

Texas Prescribed Burning Board Minutes

Texas Department of Agriculture

Stephen F. Austin Building, 11th Floor Conference Room

Thursday, March 2, 2017

CALL TO ORDER

Chairman Justin Penick called the Prescribed Burning Board (PBB) meeting to order at 1:07 P.M. The Roll was answered as follows:

Present: Justin Penick, Morgan Russell, James “Rooter” Brite, Larry J. Doherty, Frank Price, Justin Dreibelbis, Amancio Gutierrez, William “Bill” Rogers.

Absent: Arnolando Saenz, Dale Scott, Rich Gray, Rusty Ray, Dr. Robin Verble

With eight members present and five members absent, a quorum was established.

Guests Present: Chris Gee (TDA), Patrick Dudley (TDA), Cynthia Grandee (TCEQ), Phillip Steigerwald, Doug Skowronek (TXDOT), Keith Menard, Brian Treadwell, Ray Hinnant, Mort Kothmann

Chairman Penick welcomed everyone to the PPB meeting and recognized Chris Gee with the Texas Department of Agriculture to swear in new board members. Chris Gee delivered the PBB oath to new board members Amancio Gutierrez and Frank Price and welcomed them to the Board.

Chairman Penick recognized everyone to introduce themselves.

APPROVAL OF MINUTES

Minutes from the previous PBB meeting on September 7, 2016 were reviewed. Rogers made a motion to approve the minutes as presented. Russell seconded the motion; the motion prevailed unanimously.

TDA Update

Chairman Penick recognized Patrick Dudley with TDA to give the TDA update. Dudley gave an update on the status of the agency. Russell reviewed a list of recommendations to TDA that had been approved during the Sept. 2016 meeting. These items were reviewed by the PBB. The PPB made a motion to recommend TDA look at a way to streamline the insurance process on the PPB webpage in order to remove burners and insurers who are no longer valid. The motion was made by Russell and seconded by Doherty. Motion prevailed unanimously. Dudley said he would look into the list of recommendations the Board had previously developed and work on the recommendations as time allows.

Legislative Update

Chairman Penick gave a brief update on legislation being carried during the 85th Legislative Session that could affect prescribed burning.

The Bills being monitored this session:

HB 1009, HB 1091, HB 1672, HB 1837, HB 2386, SB 960, SB 1064

There was a consensus by the board that these bills would be monitored during the session and an update would be given during the next full meeting with bills that passed and/or failed.

TCEQ UPDATE

Chairman Penick recognized Amancio Gutierrez to give a TCEQ update to the Board. Gutierrez reported the TCEQ public hearing for new rules concerning Control of Air Pollution from Visible Emissions and Particulate Matter was Tuesday, February 28, 2017. The comment period is to end March 6, 2017 with tentative adoption of the rules on July 7. Chris Gee of TDA discussed with the Board TDA's intention of submitting comments to TCEQ with their concerns of potential overlap between TCEQ and PBB and potential dual liability between the two agencies. The Board discussed the overlap between the proposed TCEQ rules and current PBB rules.

TXDOT PRESENTATION

Chairman Penick recognized Doug Skowronek with the Texas Department of Transportation (TXDOT) with the Traffic Operations Division. Skowronek made a presentation to the Board regarding traffic control and temporary traffic control. Skowronek reviewed the specifics required for flaggers and discussed the requirements

needed to place temporary signs on a roadway. TXDOT is the only authority allowed to place traffic control signs on a roadway unless an organization has received a permit to place a traffic control sign up. This permit is by location. The Board discussed with Skowronek what CPBMs should do in order to properly display temporary traffic control signs during prescribed burns as well as the proper flagging training available. A consensus was made by the Board to begin working together with TXDOT.

INSURANCE UPDATE

Chairman Penick requested a list of the current insurance providers be given to the Board. A list was printed and provided to the Board during the meeting.

ADVISORY BOARD AND SUBCOMMITTEE UPDATE

Chairman Penick recognized Dr. Morgan Russell to provide an update on the Curriculum Sub-Committee. Russell gave the Board a copy of the PBAT Curriculum adopted by the Board. A motion was made by Russell and seconded by Brite to accept the PBAT Curriculum as the official training Curriculum of the PBB. The motion prevailed unanimously. The Board discussed the Train the Trainer program being considered and deliberated over the possibilities of allowing Lead Burn Instructors the opportunity to review curriculum and give recommendations to the Board as a mandatory requirement to stay Lead Burn Instructors. Upon recommendation from the Sub-Committee, a motion was made by Price and seconded by Russell to require the Lead Burn Instructors to meet annually for the purpose of continuing education in conjunction with the PBB meeting. The motion passed unanimously. A motion was made by Dreibelbis and seconded by Russell to remove Lead Burn Instructors from the list of acceptable Lead Burn Instructors if they do not attend the annual continuing education meeting unless the Lead Burn Instructor has contacted TDA and their absence has been approved by a majority vote of the Board.

Chairman Penick recognized Ray Hinnant to give the Board an Advisory Board update. Hinnant reported that there is a named Advisory Board, but as the Advisory Board serves at the will of the PBB there was nothing to report.

The Board discussed other business raised during the meeting that should be placed on the next agenda. Dudley will contact members of the Board prior to the next meeting to determine additional agenda items. The Board came to a consensus that the next meeting should be held Thursday, September 21, 2017 at the Stephen F. Austin Building in Austin at 1:00 p.m. Prior to the meeting the first Lead Burn Instructor Training will held at 10:00 am. at the Stephen F. Austin Building in Austin.

No public comments were taken.

With no additional business, Chairman Penick entertained a motion to adjourn until September 21, 2017. A motion was made and seconded to adjourn. Without objection the meeting was adjourned at 3:56 p.m.