LAWN IRRIGATION REQUIREMENTS

May 1, 2023

A. General Information

1. All irrigation permits require one (1) complete set of plans on a site plan, plot plan or survey of the lot indicating property lines, structures, fences and any impervious surfaces located on the property.
2. Plans must be uploaded to the online permit portal for review.
3. The plans must be submitted by an Irrigation or Plumbing Contractor with a current Wylie registration. If submitted by an irrigator, the irrigators seal, signature, date, and north arrow must be on the plans.
4. The plans must clearly specify the tap location, backflow device proposed, the installation routing and the type/size of materials to be installed, and proposed backflow device locations.
5. Installations must declare compliance with Section 1903.251, Texas Occupations Code.
6. The name, address, phone number, and license number of the licensed irrigation or plumbing contractor must be provided.
7. When the permit has been approved, a permit fee of $50 for each backflow device installed must be paid
8. Irrigation and plumbing contractors as well as backflow testers must be registered with the City of Wylie prior to obtaining any permit. Registration fees are $100.00 per year for irrigation contractors, and $100/yr for backflow testers. There is no registration fee for plumbing contractors, but registration is required.
9. Permit must be obtained before any work can begin. At any time, work is being done, a licensed irrigator or irrigation technician – or a journeyman or master plumber must be present on the job. If the permit has been issued to a homeowner, the homeowner must do the work and be present at all times while work is being done and the homeowner must sign an Irrigation Affidavit.
10. At all times during the installation of the irrigation system, the building permit must be displayed in such a way that it is visible from the street.
11. All Irrigation vehicles must have “LI-XXXX” 2” high on both sides of the vehicle while performing irrigation work.

B. Installation Requirements

1. A Double Check Assembly (DCA), Pressure Vacuum Breaker (PVB) or a reduced Pressure Principle Zone (RPZ) device are the only approved backflow devices for a lawn sprinkler system. An RPZ backflow device must be used when a chemical injection system is installed as a part of the irrigation system.
2. All new irrigation systems must contain sensors or technology that interrupt the operation of the system during periods of moisture, rainfall or freezing conditions, per ordinance Sec. 114-108 (d)(6).

3. Sprinkler heads must be oriented so as not to spray onto public roads, walls, fences, sidewalks, driveways, brick, wood or stone.

In addition to the manufacturer's installation instructions and recommendations, all backflow prevention assemblies (devices) must comply with the following installation requirements.

4. **Double Check Assembly (DCA)** – The following provisions apply to installation requirements when a Double Check Assembly is installed:
    a. The Double Check Assembly must be installed within five feet (5') of the connection to the water supply.
    b. The Double Check Assembly must be installed in a box.
    c. There must be at least six inches (6") of pea gravel in the bottom of the box.
    d. There must be a clearance of six inches (6") between any test cock and the side top of the box.
    e. A Y strainer should be installed pointing in the down direction.
    f. A quarter turn isolation valve must be installed before the backflow prevention assembly (device).
5. **Pressure Vacuum Breaker (PVB) or Reduced Pressure Assemblies (RP).** The following provisions apply to installation requirements when Pressure Vacuum Breaker (PVB) or a Reduced Pressure Principle (RP) backflow device is installed. **Note**: A RP device is required for any irrigation system that includes a chemical injector.
    a. If the backflow device is installed in a box, the box must contain drain holes. Additionally, the backflow device must be placed in a meter box large enough to provide the following clearances:
        i. Twelve inches (12") between the bottom of the assembly and the highest sprinkler head in the system for a PVB and twelve inches (12") between relief valve opening and the ground for an RPZ.
        ii. Six inches (6") between the assembly test cocks and any portion of the box.
    b. All plumbing lines and any backflow device located above the ground must be protected from freezing conditions. Such lines and devices must be installed in an approved hot box or wrapped with heat tape. Any electrical circuit required for the heat tape or hot box requires a separate electrical permit. The permit can only be issued to a licensed electrician or the homeowner as long as the homeowner lives at the property where the work is being done.
    c. The device must be installed within five feet (5') of the connection to the water supply.
    d. Any system installed with a chemical injection system must utilize a Reduced Pressure Principle Assembly (RP) backflow device.
    e. For RP devices, a Y strainer must be installed pointing in the down direction.
    f. For RP devices, a quarter turn isolation valve must be installed before the backflow prevention assembly (device).
6. The backflow device for **all new systems** must be located on private property.

C. **Inspection Approval**

1. All inspections must be scheduled on the online portal by 4:00PM (CT) to receive inspection on the following business day.
2. In the case of rain or freezing weather, the inspection will be canceled at the discretion of the Building Official.
3. The connection to the water line and the line from that point to the backflow device must remain open and uncovered for inspection.
4. Contractors are responsible for obtaining backflow test approval of the backflow device and uploading the backflow device report to the online permit portal, prior to scheduling inspection and the sprinkler system being used. Contractors who have not received backflow test approval of the backflow device, immediately after installation of the system, will be reported to the Texas Commission of Environment Quality (TCEQ). Contractors are subject to citations for not obtaining backflow test approval of the backflow device prior to the use of the sprinkler system.
5. Completed information stickers, in compliance with TCEQ requirements, must be on controllers.
6. Plugs must be installed in backflow device test ports.

D. **Re-inspection Fees**

A re-inspection fee may be assessed for any of the following reasons. If a re-inspection fee is assessed, no further inspections will be performed on that job until the fee has been paid.

Re-inspection Fees	
1st	$50
2nd	$75
3rd and Subsequent	$100

1. Inspection scheduled, but is not ready (this could include a first-time inspection where a history has developed for deficient items on a continual or repeated basis).
2. The inspection is scheduled with no backflow device report uploaded to the permit portal.
3. The backflow device is not accessible for inspection.
4. An inspection is disapproved twice for the same item.
5. Controller is not accessible for inspection.
6. Zones not accessible for inspection/testing.

E. **Code Requirements**

1. All irrigation plans, projects and procedures must comply with the provisions outlined in this handout, as well as with all the current TCEQ requirements, laws, and rules (attached-in part).
2. All materials and devices must be installed according to manufacturer's installation instructions, in accordance with the City of Wylie currently adopted codes and in compliance with current TCEQ laws and rules.

TEXAS ADMINISTRATIVE CODE: As in effect on 04/25/2023.

TITLE 30 ENVIRONMENTAL QUALITY

PART 1 TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

CHAPTER 344 LANDSCAPE IRRIGATION

SUBCHAPTER A DEFINITIONS

§344.1 Definitions

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise.

(1) Air gap--The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet conveying water to a tank, fixture, receptor, sink, or other assembly and the flood level rim of the receptacle. The vertical, physical separation must be at least twice the diameter of the water supply outlet, but never less than 1.0 inch.

(2) As-built drawing--The final irrigation plan produced at the completion of an irrigation system installation and provided to the irrigation system's owner or the owner's representative. The as-built drawing(s) will reflect all changes made to the original irrigation plan and/or specifications during the construction process and show all aspects of the irrigation system including the dimensions, geometry, and location of all elements of the irrigation system. May be referred to as "record drawings" or "as-builts."

(3) Backflow prevention--The prevention of the reversal of flow, due to back siphonage or backpressure, of nonpotable water from an irrigation system into the potable water supply.

(4) Backflow prevention assembly--A mechanical assembly used to prevent backflow into a potable water system. The type of assembly used is based on the degree of hazard (health hazard or non-health hazard) and hydraulic conditions.

(5) Completion of irrigation system installation--When the landscape irrigation system has been installed, all minimum standards met, all tests performed, and the irrigator is satisfied that the system is operating correctly.

(6) Consulting--The act of providing advice, guidance, review or recommendations related to landscape irrigation systems.

(7) Cross-connection--A physical connection between a public water system and either another supply of unknown or questionable quality, any source which may contain contaminating or polluting substances, or any source of water treated to a lesser degree in the treatment process.

(8) Design--The act of determining the various elements of a landscape irrigation system that will include, but not limited to, elements such as collecting site specific information, defining the scope of the project, defining plant watering needs, selecting and laying out emission devices, locating system components, conducting hydraulic calculations, identifying any local regulatory requirements, or scheduling irrigation work at a site. Completion of the various components will result in an irrigation plan.

(9) Design pressure--The pressure that is required for an emission device to operate properly and in conjunction with the head-to-head spacing requirement. Design pressure is the sum of the minimum operating pressure of an emission device to the total of all pressure losses accumulated from the emission

device to the water source.

(10) Double Check Valve Assembly--An assembly that is composed of two independently acting, check valves, including tightly closing resilient seated shutoff valves attached at each end of the assembly and fitted with properly located resilient seated test cocks. Also known as a Double Check Valve Backflow Prevention Assembly.

(11) Emission device--Any device that is contained within an irrigation system and that is used to apply water. Common emission devices in an irrigation system include, but are not limited to, spray and rotary sprinkler heads, and drip irrigation emitters.

(12) Employed--The state of being engaged or hired to provide irrigation services and of being in an employer-employee relationship as defined by Internal Revenue Code, 26 United States Code Service, §3212(d) based on the behavioral control, financial control, and the type of relationship involved in performing employment related tasks.

(13) Exempt business owner--an owner of a business who employs a licensed irrigator to supervise the irrigation services performed by the business as referenced in Texas Occupations Code, Chapter 1903.

(14) Graywater--wastewater from showers, bathtubs, handwashing lavatories, sinks that are used for disposal of household or domestic products, sinks that are not used for food preparation or disposal, and clothes-washing machines. Graywater does not include wastewater from the washing of material, including diapers, soiled with human excreta or wastewater that has come into contact with toilet waste.

(15) Head-to-head spacing--The spacing of emission devices such that the distance between them is within the manufacturer's published radius range and the water spray reaches from device to device. A deviation of 10% or less is acceptable.

(16) Health hazard--A cross-connection, potential contamination hazard, or other situation involving any substance that can cause death, illness, spread of disease, or has a high probability of causing such effects if introduced into the potable drinking water supply.

(17) Hydraulics--The science of dynamic and static water; the mathematical computation of pressure losses and/or pressure requirements of an irrigation system.

(18) Irrigation inspector--A water district operator, governmental entity, or licensed irrigation inspector who inspects irrigation systems and performs other enforcement duties for a municipality or water district and is required to be licensed under Chapter 30 of this title (relating to Occupational Licenses and Registrations) or a licensed plumbing inspector.

(19) Irrigation plan--A scaled drawing of a new landscape irrigation system to be installed. The irrigation plan shall meet all the requirements in §§344.60 - 344.65 of this title (relating to Water Conservation; Minimum Standards for the Design of the Irrigation Plan; Minimum Design and Installation Requirements; Completion of Irrigation System Installation; Maintenance, Alteration, Repair, or Service of Irrigation Systems; and Reclaimed Water) and is provided as an as-built drawing to the owner or owner's representative upon completion of the irrigation system installation.

(20) Irrigation services--All activities involving an irrigation system including, selling, designing, installing, maintaining, altering, repairing, servicing, permitting, consulting services, or connecting an irrigation system to a water supply.

(21) Irrigation system--A system permanently installed on a site and that is composed of an assembly of

component parts for the controlled distribution and conservation of water to irrigate, reduce dust, and control erosion in any type of landscape vegetation in any location. This term includes sprinklers and sprinkler systems used for irrigation. This term does not include a system that is used on or by an agricultural operation as defined by Texas Agricultural Code, §251.002.

(22) Irrigation technician--A person who works under the supervision of a licensed irrigator to perform irrigation services including the connection of an irrigation system to a private or public, raw or potable water supply system or any other water supply, and who is required to be licensed under Chapter 30 of this title (relating to Occupational Licenses and Registrations).

(23) Irrigation zone--A subdivision of an irrigation system with a matched precipitation rate based on plant type (turf, shrubs, or trees), microclimate (sun/shade ratio), topographic features, soil type (sand, loam, clay, or combination), and hydrological control.

(24) Irrigator--A person who performs irrigation services and/or supervises the installation of an irrigation system, including the connection of such system to a private or public, raw or potable water supply system or any water supply, and who is required to be licensed under Chapter 30 of this title (relating to Occupational Licenses and Registrations).

(25) Irrigator-in-Charge--The irrigator responsible for all irrigation work performed by an exempt business owner, including, but not limited to obtaining permits, developing design plans, supervising the work of other irrigators or irrigation technicians, and installing, selling, maintaining, altering, repairing, or servicing a landscape irrigation system.

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

(27) License--An occupational license that is issued by the commission under Chapter 30 of this title (relating to Occupational Licenses and Registrations) to an individual that authorizes the individual to engage in an activity that is covered by this chapter.

(28) Mainline--A pipe within an irrigation system that delivers water from the water source to the individual zone valves.

(29) Maintenance checklist--A document made available to the irrigation system's owner or owner's representative that contains information regarding the operation and maintenance of the irrigation system, including, but not limited to: checking and repairing the irrigation system, setting the automatic controller, checking the rain or moisture sensor, cleaning filters, pruning grass and plants away from irrigation emitters, using and operating the irrigation system, the precipitation rates of each irrigation zone within the system, any water conservation measures currently in effect from the water purveyor, the name of the water purveyor, a suggested seasonal or monthly watering schedule based on current evapotranspiration data for the geographic region, and the minimum water requirements for the plant material in each zone based on the soil type and plant material where the system is installed.

(30) Major maintenance, alteration, repair, or service--Any activity that involves opening to the atmosphere the irrigation main line at any point prior to the discharge side of any irrigation zone control valve. This includes, but is not limited to, repairing or connecting into a main supply pipe, replacing a zone control valve, or repairing a zone control valve in a manner that opens the system to the atmosphere.

(31) Master valve--A control valve located after the backflow prevention assembly that controls the flow of water to the irrigation system mainline.

(32) Matched precipitation rate--The condition in which all sprinkler heads within an irrigation zone apply

water at the same rate

(33) New installation--An irrigation system installed at a location where one did not previously exist or is a complete replacement of an existing irrigation system.

(34) Non-health hazard--A cross-connection, potential contamination hazard, or other situation involving any substance that generally will not be a health hazard but will constitute a nuisance or be aesthetically objectionable if introduced into the public water supply.

(35) Non-potable water--Water that is not suitable for human consumption. Non-potable water sources include, but are not limited to, irrigation systems, lakes, ponds, streams, gray water, water condensate from cooling towers, reclaimed water, and harvested rainwater.

(36) Pass-through contract--A written contract between a contractor or builder and a licensed irrigator or exempt business owner to perform part or all of the irrigation services. A pass-through contract is also referred to as a sub-contract.

(37) Potable water--Water that is suitable for human consumption and meets the definition of drinking water in §290.38(23) of this title (relating to Definitions)).

(38) Pressure Vacuum Breaker--An assembly that contains an independently operating internally loaded check valve and an independently operating loaded air inlet valve located on the discharge side of the check valve. Also known as a Pressure Vacuum Breaker Back-siphonage Prevention Assembly.

(39) Reclaimed water--Domestic or municipal wastewater which has been treated to a quality suitable for beneficial use, such as landscape irrigation.

(40) Records of landscape irrigation activities--The irrigation plans, contracts, warranty information, invoices, copies of permits, and all other documents that relate to irrigation services.

(41) Reduced Pressure Principle Backflow Prevention Assembly--An assembly containing two independently acting approved check valves together with a hydraulically operating mechanically independent pressure differential relief valve located between the two check valves and below the first check valve.

(42) Static water pressure--The pressure of water when it is not moving. Generally, this is the pressure available to the irrigation system.

(43) Supervision--The on-the-job oversight and direction by a licensed irrigator who is fulfilling his or her professional responsibility to the client and/or employer in compliance with local and state requirements. Also performed by a licensed irrigation technician who is working under the direction of a licensed irrigator to perform irrigation services.

(44) Temporary Irrigation System - A temporarily installed, above ground system of pipes and component parts used to distribute water to the landscaping of a site for the establishment of plant growth, reduction of dust, and erosion control. Temporary irrigation systems must meet the requirements in §344.66 of this title (relating to Temporary Irrigation Systems).

(45) Water conservation--The design, installation, service, and operation of an irrigation system in a manner that prevents the waste of water, promotes the most efficient use of water, and applies the least amount of water that is required to maintain healthy individual plant material or turf, reduce dust, and control erosion.

(46) Zone flow--A measurement, in gallons per minute or gallons per hour, of the actual flow of water

through a zone valve, calculated by individually opening each zone valve and obtaining a valid reading after the pressure has stabilized. For design purposes, the zone flow is the total flow of all nozzles in the zone at a specific pressure.

(47) Zone valve--An automatic valve that controls a single zone of a landscape irrigation system.

SUBCHAPTER B STANDARDS OF CONDUCT FOR IRRIGATORS, IRRIGATION TECHNICIANS, AND IRRIGATION INSPECTORS, AND LOCAL REQUIREMENTS

§344.20 Purpose of Standards

(a) The correct practice of irrigation as a science and profession is essential for the protection and conservation of the water resources of the state and shall be conducted by individuals who are held to the highest ethical standards. The legislature has vested the commission with the authority and duty to establish and enforce standards of professional conduct and ethics for practitioners in the irrigation industry.

(b) Every applicant for an irrigator, irrigation technician, or irrigation inspector license shall become fully informed of the obligations and responsibilities inherent in the practice of irrigation as outlined by these standards of conduct. Each licensed irrigator, irrigation technician, or irrigation inspector is deemed to have notice of these standards of conduct and is required to abide by the standards.

§344.21 Intent

(a) These standards of conduct are established to prescribe responsibility on the part of an irrigator, an irrigation technician, an irrigation inspector, and a qualifying exempt business owner to aid in governing the irrigation industry.

(b) The commission will determine what actions constitute violations of the standards in accordance with Chapter 70 of this title (relating to Enforcement) and Texas Water Code, Chapter 7 and institute appropriate disciplinary action, which may lead to monetary penalties or the suspension or revocation of a license in accordance with the applicable state statutes.

(c) This section does not apply to:

(1) an on-site sewage disposal system, as defined by Texas Health and Safety Code, §366.002; or

(2) an irrigation system:

(A) used on or by an agricultural operation as defined by Texas Agriculture Code, §251.002; or

(B) connected to a groundwater well used by the property owner for domestic use.

§344.22 Proficiency in the Field of Irrigation; Representation of Qualifications

(a) All irrigators, irrigation technicians, and inspectors shall be knowledgeable of the current industry standards regarding selling, designing, providing consulting services, installing, maintaining, altering, repairing, or servicing irrigation systems, including the connection of such a system to any source of water and water conservation. All irrigators, irrigation technicians, and inspectors shall conform to the current adopted version of these rules and any local rules that do not conflict with these rules, or that are more stringent than these rules, when performing these activities.

(b) All irrigators, irrigation technicians, irrigation inspectors, and exempt business owners shall accurately and truthfully represent to prospective clients their qualifications to perform the services requested and shall

not perform services for which they are not qualified by experience, knowledge, or license in the technical field involved.

(c) All irrigators, irrigation technicians, and inspectors shall be knowledgeable of local requirements related to landscape irrigation systems.

§344.23 Irrigation Practice

False, misleading, or deceptive practices by an irrigator, installer, irrigation technician, or irrigation inspector relating to bidding, advertising, selling, installation, maintenance, alteration, repair, servicing, or inspection of irrigation systems are prohibited.

§344.24 Local Regulation and Inspection

(a) Where any city, town, county, water district, other political subdivision of the state, or public water supplier requires licensed irrigators, irrigation technicians, or irrigation inspectors to comply with reasonable inspection requirements, ordinances, or regulations designed to protect the public water supply, any of which relates to work performed or to be performed within such political subdivision's territory the licensed irrigator, irrigation technician, or irrigation inspector shall comply with such requirements, ordinances, and regulations.

(b) Any city, town, county, water district, other political subdivision of the state, or public water supplier that is not required to adopt rules or ordinances regulating landscape irrigation may adopt a landscape irrigation program by ordinance or rule and may be responsible for inspection of irrigation systems on sites that are connected to its public water supply system. Any rule or ordinance adopted to regulate landscape irrigation shall be at least as stringent as the requirements in this chapter.

(c) Municipalities with a population of 20,000 or more shall verify that the irrigator that designs and installs an irrigation system holds a valid irrigator's license and has obtained a permit before installing a system within its territorial limits or its extraterritorial jurisdiction. Inspectors must verify that the design and installation meet the requirements of this chapter and local ordinances or rules that do not conflict with this chapter, or that are more stringent than this chapter.

(d) A water district that chooses to implement a landscape irrigation program shall meet the program requirements in subsection (c) of this section. **SUBCHAPTER C REQUIREMENTS FOR LICENSED IRRIGATORS, IRRIGATION TECHNICIANS, AND IRRIGATION INSPECTORS**

§344.30 License Required

(a) An irrigator is an individual who:

(1) performs irrigation services including the connection of such system to any water supply;

(2) is not an exempt business owner and advertises or represents to anyone that the individual can perform irrigation services; and

(3) is required to hold a valid irrigator license issued under Chapter 30 of this title (relating to Occupational Licenses and Registrations).

(b) An irrigation technician is an individual who:

(1) connects an irrigation system to a water supply;

(2) under the supervision of a licensed irrigator, installs, maintains, alters, repairs, or services a landscape irrigation system;

(3) represents to anyone that the individual can perform any or all of these functions; and

(4) is required to hold a valid irrigation technician license issued under Chapter 30 of this title.

(c) All irrigators and irrigation technicians shall comply with the rules contained in this chapter when performing any or all of the functions listed in this section.

(d) An individual who inspects irrigation systems and enforces a municipality's landscape irrigation ordinance must:

(1) hold a valid irrigation inspector license issued according to Chapter 30 of this title; or

(2) hold a valid plumbing inspector license.

(e) An individual who inspects irrigation systems and enforces a water district's rules related to landscape irrigation systems must:

(1) hold a valid irrigation inspector license issued according to Chapter 30 of this title; or

(2) hold a valid plumbing inspector license; or

(3) be the district's operator; or

(4) be employed by another regulatory authority with jurisdiction over landscape irrigation and hold the appropriate license.

(f) An inspector shall comply with the rules contained in this chapter when performing any of the functions listed in this section.

(g) A property owner is not required to be licensed in accordance with Texas Occupations Code, Title 12, §1903.002(c)(1) if they are performing irrigation work in a building or on a premise owned or occupied by the person as the person's home. A home or property owner who installs an irrigation system must meet the standards contained in §344.62(b), (c), (g), (j), and (k) of this title (relating to Minimum Design and Installation Requirements) concerning spacing; water pressure; spraying water over impervious materials; rain or moisture shut-off devices or other technology; and isolation valve. Municipalities or water districts may adopt more stringent requirements for a home or property owner who installs an irrigation system.

§344.31 Responsibilities of a Business Owner Who Provides Irrigation Services

(a) Under Chapter 30 of this title (relating to Occupational Licenses and Registrations), a business owner who employs a licensed irrigator as an irrigator-in-charge to provide consulting services, to supervise, or conduct operations relating to irrigation services is exempt from the licensing requirements of Texas Occupations Code, Chapter 1903.

(b) An exempt business owner who provides landscape irrigation services shall ensure that all irrigation services are supervised by a licensed irrigator, according to the requirements of this subchapter. An exempt business owner who engages in landscape irrigation is responsible for verifying the validity of the license belonging to all irrigators and irrigation technicians performing irrigation services for the business. An exempt business owner who engages in landscape irrigation is responsible for designating an irrigator-in-

charge.

§344.33 Display of License

(a) Irrigators and irrigation technicians shall prominently display their license certificate at the place of irrigation business or employment and shall present their license upon request by any regulatory authority, irrigation system's owner, or prospective owner.

(b) Irrigation inspectors shall present their license, when requested by any entity that is regulated under this chapter, and when that request is made while an irrigation inspector is conducting business.

§344.34 Use of License

(a) No one other than the irrigator, irrigation technician, or irrigation inspector to whom a license is issued shall use or attempt to use the license, which includes the license number.

(b) An individual or entity who uses or attempts to use the license or license number of someone else who is a licensed irrigator, licensed irrigation technician, or licensed irrigation inspector is in violation of Texas Occupations Code, Chapter 1903, and this chapter.

(c) An irrigator's license or license number may be used at only one entity as the irrigator-in-charge. An irrigator may work for other entities, but not as the irrigator-in-charge.

(d) It is a violation of this chapter for an irrigator, irrigation technician or irrigation inspector to authorize or allow another person or entity to use the irrigator's, irrigation technician's, or irrigation inspector's license or license number in a manner inconsistent with this chapter.

§344.35 Duties and Responsibilities of Irrigators

(a) An irrigator shall comply with the rules contained in this chapter when performing any or all of the functions described in this section.

(b) An irrigator who performs work for an entity or for an exempt business owner who performs or offers to perform irrigation services shall be knowledgeable of and responsible for all permits, contracts, agreements, advertising, and other irrigation services secured and performed using the irrigator's license.

(c) A licensed irrigator who is employed by an exempt business owner and designated as the irrigator-in-charge shall supervise all irrigation services of the business, in accordance with this chapter.

(d) A licensed irrigator is responsible for:

(1) using the seal in accordance with this chapter;

(2) obtaining all permits and inspections required to install an irrigation system;

(3) complying with local regulations;

(4) determining the appropriate backflow prevention method for each irrigation system installation and installing the backflow prevention assembly correctly;

(5) maintaining landscape irrigation systems records;

(6) conserving water;

(7) developing and following an irrigation plan for each new irrigation system;

(8) designing an irrigation system that complies with the requirements of this chapter;

(9) providing on-site supervision of the installation of irrigation systems;

(10) providing supervision to an irrigation technician who is conducting irrigation services;

(11) completing the irrigation system including the final "walk through," completing the maintenance checklist, placing a permanent sticker on the controller or on the maintenance checklist if the irrigation system does not have an automatic controller, and providing a copy of the design plan;

(12) conducting irrigation services in compliance with the requirements of this chapter;

(13) providing advertisements, contracts, and warranties that comply with the requirements of this chapter; and

(14) installing an irrigation system that complies with the requirements of this chapter.

§344.36 Duties and Responsibilities of Irrigation Technicians

(a) A licensed irrigation technician under the supervision of a licensed irrigator, is responsible for:

(1) connecting an irrigation system to a water supply;

(2) installing a backflow prevention assembly pursuant to §344.50 of this title (relating to Backflow Prevention Methods);

(3) conducting irrigation services including maintaining, altering, repairing, servicing, or directing the installation of irrigation systems; and

(4) conducting the final walk through in compliance with the requirements in §344.63 of this title (relating to Completion of Irrigation System Installation).

(b) If an irrigation technician connects an irrigation system to a potable water supply, the connection and installation of the backflow prevention assembly must be as indicated on the site irrigation plan or as directed by the licensed irrigator and documented on the site irrigation plan.

(c) An irrigation technician, under the supervision of a licensed irrigator, is responsible for:

(1) connecting an irrigation system to a water supply; and

(2) providing on-site supervision of the installation, maintenance, alteration, repair, service of an irrigation system including the final walk through with the irrigation system owner or owner's representative to explain the maintenance and operation of the irrigation system.

(d) An irrigation technician shall not act as an irrigator nor advertise or offer to perform irrigation services.

§344.37 Duties and Responsibilities of Irrigation Inspectors

(a) A licensed irrigation inspector or licensed plumbing inspector shall enforce the applicable irrigation rules or ordinance of the employing governmental entity and, at a minimum, is responsible for:

(1) verifying that the appropriate permits have been obtained for an irrigation system;

(2) verifying that the irrigator, irrigation technician, or water operator is licensed;

(3) inspecting the irrigation system;

(4) determining that the irrigation system complies with the requirements of this chapter;

(5) determining that the appropriate backflow prevention assembly was installed, tested, and the test results were provided to the water purveyor;

(6) investigating complaints related to irrigation systems including the advertisement of irrigation services; and

(7) maintaining records according to this chapter. Each inspector shall maintain a log of all irrigation systems inspected that includes, but is not limited to, the system location, property owner, irrigator responsible for installation, permit status, problems noted during the inspection, and date of the inspection. The log must be kept for three years. The log shall be available for review within two business days of the request by authorized representatives of the commission or any regulatory authority with jurisdiction over landscape irrigation issues in the area the inspector is employed to inspect.

(b) A licensed irrigation inspector, licensed plumbing inspector, a water district's operator or other appropriately licensed individual employed by a governmental entity shall be responsible for:

(1) verifying that the appropriate permits have been obtained for an irrigation system;

(2) verifying that the irrigator, irrigation technician, or water district operator is licensed;

(3) inspecting the irrigation system;

(4) determining that the irrigation system complies with the requirements of this chapter;

(5) determining that the appropriate backflow prevention assembly was installed, tested, and the test results were provided to the water purveyor;

(6) investigating complaints related to irrigation systems including the advertisement of irrigation services; and

(7) each inspector shall maintain a log of all irrigation systems inspected that includes, but is not limited to, the system location, property owner, irrigator responsible for installation, permit status, problems noted during the inspection, and date of the inspection. The log must be kept for three years. The log shall be available for review within two business days of the request by authorized representatives of the commission or any regulatory authority with jurisdiction over landscape irrigation issues in the area the inspector is employed to inspect.

§344.38 Irrigator Records

Upon the licensed irrigator obtaining the seal, in accordance with this chapter, an impression of the seal shall be made on letterhead, or other business stationary, and maintained on file for review by the commission.

Archival copies of all records given to the irrigation system's owner or owner's representative shall be maintained by the irrigator. Records will be maintained by the irrigator for a period of three years from the date installation, maintenance, alteration, repair or service was completed. Irrigators shall make all records of landscape irrigation services available within ten business days of any request made by authorized representatives of the commission or the local regulatory authority with jurisdiction over landscape irrigation.

SUBCHAPTER D LICENSED IRRIGATOR SEAL

§344.40 Seal Required

Each irrigator, upon being licensed with the commission, shall obtain a seal, as described in §344.41 of this title (relating to Seal Design). Licensed irrigators shall not engage in any landscape irrigation services without physical possession of the seal and the license. The irrigator is responsible for the security of the seal and for ensuring that it shall not be used in a manner that does not meet the requirements of this chapter.

§344.41 Seal Design

(a) The required seal must be:

(1) circular; and

(2) not less than 1-1/2 inches in diameter.

(b) The required seal must display:

(1) the words "State of Texas" at the top between the knurled circles;

(2) the words "Licensed Irrigator" at the bottom; and

(3) the irrigator's name and license number, excluding leading zeros, horizontally in the circular field.

§344.42 Seal Display

(a) On every document requiring an irrigator's seal, the seal shall be clearly visible and legible on the original document and all copies or reproductions of the original document.

(b) An irrigator may use an alternative media (electronic, rubber stamp, embossing, etc.) to use their seal and signature if the seal, signature, and date are clearly visible and legible on the original document and all copies or reproductions of the original document.

§344.43 Seal Use

(a) Irrigators shall:

(1) sign their legal name;

(2) affix the seal above the irrigator's signature; and

(3) include the date of signing (month, day, and year) of each document to which the seal is affixed.

(b) The presence of the irrigator's seal displayed above the irrigator's signature and date on any document constitutes the acceptance of all professional responsibility for the document and the irrigation services performed in accordance with that document.

(c) The irrigator will maintain, for three years, a copy of each document bearing the irrigator's seal.

(d) Once a document containing a seal is issued, the seal may not be altered.

(e) Irrigators shall not change any plan or specification created by another irrigator unless:

(1) the change is made to adapt the plan or specification to the specific site conditions and to address state and local requirements;

(2) the irrigator accepts full responsibility for any changes the irrigator makes to the original plan or specification; and

(3) the irrigator seals and dates the changes made to the original irrigation plan.

(f) If an irrigator prepares only a portion of a plan or specification, that portion of the plan or specification must be sealed by the irrigator and clearly identified.

(g) Irrigators shall sign, seal and date the irrigation plan and specifications, contract, addenda or change orders, warranty, and the maintenance checklist. **SUBCHAPTER E BACKFLOW PREVENTION AND CROSS-CONNECTIONS**

§344.50 Backflow Prevention Methods

(a) All backflow prevention assemblies installed per this chapter shall be installed according to manufacturer's recommendations and provided with sufficient clearance to facilitate testing.

(b) If conditions that present a health hazard exist, one of the following types of backflow prevention shall be used.

(1) An air gap may be used if installed per the definition of air gap in §344.1(1) of this title (relating to Definitions).

(2) Reduced pressure principle backflow prevention assemblies may be used if installed per subsection (a) of this section and:

(A) the assembly is installed at a minimum of 12 inches above ground in a location that will ensure that the assembly will not be submerged; and

(B) drainage is provided for any water that may be discharged through the relief valve.

(3) Pressure vacuum breakers may be used if installed per subsection (a) of this section and:

(A) there is no actual or potential for a back-pressure condition; and

(B) the assembly is installed at a minimum of 12 inches above any downstream piping and the highest downstream opening. Pop-up sprinklers are measured from the retracted position from the top of the sprinkler.

(4) Spill-resistant pressure vacuum breakers may be used if installed per subsection (a) of this section and:

(A) there is no actual or potential for a back-pressure condition; and

(B) the assembly is installed at a minimum of 12 inches above any downstream piping and the highest downstream opening. Pop-up sprinklers are measured from the retracted position from the top of the sprinkler.

(c) If there are no conditions that present a health hazard, double check valve backflow prevention assemblies may be used to prevent backflow if the assembly is tested upon installation and:

(1) a local regulatory authority does not prohibit the use of a double check valve; and

(2) test cocks are used for testing only.

(d) Double check valve assemblies installed below ground shall meet the following installation requirements:

(1) test cocks shall be plugged, except when the double check valve is being tested;

(2) test cock plugs shall be threaded, water-tight, and made of non-ferrous material; and

(3) there shall be a clearance all the way around the assembly to allow space for testing and repair.

(e) At a minimum, all backflow prevention assemblies shall be tested by a licensed backflow prevention assembly tester upon installation, repair, replacement, or relocation. Those backflow prevention assemblies used in irrigation systems designated as health hazards shall be tested annually.

§344.51 Specific Conditions and Cross-Connection Control

(a) Before any chemical is added by any method (aspiration, injection, etc.) to an irrigation system which is connected to any potable water supply, the irrigation system shall be connected through a reduced pressure principle backflow prevention assembly or air gap.

(b) Irrigation system components treated with chemical additives and connected to any potable water supply shall be connected through a reduced pressure principle backflow prevention assembly.

(c) Connection of more than one water source to an irrigation system presents the potential for contamination of the potable water supply if backflow occurs. Therefore, connection of any additional water source to an irrigation system that is connected to the potable water supply can only be made if the irrigation system is connected to the potable water supply through a reduced-pressure principle backflow prevention assembly or an air gap.

(d) If an irrigation system is designed or installed on a property that is served by an on-site sewage facility, as defined in Chapter 285 of this title (relating to On-Site Sewage Facilities), then:

(1) all irrigation piping and valves shall meet the separation distances from the On-Site Sewage Facilities system as required for a private water line in §285.91(10) of this title (relating to Tables), concerning the minimum required separation distances for on-site sewage facilities;

(2) the irrigation system is designated a health hazard and any connections using a private or public potable water source shall be connected to the water source through a reduced pressure principle backflow prevention assembly as defined in §344.50 of this title (relating to Backflow Prevention Methods); and

(3) any water from the irrigation system that is applied to the surface of the area utilized by the On-Site Sewage Facility system shall be controlled on a separate irrigation zone or zones so as to allow complete control of any irrigation to that area so that there will not be excess water that would prevent the On-Site

Sewage Facilities system from operating effectively.

§344.52 Installation of Backflow Prevention Assembly

(a) If an irrigation system is connected to a potable water supply and requires major maintenance, alteration, repair, or service, the system shall be connected to the potable water supply through an approved, properly installed backflow prevention method as defined in this title before any major maintenance, alteration, repair, or service is performed.

(b) If an irrigation system is connected to a potable water supply through a double check valve, pressure vacuum breaker, or reduced pressure principle backflow prevention assembly and includes an automatic master valve on the system, the automatic master valve shall be installed on the discharge side of the backflow prevention assembly.

(c) The irrigator shall ensure the backflow prevention assembly is tested prior to being placed in service and the test results provided to the local water purveyor within ten business days of testing the backflow prevention assembly. **SUBCHAPTER F STANDARDS FOR DESIGNING, INSTALLING, AND MAINTAINING LANDSCAPE IRRIGATION SYSTEMS**

§344.60 Water Conservation

All irrigation systems shall be designed, installed, maintained, altered, repaired, serviced, and operated in a manner that will promote water conservation as defined in §344.1(45) of this title (relating to Definitions).

§344.61 Minimum Standards for the Design of the Irrigation Plan

(a) An irrigator shall prepare a site-specific irrigation plan for each new irrigation system. The irrigation plan must be on the job site during the installation of the irrigation system and must be consulted for installation requirements.

(b) The irrigation plan must show that the irrigation system provides complete coverage of all areas to be irrigated. If there are areas on the site that are not to be irrigated, they must be clearly identified on the irrigation plan.

(c) All irrigation plans used for construction must be drawn to scale. The plan must include, at a minimum, the following information:

(1) the irrigator's seal, signature, and date of signing;

(2) all major physical features in accordance with subsection (b) of this section including, but not limited to, property lines, streets, sidewalks, buildings, fences, flower bed lines, and the boundaries of the areas to be watered;

(3) a North arrow;

(4) a legend showing the symbols used in the irrigation plan and an accurate description of what the symbol represents;

(5) the zone flow measurement for each zone which includes the zone/controller station number and the zone valve size;

(6) location and type of each:

(A) controller;

(B) sensor (for example, but not limited to, rain, moisture, wind, flow, or freeze);

(7) specifications for all irrigation system components to include, but not limited to, location, type, size, manufacturer, model number, operating pressure, flow range, radius of throw;

(8) the scale used; and

(9) the design pressure.

(d) During the installation of the irrigation system, changes from the original plan may be authorized by the licensed irrigator if they are clearly documented in red ink on the irrigation plan and the change does not:

(1) diminish the operational integrity of the irrigation system; and

(2) violate any requirements of this chapter.

(e) All changes to the irrigation plan shall be documented as an as-built drawing.

§344.62 Minimum Design and Installation Requirements

(a) No irrigation design or installation shall require the use of any component, including the water meter, in a way which exceeds the manufacturer's published performance limitations for the component.

(b) Spacing.

(1) The maximum spacing between emission devices must not exceed the manufacturer's published radius or spacing of the device(s). The radius or spacing is determined by referring to the manufacturer's published specifications for a specific emission device at a specific operating pressure. In no instance shall the spacing exceed plus or minus 10% of the manufacturer's published radius or spacing of the device(s).

(2) New irrigation systems shall not utilize above-ground spray emission devices in landscapes that are less than 48 inches not including the impervious surfaces in either length or width and which contain impervious pedestrian or vehicular traffic surfaces along two or more perimeters.

(3) Pop-up spray heads or rotary sprinkler heads must direct flow away from any adjacent surface and shall not be installed closer than four inches from a hardscape, such as, but not limited to, a building foundation, fence, concrete, asphalt, pavers, or stones set with mortar. Narrow paved walkways, jogging paths, golf cart paths or other small areas located in cemeteries, parks, golf courses or other public areas may be exempted from this requirement if the runoff drains into a landscaped area.

(c) Water pressure. Emission devices must be installed to operate at the optimum or recommended sprinkler head pressure as published by the manufacturer for the nozzle and head spacing that is used. If an optimum or recommended pressure is not published, then the emission devices must be installed to operate at not below the minimum and not above the maximum sprinkler head pressure as published by the manufacturer for the nozzle and head spacing that is used. Methods to achieve the water pressure requirements include, but are not limited to, flow control valves, a pressure regulator, or pressure compensating spray heads.

(d) Piping. Polyvinyl chloride (PVC) piping in irrigation systems must be designed and installed so that the flow of water in the pipe will not exceed a velocity of five feet per second.

(e) Irrigation Zones. Irrigation systems shall have separate zones based on plant material type, microclimate factors, topographic features, soil conditions, and hydrological requirements.

(f) Matched precipitation rate. Zones must be designed and installed so that all of the emission devices in that zone irrigate at the same precipitation rate.

(g) Irrigation systems shall not spray water on or over any surfaces made of impervious material including but not limited to concrete, asphalt, brick, wood, stones set with mortar, walls, fences, sidewalks, and streets.

(h) Master valve. When provided, a master valve shall be installed on the discharge side of the backflow prevention assembly on all new installations.

(i) PVC pipe primer solvent. All new irrigation systems that are installed using PVC pipe and fittings shall be primed with a colored primer prior to applying the PVC cement in accordance with the Uniform Plumbing Code (Section 316) or the International Plumbing Code (Section 605).

(j) Rain or moisture shut-off devices or other technology. All new automatically controlled irrigation systems must include sensors or other technology designed to inhibit or interrupt operation of the irrigation system during periods of moisture or rainfall. Rain or moisture shut-off technology must be installed according to the manufacturer's published recommendations. Repairs to existing automatic irrigation systems that require replacement of an existing controller must include a sensor or other technology designed to inhibit or interrupt operation of the irrigation system during periods of moisture or rainfall. El Paso, Hudspeth, Culberson, Jeff Davis, Presidio, Brewster, Terrell, Loving, Winkler, Ward, Reeves, Ector, Crane and Pecos Counties are excluded from this requirement.

(k) Isolation valve. All new irrigation systems must include an isolation valve between the water meter and the backflow prevention assembly.

(l) Depth coverage of piping. Piping in all irrigation systems must be installed according to the manufacturer's published specifications for depth coverage of piping.

(1) If the manufacturer has not published specifications for depth coverage of piping, the piping must be installed to provide minimum depth coverage of six inches of select backfill, between the top of the topmost pipe and the natural grade of the topsoil. All portions of the irrigation system that fail to meet this standard must be noted on the irrigation plan/as-built drawing. If the area being irrigated has rock at a depth of six inches or less, select backfill may be mounded over the pipe. Mounding must be noted on the irrigation plan/as-built drawing and discussed with the irrigation system owner or owner's representative to address any safety issues.

(2) If a utility, man-made structure, or roots create an unavoidable obstacle, which makes the six-inch depth coverage requirement impractical, the piping shall be installed to provide a minimum of two inches of select backfill between the top of the topmost pipe and the natural grade of the topsoil.

(3) All trenches and holes created during installation of an irrigation system must be backfilled and compacted to the original grade.

(m) Wiring irrigation systems.

(1) Underground electrical wiring used to connect an automatic controller to any electrical component of the irrigation system must be listed by Underwriters Laboratories as acceptable for burial underground.

(2) Electrical wiring that connects any electrical components of an irrigation system must be sized according

to the manufacturer's recommendation.

(3) Electrical wire splices which may be exposed to moisture must be waterproof as certified by the wire splice manufacturer.

(4) Underground electrical wiring that connects an automatic controller to any electrical component of the irrigation system must be buried with a minimum of six inches of select backfill.

(n) Water contained within the piping of an irrigation system is deemed to be non-potable. No drinking or domestic water usage, such as, but not limited to, filling swimming pools or decorative fountains, shall be connected to an irrigation system. If a hose bib (an outdoor water faucet that has hose threads on the spout) is connected to an irrigation system for the purpose of providing supplemental water to an area, the hose bib must be installed using a quick coupler key on a quick coupler installed in a valve box with a colored-coded purple lid or cover and the hose bib and any hoses connected to the bib must be labeled "non-potable, not safe for drinking." An isolation valve must be installed upstream of a quick coupler connecting a hose bib to an irrigation system.

(o) A licensed irrigator or licensed irrigation technician shall be on-site at all times while the landscape irrigation system is being installed. When an irrigator is not on-site, the irrigator shall be responsible for ensuring that a licensed irrigation technician is on-site to supervise the installation of the irrigation system.

(p) Valve boxes. A valve box shall be used as a durable, rigid enclosure for valves and/or any other irrigation system components that require subsurface protection.

§344.63 Completion of Irrigation System Installation

Upon completion of the irrigation system, the irrigator or irrigation technician who provided the on-site supervision for the installation shall be required to provide four items:

(1) a final "walk through" with the irrigation system's owner or the owner's representative to explain the operation of the system;

(2) The completed maintenance checklist on which the irrigator or irrigation technician shall obtain the signature of the irrigation system's owner or owner's representative and shall sign, date, and seal the checklist. If the irrigation system's owner or owner's representative is unwilling or unable to sign the maintenance checklist, the irrigator shall note the time and date of the refusal on the irrigation system's owner or owner's representative's signature line. The irrigation system owner or owner's representative will be given the original maintenance checklist and a duplicate copy of the maintenance checklist shall be maintained by the irrigator. The items on the maintenance checklist shall include but are not limited to:

(A) the manufacturer's manual for the automatic controller, if one is used;

(B) a seasonal (spring, summer, fall, winter) watering schedule based on either current/real time evapotranspiration data or monthly historical evapotranspiration data, monthly effective rainfall estimates, plant landscape coefficient factors, and site factors;

(C) a list of irrigation system components (nozzle, pump filters, etc.) that require maintenance and the recommended frequency for the service; and

(D) the statement, "This irrigation system has been installed in accordance with all applicable state regulations as well as applicable local laws, ordinances, rules, or orders. I have tested the system and determined that it has been installed according to the Irrigation Plan/As-built drawing and is properly

adjusted for the most efficient application of water at this time."

(3) A permanent sticker printed with waterproof ink which contains the irrigator's name, license number, company name, telephone number and the dates of the warranty period shall be affixed to each automatic controller installed by the irrigator or irrigation technician. If the irrigation system is manual, the sticker shall be affixed to the original maintenance checklist.

(4) The irrigation plan/as-built drawing indicating the actual installation of the system must be provided to the irrigation system's owner or owner's representative.

§344.64 Maintenance, Alteration, Repair, or Service of Irrigation Systems

(a) All trenches and holes created during the maintenance, alteration, repair, or service of an irrigation system must be backfilled and returned to the original grade with suitable soil free of any objects that could damage the plumbing of the irrigation system. The backfill must be compacted such that a depression does not develop.

(b) Colored polyvinyl chloride (PVC) pipe primer solvent must be used on all PVC pipes and fittings used in the maintenance, alteration, repair, or service of an irrigation system in accordance with the Uniform Plumbing Code (Section 316) or the International Plumbing Code (Section 605).

(c) When maintenance, alteration, repair or service of an irrigation system involves excavation work at the water meter or at a point upstream of the backflow prevention assembly, an isolation valve shall be installed, if an isolation valve is not currently installed per §344.62(k) of this title (relating to Minimum Design and Installation Requirements).

§344.65 Reclaimed Water

Reclaimed water may be utilized in landscape irrigation systems if:

(1) there is no direct contact with edible crops, unless the crop is pasteurized before consumption;

(2) the irrigation system does not spray water across property lines that do not belong to the irrigation system's owner;

(3) the irrigation system is installed using purple components;

(4) the domestic potable water line providing water to the site is connected using an air gap or a reduced pressure principle backflow prevention assembly in accordance with §290.47(f) of this title (relating to Appendices);

(5) a minimum of an eight-inch by eight-inch sign, in English and Spanish, is prominently posted on/in the area that is being irrigated, that reads, "RECLAIMED WATER - DO NOT DRINK" and "AGUA DE RECUPERACIÓN - NO BEBER"; and

(6) backflow prevention on the reclaimed water supply line shall be in accordance with the regulations of the water purveyor.

§344.66 Temporary Irrigation Systems

(a) Temporary irrigation systems must be installed by a licensed irrigator or an irrigation technician under the supervision of a licensed irrigator.

(b) Temporary irrigation systems must meet the backflow prevention requirements in Subchapter E of this chapter (relating to Backflow Prevention and Cross-Connections).

(c) Temporary irrigation systems must be installed in accordance with §344.1(45) of this title (relating to Definitions).

(d) Temporary irrigation systems must have established a definite end date at which time the temporary irrigation system must be removed. **SUBCHAPTER G ADVERTISING, CONTRACT, AND WARRANTY**

§344.70 Advertisement

(a) All vehicles used in the performance of irrigation services must display the irrigator's license number in the form of "LI_____" in a contrasting color of block letters at least two inches high, visible on both outward sides of the vehicle.

(b) All forms of advertisement for irrigation services, regardless of the type of media, must display the irrigator's license number in the form of "LI_____." Any form of advertisement which displays an entity's or individual's name other than that of the licensed irrigator must also display the name of the licensed irrigator and the licensed irrigator's license number. Trailers that advertise irrigation services must display the irrigator's license number.

(c) At the location of the permanent structure where the irrigation business is primarily conducted and irrigation records are kept, the name, mailing address, and telephone number of the commission must be prominently displayed on a legible sign in plain view for the purpose of addressing complaints.

§344.71 Contracts

(a) All contracts to install an irrigation system must be in writing and signed by each party and must specify the irrigator's name, license number, business address, current business telephone numbers, the date that each party signed the agreement, the total agreed price, and must contain the statement, "Irrigation in Texas is regulated by the Texas Commission on Environmental Quality (TCEQ), MC-235, P.O. Box 13087, Austin, Texas 78711-3087. TCEQ's website is: www.tceq.texas.gov." All contracts must include the irrigator's seal, signature, and date.

(b) All written estimates, proposals, bids, and invoices relating to the installation or repair of an irrigation system(s) must include the irrigator's name, license number, business address, current business telephone number(s), and the statement: "Irrigation in Texas is regulated by the Texas Commission on Environmental Quality (TCEQ) (MC-235), P.O. Box 13087, Austin, Texas 78711-3087. TCEQ's website is: www.tceq.texas.gov."

(c) An individual who agrees by contract to provide irrigation services as defined in §344.30 of this title (relating to License Required) shall hold an irrigator license issued under Chapter 30 of this title (relating to Occupational Licenses and Registrations) unless the contract is a pass-through contract as defined in §344.1(36) of this title (relating to Definitions). If a pass-through contract includes irrigation services, then the irrigation portion of the contract can only be performed by a licensed irrigator. If an irrigator installs a system pursuant to a pass-through contract, the irrigator shall still be responsible for providing the irrigation system's owner or owner's representative a copy of the warranty and all other documents required under this chapter. A pass-through contract must identify by name and license number the irrigator that will perform the work and must provide a mechanism for contacting the irrigator for irrigation system warranty work.

(d) The contract must include the dates that the warranty is valid.

§344.72 Warranties

(a) On all installations of new irrigation systems, an irrigator shall present the irrigation system's owner or owner's representative with a written warranty covering materials and labor furnished in the new installation of the irrigation system. The irrigator shall be responsible for adhering to terms of the warranty. If the irrigator's warranty is less than the manufacturer's warranty for the system components, then the irrigator shall provide the irrigation system's owner or the owner's representative with applicable information regarding the manufacturer's warranty period. The warranty must include the irrigator's seal, signature, and date. If the warranty is part of an irrigator's contract, a separate warranty document is not required.

(b) An irrigator's written warranty on new irrigation systems must specify the irrigator's name, business address, and business telephone number(s), must contain the signature of the irrigation system's owner or owner's representative confirming receipt of the warranty and must include the statement: "Irrigation in Texas is regulated by the Texas Commission on Environmental Quality (TCEQ), MC-235, P.O. Box 130897, Austin, Texas 78711-3087. TCEQ's website is: www.tceq.texas.gov."

(c) On all maintenance, alterations, repairs, or service to existing irrigation systems, an irrigator shall present the irrigation system's owner or owner's representative a written and sealed document that details the work performed and identifies the materials furnished. If a warranty is provided, the irrigator shall abide by the terms. The warranty document must include the irrigator's name and business contact information. The irrigator is responsible for all work that is performed by the irrigator or that is performed under the irrigator's direction on an irrigation system installed by the irrigator during the warranty period. The irrigator is not responsible for any work performed by any other individual on the same irrigation system. **SUBCHAPTER H IRRIGATOR ADVISORY COUNCIL**

§344.80 Irrigator Advisory Council

(a) The Irrigator Advisory Council is composed of nine members that are appointed by the commission. Appointments to the council will be made without regard to race, creed, sex, religion, or national origin of the appointees. The purpose of the council is to give the commission the benefit of the members' collective business, environmental, and technical expertise and experience with respect to matters relating to landscape irrigation. The council has no executive or administrative powers or duties with respect to the operation of the commission, and all such powers and duties rest solely with the commission.

(b) Six members of the council must be licensed irrigators who are residents of the State of Texas, experienced in the irrigation business, and familiar with irrigation methods and techniques.

(c) Three members must be representatives of the public. A person is not eligible for appointment as a public member if the person or the person's spouse:

(1) is licensed by an occupational regulatory agency in the field of irrigation; or

(2) is employed by, participates in the management of, or has, other than as a consumer, a financial interest in a business entity or other organization related to the field of irrigation.

(d) It is grounds for removal from the council by the commission if a member:

(1) does not meet, at the time of the appointment, the qualifications that are required by subsection (b) or (c) of this section for appointment to the council;

(2) does not maintain, during service on the council, the qualifications that are required by subsection (b) or (c) of this section for appointment to the council; or

(3) misses three consecutive regularly scheduled meetings or more than half of all the regularly scheduled meetings in a one-year period.

(e) The members of the council serve staggered six-year terms, with the terms expiring February 1 of each odd-numbered year. For cases where a council member cannot finish their term, the replacement member will serve the remainder of the term.

(f) A member of the council is entitled to per diem as appropriated by the Texas Legislature for each day that the member engages in the business of the council. A member is entitled to reimbursement for travel expenses, including expenses for meals and lodging, as provided for in the General Appropriations Act.

(g) The council shall hold meetings at the call of the commission or chairman.

(h) A majority of the council constitutes a quorum for conducting business.

(i) The council will elect a chairman by a majority vote.