related to particular real estate that an interest in them arises under real estate law, e.g. a furnace affixed to a house or other building, counters permanently affixed to the floor of a store, or a sprinkler system installed in a building.</p> <p>Fixtures possess the attributes of both real and personal property.</p>	



<p>CHAPTER 344. LANDSCAPE IRRIGATION SUBCHAPTER A. DEFINITIONS 30 TAC §344.1 Irrigation system--An assembly of component parts that is permanently installed for the controlled distribution and conservation of water to irrigate any type of landscape vegetation in any location, And/or to reduce dust or control erosion. This term does not include a system that is used on or by an agricultural operation as defined by Texas.</p> <p>Landscape irrigation--The science of applying the necessary amount of water to promote or sustain healthy growth of plant material or turf.</p>
<p><b>Purpose:</b></p>
<p>To provide exceptions from permitting for repairs, servicing and alterations to Landscape Irrigation Systems</p>
<p><b>Interpretation:</b></p>
<p>The Building Official interprets that “fixture” would mean the same as “plumbing fixture” as defined in the published codes to also include components of Irrigation System as defined by Texas Commission on Environmental Quality (TCEQ). Due to the fact that the published codes failed to be specific, an individual list of Landscape Irrigation System exemptions is required.</p>
<p><b>Overview:</b></p>
<p>For the purpose of repairs, servicing and alterations on an existing system all work on the discharge side of the master valve will be exempted from permitting with the exception of:</p> <ul style="list-style-type: none"> <li>• The addition of a new zone or zones, major alteration of existing zone or zones</li> <li>• A system supplied with an alternative source of water</li> <li>• The installation or repair to an isolation valve, wye strainer, the backflow protection device or the master valve</li> <li>• Repairs to an existing system that require the replacement of an existing controller</li> </ul>
<p><b>Applies to:</b></p>
<p>This interpretation applies to all who are installing, repairing, modifying, altering, servicing, permitting and inspecting Landscape Irrigation Systems, with the exception of those exempted by TCEQ.</p>
<p><b>Roles and Responsibilities:</b></p>
<p>Exemption from permit requirements of the plumbing code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the plumbing code or any other laws or ordinances of this state or jurisdiction.</p>



<b>Code Interpretation:</b>	Landscape Irrigation System		
<b>Division:</b>	Building Inspections		
<b>Effective Date:</b>	Immediately		
<b>Prepared by:</b>	<b>Date:</b>	<b>Approved by:</b>	<b>Date:</b>
<b>Title:</b>		<b>Title:</b>	

<p><b>Applicable Code Section:</b></p> <p><b>104.2 Exempt work.</b> A permit is not required for the following activities:</p> <ul style="list-style-type: none"> <li>• Work required to stop a leak in a drain, soil, waste, or vent pipe if it is not necessary to remove and replace a defective concealed trap, drain, pipe, solid, waste, or vent pipe with new device; work required to clear a stoppage, including removing and reinstalling a water closet or to repair a leak in a pipe, valve, or fixture if the repair does not involve or require the valves, pipes, or drains be replaced or rearranged;</li> <li>• Work required to repair or replace fixtures and to replace exposed traps, continuous waste piping, fixture supply valves, or faucets if the work does not involve other city departments or inspections from other trades.</li> <li>• All work exempt from a permit must comply with the requirements of the Plumbing Code and all other laws or ordinances.</li> </ul> <p><b>Definitions:</b></p> <p><b>PLUMBING FIXTURE</b> as per Uniform Plumbing Code. A receptacle or device that is connected to a water supply system or discharges to a drainage system or both. Such receptacles or devices require a supply of water; or discharge liquid waste or liquid-borne solid waste; or require a supply of water and discharge waste to a drainage system.</p> <p><b>PLUMBING FIXTURE</b> as per International Codes. A receptacle or device that is connected to a water supply system or discharges to a drainage system or both. Such receptacles or devices require a supply of water; or discharge liquid waste or liquid-borne solid waste; or require a supply of water and discharge waste to a drainage system.</p> <p><b>FIXTURE</b> as per legal definition, An article in the nature of personal property which has been so annexed to the realty that it is regarded as a part of the real property. That which is fixed or attached to something permanently as an appendage and is not removable.</p> <p>A thing is deemed to be affixed to real property when it is attached to it by roots, imbedded in it, permanently resting upon it, or permanently attached to what is thus permanent, as by means of cement, plaster, nails, bolts, or screws.</p> <p>Goods are fixtures when they become so related to particular real estate that an interest in them arises under real estate law, e.g. a furnace affixed to a house or other building, counters permanently affixed to the floor of a store, or a sprinkler system installed in a building.</p> <p>Fixtures possess the attributes of both real and personal property.</p>
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CHAPTER 344. LANDSCAPE IRRIGATION  
SUBCHAPTER A. DEFINITIONS  
30 TAC §344.1

Irrigation system--An assembly of component parts that is permanently installed for the controlled distribution and conservation of water to irrigate any type of landscape vegetation in any location, And/or to reduce dust or control erosion. This term does not include a system that is used on or by an agricultural operation as defined by Texas.

Landscape irrigation--The science of applying the necessary amount of water to promote or sustain healthy growth of plant material or turf.

To provide exceptions from permitting for repairs, servicing and alterations to Landscape Irrigation Systems

The Building Official interprets that "fixture" would mean the same as "plumbing fixture" as defined in the published codes to also include components of Irrigation System as defined by Texas Commission on Environmental Quality (TCEQ). Due to the fact that the published codes failed to be specific, an individual list of Landscape Irrigation System exemptions is required.

For the purpose of repairs, servicing and alterations on an existing system all work on the discharge side of the master valve will be exempted from permitting with the exception of:

- The addition of a new zone or zones, the expansion of one or more zones, or the conversion of one or more zones from one form of emission device to another form of emission device.
- A system supplied with an alternative source of water
- The installation or repair to an isolation valve, wye strainer, the backflow protection device or the master valve
- Repairs to an existing system that require the replacement of an existing controller

This interpretation applies to all who are installing, repairing, modifying, altering, servicing, permitting and inspecting Landscape Irrigation Systems, with the exception of those exempted by TCEQ.

Exemption from permit requirements of the plumbing code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the plumbing code or any other laws or ordinances of this state or jurisdiction. [A person licensed by TCEQ to install irrigation systems has the authority to obtain a permit for the installation or repair of an irrigation system as per section 104.1.4 of the local amendments to the Plumbing Code.](#)