

Common OSSF Misconceptions

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Association Conference

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More Stringent Requirement Justifications

- Justification is required for “more stringent requirements” under 30 TAC 285.10(b)(4)(A).
- Each order/ordinance revision requires submittal of justifications, including justification for requirements included in previous orders.

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Ten Acre Rule

- I don't have to comply with your rules since I have more than 10 acres of property!
- The 10 acre rule exempts a single family residence from permitting, planning materials and the permitting inspection.
- All other requirements apply.
- See 30 TAC 285.3(f)(2).

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Floodplain vs Floodway

- Floodplain – any area subject to flooding with a 1% chance of flooding each year (the 100 year flood), See 30 TAC 285.2(24).
- Floodway – the channel and adjacent land areas reserved to discharge a 100 year flood without increasing flood elevation more than 1 foot above the 100 year flood elevation, See 30 TAC 285.2(25).

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Repair vs Replace

- To Repair is to Construct! See 285.2(15).
- Repair is replacement of components including tanks or drainfields. See 285.6(61).
- Repair does not include emergency repairs under 285.35.
- Replacement of pumps, filters, aerator lines, valves or electrical components is maintenance, not repair. See 285.2(35).
- Repairs require permits. See 285.3(b)(1).

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EMERGENCY REPAIRS

- Include replacement of items such as tank lids, inlet and outlet devices, and replacement of solid lines,
- Are completed to abate serious health hazards,
- Start of repair must be followed by notice to the AA within 72 hours
- And may be subject to inspection. See 285.35.

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Existing Small Lots

- Residential lots which do not meet the minimum size requirements of 285.4(a) may have an OSSF if...
- The lot was subdivided before January 1, 1988 or had a site specific plan approved before the effective date of this rule,
- Multiple lots may be combined if the requirements of 285.4(b)(2) are met.

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Existing Small Lots (continued)

- The OSSF may be constructed to serve a new dwelling or to replace an existing system.
- All other requirements must be met (such as separation distances).
- Any replatting after January 1, 1988 voids the right to permit a small lot.

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Are you regulating Porta-Cans?

- Why?
- Portable toilets are not regulated under 285. See 285.34(e).
- If the issue involves a public toilet facility see 25 TAC 265.123. Note: This is health services, not OSSF.
- If the issue involves collection and transport of chemical toilet waste see 30 TAC 312.141. This is not regulated under OSSF, contact your TCEQ regional office.

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Are Corps of Engineers projects exempt from permitting?

- The Corps and all other government agencies are not exempted from permitting
- Health & Safety Code 366, On-site Sewage Disposal Systems does not provide an exemption for governmental entities
- 30 TAC 285, On-site Sewage Facilities does not provide an exemption for governmental entities

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Requirements for beauty shops

- The OSSF program regulated treatment and disposal of domestic sewage on site.
- Waste from beauty shop operations is not domestic sewage and cannot be permitted under OSSF operations.
- Possible solution – Use a holding tank and approved transport and disposal under the sludge transport program (not regulated under OSSF).

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Texas Allows only ATUs?

- TCEQ rules allow alternative treatment and disposal systems based on soil and site conditions.
- The ATU is one type among a selection of secondary treatment systems.
- Alternatives to the ATU are available.
- See 285.91(13) for examples of treatment and disposal combinations.

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Maintenance Contracts

- An initial 2 year service policy is required with the service period beginning on the date the OSSF is first used, or the date a new single family dwelling is sold to the owner.
- The licensed maintenance provider will be responsible for fulfilling all requirements of the maintenance contract beginning September 1, 2009.
- Maintenance contracts are not required if the owner of a single family residence maintains the aerobic treatment unit.

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Maintenance Reports

- The licensed maintenance provider must sign all maintenance reports, beginning September 1, 2009
- The report frequency and detailed testing and reporting requirements remain the same as in 285 implemented August 3, 2006.
- The homeowner who performs ATU maintenance is not required to report maintenance findings.

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Testing and reporting – who’s looking

- Permitting Authorities and TCEQ
- Permitting Authorities may have thousands of ATUs, with potential for significant health and environmental effects, within their jurisdictions
- Administrative and criminal penalties, along with suspension or revocation of licenses, are authorized under OSSF rules and statutes.

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How many AAs are prohibiting HO maintenance

- | | |
|----------------------------------|--|
| • Prohibit Homeowner Maintenance | • Restrict Homeowner Maintenance (Training, Other) |
| • 23 Counties | • 25 Counties |
| • 7 Cities | • 1 City |
| • 2 Special Districts | • 1 Special District |

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Household Bleach/Pool tablets

- Tablets shall be calcium hypochlorite labeled for wastewater disinfection. See 285.33(d)(2)(D).
- Swimming pool tablets are not calcium hypochlorite and do not provide the correct dose or release rate.
- Swimming pool tablets mixed with wastewater treatment tablets are an explosion hazard.
- Liquid chlorine bleach may be used in liquid chlorinators, subject to the chlorinator manufacturer’s requirements.

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ATU Replacement Parts

- Aerobic Treatment Units are certified under NSF Standard 40. Certified replacement parts must be used to maintain unit certification.
- The ATU manufacturer is required to make replacement parts available to the ATU owner, installers and maintenance providers. See 285.7(f).

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Surfacing Sewage on a Rental Property, Can't Serve the Renter?

- You can serve notice to a renter, see Public Health Nuisance under Texas Health & Safety Code, 341.011 and 341.012.
- You can also serve notice to the owner under 341.011-.012.
- Failure to abate a public health nuisance is subject to prosecution under 341.091.

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Who verifies that HO makes proper repairs?

- The AA has the authority and responsibility to assure that repairs are completed properly.
- Repairs require permitting and inspection. See 285.3(d) concerning inspection requirements.
- Emergency repairs require notice from the owner and the AA has authority to inspect. See 285.35(d).

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Can't work for the AA and do OSSF?

- Persons employed by a local governmental entity may not undertake OSSF activities within the LGE's jurisdiction. See 285.50(a) - (g).

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Can't work for the AA and do OSSF (Continued)?

- The DR can work outside the jurisdiction of the AA, but must receive written permission from his/her employer to do such work. See 285.62(22).

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What happens on 10 Acres or more if a nuisance is documented?

- Serve notice to the owner and/or occupant using H&SC 341.011, requiring abatement.
- The 10 acre exemption only applies to single family residences which are not causing a nuisance. Require permitting if any construction is required to abate the nuisance. See 285.3(f)(2).

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Questions

For More Information:

- TCEQ Regional Staff
- TCEQ OSSF Program Central
- Internet: www.tceqossf.info

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