



Article XI. ON-SITE SEWAGE FACILITIES

SEC.13-190. Adopting Texas Health and Safety Code Chapter 366, Texas Water Code, chapters 7 and 37 and Title 30.

The City of Grand Prairie, Texas clearly understands that there are technical criteria, legal requirements, and administrative procedures and duties associated with regulating on-site sewage facilities, and will fully enforce Chapter 366 of the Texas Health and Safety Code (H&SC) and Chapters 7 and 37 of the Texas Water Code (TWC), and associated rules referenced in Section 13-193 of this ordinance.

SEC. 13-191. Area of Jurisdiction.

The rules adopted by this article shall apply to all of the incorporated area of the city.

SEC.13-192. On-Site Sewage Facilities Rules.

Any structure discharging sewage into an on-site sewage facility within the jurisdictional area of the city must comply with rules adopted in this article.

Sec. 13-193. Same—Adopted.

The Rules, Title 30 Texas Administrative Code (TAC) §285.1 §285.91 and TAC 30, attached hereto, promulgated by the Texas Commission on Environmental Quality (TCEQ) for on-site sewage facilities are hereby adopted, and all officials and employees of the city having duties under such rules are authorized to perform such duties as are required under such rules.

Sec. 13-194. Same—Incorporation by Reference.

The Rules, 30 TAC Chapters 30 and 285 and all future amendments and revisions thereto are incorporated by reference and are thus made a part of these rules.

SEC. 13-195. Amendments.

The city, wishing to adopt more stringent rules for its on-site sewage facilities ordinance, understands that the more stringent conflicting local rule shall take precedence over the corresponding Texas Commission on Environmental Quality requirement. Listed below are the more stringent rules adopted by the city:

- (1) No new on-site sewage facility or holding tanks will be approved within a zone adjacent to Joe Pool Lake as described on the map of exhibit 1. No new on-site sewage

facility or holding tanks will be approved within a zone extending one thousand (1,000) feet in horizontal distance from the established shoreline of Mountain Creek Lake, Joe Pool Lake, or other public waterways.

- (2) The minimum square footage of lateral line for a residence will not be less than that which is required for a three-bedroom home. An on-site sewage facility cannot serve more than one (1) resident.
- (3) Only subsurface sewage effluent disposal methods shall be allowed.
- (4) On-site sewage facilities may be utilized only for disposal of normal domestic wastewater. No industrial waste may be discharged to any on-site sewage facility. Industrial waste shall be defined as waste resulting from any process of industry, manufacturing, trade or business from a development of any natural resource, or any mixture of the waste with water or normal wastewater, or distinct from normal domestic wastewater.
- (5) The designated representative shall perform any inspections for certification of on-site sewage facilities required by any lending institution prior to funding any mortgage.
- (6) This article shall apply to all land parcels within the jurisdictional area of the city, regardless of acreage.
- (7) At the discretion of the regulatory authority, the site evaluation shall include a quantitative soil analysis. The site evaluator or the professional engineer shall either drill two soil borings or excavate two backhoe pits at opposite ends of the proposed disposal area to determine the characteristics of the soil. In areas of high soil variability, the permitting authority may require additional borings or backhoe pits. The borings or backhoe pits shall either be excavated to a depth of two feet below the adopted excavation of the disposal area, or to a restrictive horizon, whichever is less.

Sec. 13-196. Development of organized disposal systems.

In order to implement the stated policy of the legislature and the Texas Commission on Environmental Quality to encourage the development and use of organized disposal systems to serve the waste disposal needs of the citizens of the state and to prevent pollution, protect the public health, and maintain and enhance the quality of water in the state, the following requirements are made:

- (1) No person may cause or allow the installation of a new on-site sewage facility when any part of the lot or tract on which the on-site facility is proposed is to be within three hundred (300) feet in horizontal distance of an existing organized system, unless one (1) of the following requirements has been met:
 - a. The person has received a written denial of service from the owner or governing body of the organized disposal system; or
 - b. The person has received a written determination from the designated representative that it is not feasible for the person to connect to the organized disposal system.

(2) Whenever an organized disposal system is developed within three hundred (300) feet in horizontal distance from any lot or tract on which an on-site sewage facility is used, all buildings serviced by an on-site sewage facility shall be connected to the organized system within six (6) months, unless one of the requirements set forth in subsections (1)a. or (1)b. of this section has been met. Such connection shall be conducted in accordance with the established procedures for new sanitary sewer connections, including, but not limited to, the payment of any applicable fees.

Sec. 13-197. Duties and powers of environmental services department representative.

The Environmental Services Department of the city is herewith declared the designated representative for the enforcement of these rules within its jurisdictional area. The appointed individual(s) must be approved and certified by the Texas Commission on Environmental Quality before assuming the duties and responsibilities of the designated representative of the environmental services department. The designated representative shall have the following duties and concomitant powers:

- (1) To resolve any questions regarding any interpretation of these rules or the design criteria.
- (2) To enforce these rules and to make appropriate recommendations to proper city officials when instances of noncompliance with these rules have been determined.
- (3) To make statutorily mandated inspections of proposed, new and existing on-site sewage facilities.
- (4) To collect fees set by the authorized agent as necessary to recover the reasonable costs incurred in meeting the requirements of these rules.
- (5) To make semiannual reports to the authorized agent on all actions, including legal actions, taken concerning these rules.
- (6) To investigate nuisance complaints within twenty-one (21) days of receipt. All validated complaints shall be resolved or substantial progress made toward resolution by the responsible individual within thirty (30) days.
- (7) To perform all other duties necessary to meet the requirements of these rules.

Section 13-198 Fees.

(a) *Permits, licenses or certificates generally.* No person shall operate an on-site sewage facility without a valid permit issued by the regulatory authority. Permit fees are nonrefundable.

- (1) A permit application for installation or modification of an on-site system is one hundred dollars (\$100.00).
- (2) Inspection of an on-site system is one hundred dollars (\$100.00).
- (3) The On-site Wastewater Research Council fee required by the state regulatory authority is ten dollars (\$10.00).

Sec. 13-199. Inspection prior to final covering.

Each new on-site sewage facility shall be inspected and approved by the designated representative prior to final covering of the facility.

- (1) The applicant or registered installer shall notify the designated representative that an inspection is desired at least five (5) working days prior to the need for inspection.
- (2) The applicant or registered installer shall provide whatever reasonable assistance the designated representative requests in order to make the inspection.
- (3) The applicant or registered installer must be present at the time of the inspection for that facility.

Sec. 13-200. Appeals.

Persons aggrieved by an action or decision of the designated representative may file a written appeal of such action or decision to the city manager within ten (10) working days. The city manager may prescribe conditions and procedures for perfection an appeal.

Sec. 13-201. Right of entry: Inspection and sampling.

The regulatory authority, TCEQ, or their designated representative shall have the right to enter onto any property with an on-site sewage system to determine whether the system is complying with all requirements of this article. Property owners/tenants shall allow inspecting or sampling personnel ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties. The designated representative shall inspect any on-site system that is believed to be causing pollution, a threat to the public health, nuisance conditions, or illegally installed or altered.

- (1) If, upon inspection, it is found that any of these conditions exists, the designated representative shall take appropriate enforcement action, notify the owner of the on-site sewage facility of the violation and what steps must be taken to achieve compliance, and establish a compliance deadline. The on-site sewage facility shall be reinspected at the expiration of the compliance deadline.
- (2) The regulatory authority shall have the right to set up on the property, such devices as are necessary to conduct sampling of the operations. All sampling and analysis performed by the regulatory authority to monitor compliance shall be at the expense of the property owner/tenant.
- (3) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the property owner/tenant at the written or verbal request of the regulatory authority and shall not be replaced. The costs of clearing such access shall be born by the property owner/tenant.
- (4) Unreasonable delays in allowing the inspecting or sampling personnel access to the user's premises shall be a violation of this article.

Sec. 13-202. Search Warrants.

If the regulatory authority has been refused access to a property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the city designed to verify compliance with this article or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the regulatory authority may seek issuance of a search warrant from the appropriate court.

Sec. 13-203. Violations; penalties; other remedies.

(a) A person who violated any provision of this article is guilty of a misdemeanor and, upon conviction, is punishable by a fine as provided in section 1-8 of the Code of Ordinances of the city, or any amendment thereto or renumbering thereof, for violations of public health, for each act of violation, and for each day of violation.

(b) In addition to proceeding under the authority of subsection (a) of this section, the city is entitled to pursue all criminal and civil remedies to which it is entitled in accordance with the provisions set forth in Chapters 341 and 366 of the Texas Health and Safety Code, Chapters 7, 26, and 37 of the Texas Water Code and 30 TAC Chapters 30 and 285. Sections 366.092, of the Texas Health and Safety Code and/or other such penalties or any amendment thereto, or renumbering thereof, that may be provided by state law. Each day of a continuing violations a separate offense and is punishable as such.

(c) In addition to proceeding under the authority of subsections (a) and (b) of this section, the city is entitled to pursue all other criminal and civil remedies to which it is entitled under authority of statutes or other ordinances against a person committing violations.

Sec. 13-204. Emergency repair.

An emergency repair to an on-site sewage facility without a permit is not an offense under these rules if the following procedures are carried out:

- (1) The repair is made for the purpose of abatement of an immediate dangerous and serious health hazard;
- (2) The completed repair does meet minimum state design criteria or the more stringent design criteria of the authorized agent;
- (3) The completed repair does not constitute an alteration of the on-site system;
- (4) Written notification of such repair, including a detailed description of the method and materials used in the repair, is made to the authorized agent not later than seventy-two (72) hours after the repair is begun;
- (5) The completed repair must be inspected for compliance with the state's or authorized agent's design criteria.

Sec. 13-205. Relinquishment of ordinance to discontinue regulation.

If the city council decides that it no longer wishes to regulate on-site sewage facilities in its area of jurisdiction, the city council shall follow the procedures outlined below:

- (1) The city council shall inform the TCEQ, by certified mail at least thirty (30) days before the published date of the public hearing notice that it wishes to relinquish its on-site sewage facility ordinance.
- (2) The city council shall post the required public notice in a newspaper regularly published or circulated in the area of jurisdiction at least thirty (30) days prior to the anticipated date of action by the authorized agent and must solicit written comments for that thirty-day period.
- (3) The city council shall send a copy of the public notice, a publisher's affidavit of public notice, and a certified copy of the council's minutes to the TCEQ.
- (4) Upon relinquishment of the ordinance, the local governmental entity shall surrender its area of jurisdiction to the commission.
- (5) The local governmental entity shall pay the TCEQ the appropriate charge-back fee for permitting, inspections and complaint investigations of on-site sewage facilities in the surrendered area of jurisdiction.