New Developments in Chapter 285 Rules

TEHA Conference
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What did HB 2482 do?

- Allows any homeowner to maintain their own aerobic system without training;
- Allows Designated Representatives (DRs) to inspect any system at any time; and
- For counties with at least 40,000 people, the law allows DRs to require a homeowner to obtain a maintenance contract if:
    1. the homeowner violates the rules and fails to correct the violation within 10 days; or
    2. violates the rules twice within a three year period.

Homeowner Training

- Not required unless the local governmental entity has adopted more stringent rules
- Does not apply to owners of commercial, speculative residential or multifamily property

New Maintenance Program

Maintenance – Old vs. New
Anatomy of a Maintenance Business

Old	New
Required at least one individual with:	Requires a licensed maintenance Provider who must have either:
Installer II license	Installer II License; Class C WW Operator; or 3 years as a registered maintenance provider or registered maintenance tech

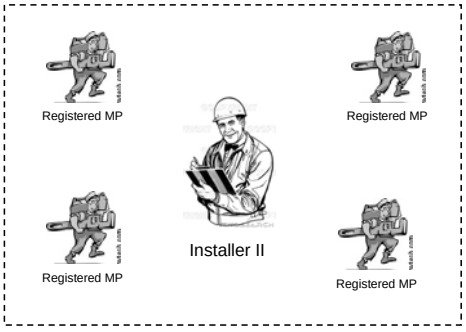
Maintenance – Old vs. New
Who is responsible?

Old	New
Duties and Responsibilities Rested with Maintenance companies	Duties and Responsibilities Rest with Licensed Maintenance Providers
Examples Maintain records Satisfy the contracts Submit reports Provide training to homeowners	*Examples* Maintain records Satisfy the contracts Submit reports

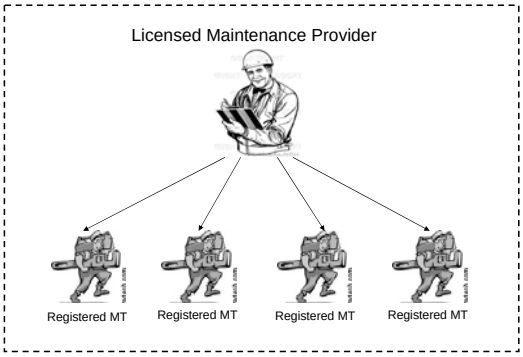
Maintenance – Old vs. New
Manufacturer Certification

Old	New
All individuals must be certified by the manufacturer	Certification by the manufacturer Is not required

Old Maintenance Company



New Maintenance Company



Licensed Maintenance Providers

- Responsible for satisfying the requirements in the maintenance contract, including signing and submitting reports and keeping records
- 3 year license ($111)
- Will require 24 hours of continuing education for renewal at end of 3 year period

Licensed Maintenance Providers

- Grandfathered licensed maintenance providers
- Non-grandfathered licensed maintenance providers

Grandfathered Licensed Maintenance Providers

- Must:
  1. Have obtained maintenance provider registration prior to September 11, 2008;
  2. Hold a current MP registration; and
  3. Have met all the qualification requirements for licensed maintenance providers on September 11, 2008
- Exempt from taking additional 16 hour course and exam.
- Their registered maintenance provider registration will automatically be converted to a license between May 1, 2009 and September 1, 2009.

Non-Grandfathered Licensed Maintenance Providers

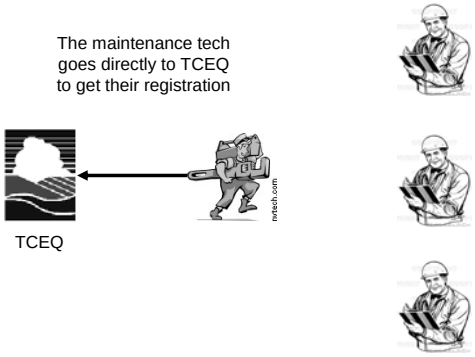
- Must be one of the following on the date they apply:
  A. Installer II;
  B. Class C Wastewater Operator; or
  C. 3 years as a registered maintenance provider or registered maintenance technician
- Take the agency approved basic maintenance and advanced maintenance
- Pass the maintenance provider licensing exam

Registered Maintenance Technicians

- Complete a 16 hour basic maintenance provider course and pass the exam
- Cannot sign reports and contracts or advertise themselves as a licensed maintenance provider
- Perform maintenance under the direct supervision of the licensed MP or be in direct communication with the licensed MP
- Cannot receive compensation from anyone other than the Maintenance Provider
- No required continuing education
- Do NOT need manufacturer's certification
- Three year registration ($111)

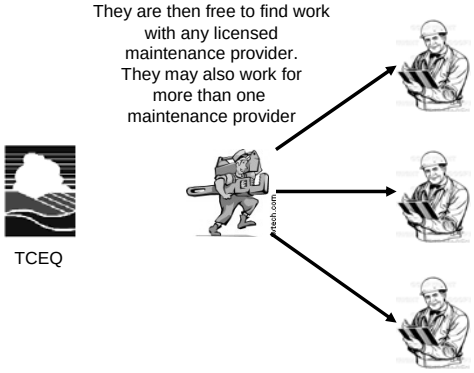
New Rules for Maintenance Techs

The maintenance tech goes directly to TCEQ to get their registration



New Rules for Maintenance Techs

They are then free to find work with any licensed maintenance provider. They may also work for more than one maintenance provider



Registered Maintenance Providers

- After May 1, 2009, the TCEQ will convert registered maintenance providers ineligible to become a licensed maintenance provider to registered maintenance techs;
- The renewal date for the new maintenance tech registration will be the same as for the previous maintenance provider registration;
- If the maintenance provider registration requires renewal before that date, maintenance providers must renew in order to be converted over to maintenance techs

Other Rule Changes

- Allow DRs to do OSSF work in areas beyond their jurisdiction with permission from their employers;
- Revise the testing and reporting record to include "sludge condition":
- Revise current Model Deed requirements;
- Eliminate the requirement for installers to provide ATU replacement parts to homeowners;
- Prohibit ATU homeowner maintenance on commercial, speculative residential, or multifamily property;
- Revise the wording for the initial two-year ATU maintenance from "contract" to "service policy"

Other Rule Changes (cont)

- Clarification that permitting authorities may add conditions to the permit to insure that the system operates in accordance with planning materials and system approval;
- A violation of these conditions is considered a violation of Chapter 285;
- Precast, concrete septic tanks must have a report, prepared by an engineer, that the tank meets certain sections of ASTM 12227;
- Riser must be larger than port opening;
- Riser must have watertight caps;
- Added language regarding leak testing. At the discretion of the permitting authority, leak testing can be conducted to top of tank or top of risers;

Other Rule Changes (cont)

- With the exception of drip tubing, pipe under pressure, anywhere within the OSSF shall meet the minimum requirements of Schedule 40;
- Eliminate the mandatory seven-year testing requirement for proprietary disposal units;
- Eliminate the necessity for a site evaluator to maintain an installer or designated representative's license for renewing a site evaluator's license;
- Eliminate the current reference to the Professional Engineers Board;
- Provide for a minimum treatment effluent quality of 140 mg/l biochemical oxygen demand prior to entering any subsurface disposal system and develop design requirements for treating high-strength wastewater

Proposed Design and Setback Changes

- Sizing of Aerobic Treatment Units

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- Setback Requirements (Changes in Table X)
- Design Requirements for Food Service Establishments

Sizing of Aerobic Units

Practical Effects of Proposed Sizing Changes

Home Size	Old Rules	Proposed Rules	Any Change?
Two Bedroom Home < 3,500 sq. ft.	400	400	No Change
Three Bedroom Home < 3,500 sq. ft.	400	400	No Change
Four Bedroom Home < 3,500 sq. ft.	400	480	*Bigger Aerobic Unit*
Five Bedroom Home < 4,500 sq. ft.	500	600	*Bigger Aerobic Unit*
Six Bedroom Home < 5,500 sq. ft.	500	750	*Bigger Aerobic Unit*
Seven Bedroom Home < 7,000 sq. ft.	500	900 -1,000	*Bigger Aerobic Unit*

Setback Changes

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- Addition of retention ponds

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- Addition of Detention Basins

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- Dividing Easement into two categories and lessening setbacks

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- Dividing Easement into two categories and lessening setbacks
- Sewer Pipe with Watertight Joints – Driveways and sidewalks
- Sewer pipe containing secondary effluent - Foundations

Retention Pond Vs Detention Pond/Basin

Retention pond ***- designed to hold runoff for a long period of time.***

A retention pond is essentially a man-mad pond and will be treated like a pond/lake/river for setbacks

Detention basin - designed to temporarily hold runoff.

A detention basin will fill up after a rain and begin to empty soon after and will treated like a drainage easement for setbacks

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Underground Easements

	Tanks	Soil Absorption Systems and Unlined ET Beds	Lined ET Beds	Sewer Pipe With Watertight joints	Surface Application Edge or Spray Area	Drip Irrigation
Underground Easements	1	1	1	1	May spray to edge of easement, but not into. Sprinkler heads must remain one foot from easement edge	1

Overhead Easements

	Tanks	Soil Absorption Systems and Unlined ET Beds	Lined ET Beds	Sewer Pipe With Watertight joints	Surface Application Edge or Spray Area	Drip Irrigation
Overhead Easements	1 No setbacks if permission granted by easement holder	1 No setbacks if permission granted by easement holder	1 No setbacks if permission granted by easement holder	1 No setbacks if permission granted by easement holder	1 No setbacks if permission granted by easement holder	1 No setbacks if permission granted by easement holder

Additional Setback Changes

- Pipe may run beneath driveways and sidewalks or up to surface improvements if sleeved in schedule 40 PVC pipe. Otherwise, the setback is 5 feet
- Pipe containing secondary effluent has no setback from building foundations

OSSF Designs for Restaurants

- When designing for restaurants, food service establishments, or similar activities, the minimum design strength value shall be 1,200 mg/l Biochemical Oxygen Demand (BOD) after a properly sized grease interceptor

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- When the disposal area is a non-drip irrigation, sub-surface disposal system, the designer must plan to reduce the effluent to 140 mg/l BOD prior to entering the disposal field
- The designer must set aside twice the area needed to contain treatment units in case the initial sewage strength estimate was too low

Questions