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On-Site Sewage Facility (OSSF) Rules Compilation

Chapter 366, Health & Safety Code
On-Site Sewage Disposal Systems
Updated September 1, 2007

Title 30, TAC Chapter 285
On-Site Sewage Facilities
Updated September 11, 2008

Title 30, TAC Chapter 30
Occupational Licenses and Registrations
Subchapters A and G
Effective June 26, 2008 and September 11, 2008

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Compliance Support Division
TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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HEALTH & SAFETY CODE
CHAPTER 366
ON-SITE SEWAGE DISPOSAL SYSTEMS

Updated September 1, 2007

ON-SITE SEWAGE FACILITIES
TITLE 30
TAC CHAPTER 285

Effective September 11, 2008

OCCUPATIONAL LICENSES AND REGISTRATIONS
TITLE 30
TAC CHAPTER 30
SUBCHAPTERS A and G

Effective June 26, 2008 and September 11, 2008

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On September 11, 2008, the Texas Commission on Environmental Quality adopted changes to the On-Site Sewage Facility (OSSF) rules and the Occupational Licenses and Regulations rules. The changes were in response to House Bill 2482 passed by the 80th legislature. The changes impact OSSF maintenance providers, installers, apprentices, and designated representatives (DR). This booklet contains the statutory authority and the administrative rules for the OSSF program. Specifically, this publication contains the following:

- Chapter 366 of the Health and Safety Code, updated on September 1, 2007;
- 30 TAC, Chapter 285, On-site Sewage Facilities, adopted on September 11, 2008; and
- 30 TAC, Chapter 30, Occupational Licenses and Registration, adopted on September 11, 2008.

You are encouraged to read and familiarize yourself with the rule requirements. The changes to the rules are briefly discussed below.

§285.2(19) expands the definition of direct supervision to include the working relationship between maintenance providers and maintenance technicians.

§285.2(36) eliminates the definition of a maintenance company, and renumbers the definition of maintenance findings from paragraph (37) to (36).

§285.2(37) creates a new definition for maintenance provider and renumbers the definition for maintenance findings to §285.2(36).

§285.2(38) creates a new definition for maintenance technician which facilitates the provisions within Chapter 30 for registering individuals who maintain aerobic systems under the supervision of a maintenance provider.

§285.2(73) creates a new definition for testing and reporting which describes the minimum scope for inspection systems requiring testing and reporting.

§285.3(a)(4), **General Requirements**, allows permitting authorities to require conditions for a permit in order to ensure that the permitted OSSF system will operate in accordance with the planning materials and the final approval of a proposed OSSF.

§285.4(c), clarifies the current language for subdivision or development plans and requires buildings with food service establishments and restaurants to have twice the initial required area available for installing wastewater treatment devices in order to allow for growth and expansion.

§285.5(a)(3)(A), **Submittal Requirements for Planning Materials**, has been modified to eliminate the requirement to have a professional engineer (PE) design the OSSF system when the foundation size exceeds 5,000 square feet.

The new §285.7, **Maintenance Requirements**, eliminates the current requirements for OSSF maintenance. This new section provides requirements for maintenance providers and maintenance technicians, clarifies the difference between the initial two-year service policy and maintenance contracts after the initial two-year service policy, clarifies the initial two-year policy with respect to the sale of the residence, and requires manufacturers to make replacement parts available to homeowners, installers, and maintenance providers. This section allows for a one-year transition period for maintenance companies and maintenance providers to comply with new licensing and registration requirements. The section differentiates between the current citation for the sample testing and reporting record in Figure: 30 TAC §285.90(3) and the required testing and reporting in the table in Figure: 30 TAC §285.91(4), and includes maintenance procedures approved by the executive director. Section 285.7(c) adds the requirement to include the business physical address and telephone number for the maintenance provider on all maintenance contracts based on comments to the rules. Finally, this new section allows a permitting authority to inspect an aerobic treatment system at any time.

§285.30, **Site Evaluation**, requires all design planning materials to include soil borings or backhoe pits, slope patterns, 100-year flood boundaries and separation distances.

§285.32, **Criteria for Sewage Treatment Systems**, provides for specific site and related OSSF design details in §285.32(b)(1)(D) by preventing tank infiltration by requiring sealed risers, watertight caps, and prevention of unauthorized access.

§285.32(b)(1)(E)(i) requires a structural verification by a PE for the manufacture of pre-cast tanks with a 30-day notification time limit to the permitting authority.

§285.32(b)(1)(H) specifies leak testing for tanks.

§285.32(c)(1) specifies leak testing for proprietary systems.

§285.32(c)(6) removes the mandatory seven-year proprietary disposal system testing protocol.

§285.32(f), concerning other design considerations, establishes limits for high-strength sewage, provides for OSSF biochemical oxygen demand (BOD) design justification and adds design consideration for flow equalization.

§285.33, **Criteria for Effluent Disposal Systems**, adds requirements for pressure-rated pipe within any part of the OSSF to be ASTM Schedule 40 or stronger.

§285.34(b)(1) includes revisions for leak testing of pump tanks based on comments.

§285.34(d), concerning grease interceptors, removes the statement "or under any other standards approved by the executive director" and replaces it with the reference to the 1980 United States Environmental Protection Agency Design Manual: Onsite Wastewater Treatment and Disposal Systems.

§285.60, **Duties and Responsibilities of Site Evaluators**, eliminates the necessity to maintain an installer or DR's license after being granted a site evaluator's license and updates the reference to include professional geoscientists, which is a license that became effective after this section was last amended.

§285.61, **Duties and Responsibilities of Installers**, eliminates the requirements for installers to: maintain aerobic treatment systems (ATUs), train a homeowner in aerobic system maintenance, or make replacement parts available to the homeowner for aerobic systems; and requires installers to make all aerobic system repairs in accordance with the approved planning materials.

§285.62, **Duties and Responsibilities of Designated Representatives**, requires written permission from the DR's employer if the DR desires to perform OSSF-related activities for compensation outside of the AA's regulatory jurisdiction.

§285.63, **Duties and Responsibilities of Apprentices**, adds the requirement that apprentices maintain a registration with the commission.

§285.64, **Duties and Responsibilities of Maintenance Companies**, eliminates the word "companies" from the heading and adds "providers and maintenance technicians." The adopted amendment creates two subsections within §285.64 - one for maintenance providers and the other for maintenance technicians. The adopted amendment adds the requirement for licensure of maintenance providers and registration for maintenance technicians. The amendment eliminates the need for a maintenance provider to work in a company under an Installer II and eliminates the need for maintenance providers or maintenance technicians to obtain manufacturer's certification. The adopted amendment eliminates the requirement to train a homeowner in aerobic system maintenance when requested by the homeowner. The adopted amendment establishes §285.64(b), which requires maintenance technicians to: be registered with the commission; represent the maintenance provider while performing maintenance on an OSSF; perform services associated with OSSF maintenance under the direct supervision and direction of the maintenance provider on-site or be in direct communication with the maintenance provider; refrain from receiving compensation for OSSF maintenance from anyone except the supervising maintenance provider; maintain a current address and phone number with the executive director and submit any change in address or phone number to the executive director in writing within 30 days after the date of the change; and not advertise or otherwise portray themselves as a maintenance provider.

§285.65, **Suspension or Revocation of License or Registration**, amends the section to add provisions for suspension or revocation of authorizations for maintenance providers, and the section on maintenance technicians amends the statutory authority under which the commission may suspend or revoke a license or registration by adding reference to Texas Water Code (TWC), §7.303, and eliminates the reference to 30 TAC §30.33.

§285.70, **Duties of Owners With Malfunctioning OSSFs**, adds provisions from HB 2482 under which a DR could pursue violations against homeowners who maintain their own aerobic systems and violate the Chapter 285 rules, and in the case of repeat non-compliance, the adopted amendment requires the homeowner to enter into a maintenance contract with a maintenance provider.

§285.90, **Figures**, revises the title of Figure 2 in paragraph (2), "Model Deed and Affidavit Language" to "Model Affidavit to the Public" and incorporates changes in the rules for homeowners with OSSF systems that require maintenance. The adopted amendment to Figure 3 in paragraph (3), “Sample Testing and Reporting Record”, eliminates the need for homeowners to record or send testing and reporting results to permitting authorities. The adopted amendment adds a physical address and business telephone number in Figure 3 for the responsible maintenance provider. The adopted amendment also requires that the maintenance provider check the sludge condition and send the owner a copy of the testing and reporting results.

§285.91, **Tables**, revises the title of Table II in paragraph (2), "Septic Tank Minimum Liquid Capacity" to "Septic Tank and Aerobic Treatment Unit Sizing." The adopted amendment adds a section to this table entitled "Aerobic Treatment Unit Sizing for Residences", which requires slightly larger treatment tanks for proposed aerobic systems. The adopted amendment to Table X in paragraph (10), “Minimum Required Separation Distances for On-Site Sewage Facilities”, adds categories for setbacks to underground and overhead easements, includes retention ponds and basins, allows solid pipe in sleeved lines under driveways and sidewalks, removes setback requirements for secondary effluent and building foundations, and adds requirements for drainage easements and detention ponds.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

HEALTH & SAFETY CODE

CHAPTER 366

ON-SITE SEWAGE DISPOSAL SYSTEMS

Updated September 1, 2007

HEALTH & SAFETY CODE
CHAPTER 366. ON-SITE SEWAGE DISPOSAL SYSTEMS

SUBCHAPTER A. GENERAL PROVISIONS

§ 366.001. POLICY AND PURPOSE.....1
§ 366.002. DEFINITIONS.....1
§ 366.003. IMMUNITY.....2
§ 366.004. COMPLIANCE REQUIRED.....2
§ 366.005. NOTICE OF UTILITY SERVICE CONNECTIONS.....2

SUBCHAPTER B. GENERAL POWERS AND DUTIES OF COMMISSION AND AUTHORIZED AGENTS

§ 366.011. GENERAL SUPERVISION AND AUTHORITY.....3
§ 366.012. RULES CONCERNING ON-SITE SEWAGE DISPOSAL SYSTEMS.....3
§ 366.013. INSTALLATION AND USE OF WATER SOFTENERS AND REVERSE OSMOSIS SYSTEMS.....4
§ 366.014. DESIGNATED PERSON.....4
§ 366.016. EMERGENCY ORDERS.....5
§ 366.017. REQUIRED REPAIRS; PENALTY.....5

SUBCHAPTER C. DESIGNATION OF LOCAL GOVERNMENTAL ENTITY AS AUTHORIZED AGENT

§ 366.031. DESIGNATION.....5
§ 366.032. ORDER OR RESOLUTION; REQUIREMENTS.....6
§ 366.033. DELEGATION TO LOCAL GOVERNMENTAL ENTITIES.....6
§ 366.034. INVESTIGATION OF AUTHORIZED AGENTS.....6
§ 366.035. MANDATORY APPLICATION FOR AND MAINTENANCE OF DESIGNATION.....7
§ 366.036. COUNTY MAP.....7

SUBCHAPTER D. PERMITS; FEES

§ 366.051. PERMITS.....7
§ 366.0512. MULTIPLE TREATMENT SYSTEMS.....7
§ 366.0515. MAINTENANCE CONTRACT AND PERFORMANCE BOND.....8
§ 366.052. PERMIT NOT REQUIRED FOR ON-SITE SEWAGE DISPOSAL ON CERTAIN SINGLE RESIDENCES.....10
§ 366.053. PERMIT APPLICATION.....10
§ 366.054. NOTICE FROM INSTALLER.....10
§ 366.055. INSPECTIONS.....10
§ 366.056. APPROVAL OF ON-SITE SEWAGE DISPOSAL SYSTEM.....11
§ 366.057. PERMIT ISSUANCE.....11
§ 366.058. PERMIT FEE.....11
§ 366.059. PERMIT FEE PAID TO DEPARTMENT OR AUTHORIZED AGENT.....12

SUBCHAPTER E. REGISTRATION OF INSTALLERS

§ 366.071. OCCUPATIONAL LICENSING AND REGISTRATION.....12

SUBCHAPTER F. PENALTIES

§ 366.092. INJUNCTION OR CIVIL SUIT.....13
§ 366.0922. COMMISSION ENFORCEMENT AT LOCAL GOVERNMENT REQUEST.....13
§ 366.0923. FEES AND COSTS RECOVERABLE.....13

HEALTH & SAFETY CODE
CHAPTER 366. ON-SITE SEWAGE DISPOSAL SYSTEMS
SUBCHAPTER A. GENERAL PROVISIONS

§ 366.001. POLICY AND PURPOSE.

It is the public policy of this state and the purpose of this chapter to:

(1) eliminate and prevent health hazards by regulating and properly planning the location, design, construction, installation, operation, and maintenance of on-site sewage disposal systems;

(2) authorize the commission or authorized agent to impose and collect a permit fee for:

(A) construction, installation, alteration, repair, or extension of on-site sewage disposal systems; and

(B) tests, designs, and inspections of those systems;

(3) authorize the commission or authorized agent to impose a penalty for a violation of this chapter or a rule adopted under this chapter;

(4) authorize the commission to license or register certain persons; and

(5) allow the individual owner of a disposal system to install and repair the system in accordance with this chapter.

Acts 1989, 71st Leg., ch. 678, § 1, eff. Sept. 1, 1989. Amended by Acts 1995, 74th Leg., ch. 76, § 11.113, eff. Sept. 1, 1995; Acts 2001, 77th Leg., ch. 880, § 21, eff. Sept. 1, 2001.

§ 366.002. DEFINITIONS. In this chapter:

(1) "Authorized agent" means a local governmental entity authorized by the commission to implement and enforce rules under this chapter.

(2) "Commission" means the Texas Natural Resource Conservation Commission.

(3), (4) Repealed by Acts 2001, 77th Leg., ch. 880, § 25(2), eff. Sept. 1, 2001.

(5) "Local governmental entity" means a municipality, county, river authority, or special district, including an underground water district, soil and water conservation district, or public health district.

(6) "Nuisance" means:

(A) sewage, human excreta, or other organic waste discharged or exposed in a manner that makes it a potential instrument or medium in the transmission of disease to or between persons; or

(B) an overflowing septic tank or similar device, including surface discharge from or groundwater contamination by a component of an on-site sewage disposal system, or a blatant discharge from an on-site sewage disposal system.

(7) "On-site sewage disposal system" means one or more systems of treatment devices and disposal facilities that:

(A) produce not more than 5,000 gallons of waste each day; and

(B) are used only for disposal of sewage produced on a site on which any part of the system is located.

(8) "Owner" means a person who owns a building or other property served by an on-site sewage disposal system.

(9) "Sewage" means waste that:

(A) is primarily organic and biodegradable or decomposable; and

(B) generally originates as human, animal, or plant waste from certain activities, including the use of toilet facilities, washing, bathing, and preparing food.

Acts 1989, 71st Leg., ch. 678, § 1, eff. Sept. 1, 1989. Amended by Acts 1991, 72nd Leg., 1st C.S., ch. 3, § 1.038, eff. Aug. 12, 1991; Acts 1993, 73rd Leg., ch. 589, § 1 to 3, eff. Aug. 30, 1993; Acts 1995, 74th Leg., ch. 76, § 11.113, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1127, § 1, eff. Sept. 1, 1997; Acts 2001, 77th Leg., ch. 880, § 25(2), eff. Sept. 1, 2001.

§ 366.003. IMMUNITY.

The commission, an authorized agent, or a designated representative is not liable for damages resulting from the commission's or authorized agent's approval of the installation and operation of an on-site sewage disposal system.

Acts 1989, 71st Leg., ch. 678, § 1, eff. Sept. 1, 1989. Amended by Acts 1995, 74th Leg., ch. 76, § 11.113, eff. Sept. 1, 1995.

§ 366.004. COMPLIANCE REQUIRED.

A person may not construct, alter, repair, or extend, or cause to be constructed, altered, repaired, or extended, an on-site sewage disposal system that does not comply with this chapter and applicable rules.

Acts 1989, 71st Leg., ch. 678, § 1, eff. Sept. 1, 1989. Amended by Acts 1995, 74th Leg., ch. 76, § 11.113, eff. Sept. 1, 1995.

§ 366.005. NOTICE OF UTILITY SERVICE CONNECTIONS.

(a) An electric utility shall compile a list weekly for each county in this state of the addresses located in an unincorporated area of the county at which the electric utility has made new electric service connections during the preceding week. The electric utility shall submit the list to the county judge of the county, or to a county officer or employee designated by the county judge, who shall forward the list to each authorized agent having jurisdiction over an area in which an address on the list is included. The authorized agent may use the list for the purpose of implementing and enforcing rules under this chapter. This section does not apply to a reconnection of service to a location previously served.

(b) An electric utility may not be held liable for a claim arising from the provision of information under this section.

(c) Information provided by a utility under this section is confidential and not subject to disclosure under Chapter 552, Government Code, or otherwise, except as provided by this section.

(d) The county judge shall forward the list compiled under Subsection (a) to each appraisal district and each emergency communication district in the county.

(e) In this section:

(1) "Appraisal district" means a district established under Section 6.01, Tax Code.

(2) "Electric utility" means an investor-owned utility, electric cooperative corporation, river authority, or municipally owned utility that provides distribution service to retail customers of electricity.

(3) "Emergency communication district" means a district established under Chapter 772.

Added by Acts 1997, 75th Leg., ch. 1127, § 2, eff. Sept. 1, 1997. Amended by Acts 1999, 76th Leg., ch. 15, § 1, eff. May 3, 1999; Acts 1999, 76th Leg., ch. 333, § 1, eff. Sept. 1, 1999.

SUBCHAPTER B. GENERAL POWERS AND DUTIES OF COMMISSION AND AUTHORIZED AGENTS

§ 366.011. GENERAL SUPERVISION AND AUTHORITY.

The commission or authorized agents:

(1) have general authority over the location, design, construction, installation, and proper functioning of on-site sewage disposal systems; and

(2) shall administer this chapter and the rules adopted under this chapter.

Acts 1989, 71st Leg., ch. 678, § 1, eff. Sept. 1, 1989. Amended by Acts 1995, 74th Leg., ch. 76, § 11.113, eff. Sept. 1, 1995.

§ 366.012. RULES CONCERNING ON-SITE SEWAGE DISPOSAL SYSTEMS.

(a) To assure the effective and efficient administration of this chapter, the commission shall:

(1) adopt rules governing the installation of on-site sewage disposal systems, including rules concerning the:

(A) review and approval of on-site sewage disposal systems; and

(B) temporary waiver of a permit for an emergency repair; and

(2) adopt rules under this chapter that:

(A) encourage the use of economically feasible alternative techniques and technologies for on-site sewage disposal systems that can be used in soils not suitable for conventional on-site sewage disposal; and

(B) address the separation of graywater, as defined by Section 341.039, in a residence served by an on-site sewage disposal system.

(b) In rules adopted under this chapter, the commission shall include definitions and detailed descriptions of good management practices and procedures for the construction of on-site sewage disposal systems that:

(1) justify variation in field size or in other standard requirements;

(2) promote the use of good management practices or procedures in the construction of on-site sewage disposal systems;

(3) require the use of one or more specific management practices or procedures as a condition of approval of a standard on-site sewage disposal system if, in the opinion of the commission or authorized agent, site conditions or other problems require the use of additional management practices or procedures to ensure the proper operation of an on-site sewage disposal system; and

(4) make available general, operational information to the public.

Acts 1989, 71st Leg., ch. 678, § 1, eff. Sept. 1, 1989. Amended by Acts 1995, 74th Leg., ch. 76, § 11.113, eff. Sept. 1, 1995; Acts 2001, 77th Leg., ch. 880, § 22, eff. Sept. 1, 2001; Acts 2003, 78th Leg., ch. 689, § 3, eff. Sept. 1, 2003.

§ 366.013. INSTALLATION AND USE OF WATER SOFTENERS AND REVERSE OSMOSIS SYSTEMS.

(a) Except as provided by Subsection (b), an owner may install or use a water softener that discharges effluent into an on-site sewage disposal system only if the installed water softener:

(1) conserves water by design;

(2) regenerates using a demand-initiated regeneration control device, commonly known as a DIR device; and

(3) is clearly labeled as being equipped with a DIR device, with the label affixed to the outside of the system so that it may be inspected and easily read.

(b) An owner may use a water softener that discharges effluent into an on-site sewage disposal system and that does not meet the requirements of Subsection (a) if the water softener was installed before September 1, 2003. The owner must replace the water softener with a water softener that meets the requirements of Subsection (a) if the owner:

(1) replaces the water softener; or

(2) installs a new on-site sewage disposal system for the building or other property served by the existing system.

(c) An owner may install and use a point-of-use reverse osmosis system that discharges effluent into an on-site sewage disposal system.

(d) An owner may install and use a point-of-entry reverse osmosis system that discharges effluent into an on-site sewage disposal system if the calculated volume of effluent:

(1) does not cause hydraulic overloading; or

(2) has been adequately addressed in the design of the on-site sewage disposal system.

(e) This section does not apply to an aerobic, nonstandard, or proprietary on-site sewage treatment system unless the water softener drain line to the system bypasses the treatment system and flows into the pump tank or directly into the discharge method.

(f) The commission by rule shall adopt and implement standards for the use of water softeners and reverse osmosis systems in a building or other property served by an on-site sewage disposal system.

Added by Acts 2003, 78th Leg., ch. 966, § 1, eff. Sept. 1, 2003.

§ 366.014. DESIGNATED PERSON.

Subject to the requirements of Section 366.071(b), the commission or an authorized agent may designate a person to:

(1) review permit applications, site evaluations, or planning materials; or

(2) inspect on-site sewage disposal systems.

Acts 1989, 71st Leg., ch. 678, § 1, eff. Sept. 1, 1989. Amended by Acts 1993, 73rd Leg., ch. 589, § 4, eff. Aug. 30, 1993; Acts 1995, 74th Leg., ch. 76, § 11.113, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 333, § 59, eff. Sept. 1, 1997; Acts 2001, 77th Leg., ch. 880, § 23, eff. Sept. 1, 2001.

§ 366.016. EMERGENCY ORDERS.

The commission or authorized agent may issue an emergency order concerning an on-site sewage disposal system under Section 5.517, Water Code.

Acts 1989, 71st Leg., ch. 678, § 1, eff. Sept. 1, 1989. Amended by Acts 1995, 74th Leg., ch. 76, § 11.113, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1072, § 38, eff. Sept. 1, 1997.

§ 366.017. REQUIRED REPAIRS; PENALTY.

(a) The commission or authorized agent may require a property owner to repair a malfunctioning on-site sewage disposal system on the owner's property:

(1) not later than the 30th day after the date on which the owner is notified by the commission or authorized agent of the malfunctioning system if the owner has not been notified of the malfunctioning system during the preceding 12 months;

(2) not later than the 20th day after the date on which the owner is notified by the commission or authorized agent of the malfunctioning system if the owner has been notified of the malfunctioning system once during the preceding 12 months; or

(3) not later than the 10th day after the date on which the owner is notified by the commission or authorized agent of the malfunctioning system if the owner has been notified of the malfunctioning system at least twice during the preceding 12 months.

(b) The property owner must take adequate measures as soon as practicable to abate an immediate health hazard.

(c) The property owner may be assessed an administrative or a civil penalty under Chapter 7, Water Code, for each day that the on-site sewage disposal system remains unrepaired.

Acts 1989, 71st Leg., ch. 678, § 1, eff. Sept. 1, 1989. Amended by Acts 1995, 74th Leg., ch. 76, § 11.113, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 1072, § 39, eff. Sept. 1, 1997; Acts 1997, 75th Leg., ch. 1127, § 3, eff. Sept. 1, 1997.

SUBCHAPTER C. DESIGNATION OF LOCAL GOVERNMENTAL ENTITY AS AUTHORIZED AGENT

§ 366.031. DESIGNATION.

(a) The commission shall designate a local governmental entity as an authorized agent if the governmental entity:

(1) notifies the commission that the entity wants to regulate the use of on-site sewage disposal systems in its jurisdiction;

(2) in accordance with commission procedures, holds a public hearing and adopts an order or resolution that complies with Section 366.032; and

(3) submits the order or resolution to the commission.

(b) The commission in writing may approve the local governmental entity's order or resolution, and the designation takes effect only when the order or resolution is approved.

Acts 1989, 71st Leg., ch. 678, § 1, eff. Sept. 1, 1989. Amended by Acts 1995, 74th Leg., ch. 76, § 11.113, eff. Sept. 1, 1995.

§ 366.032. ORDER OR RESOLUTION; REQUIREMENTS.

(a) The local governmental entity's order or resolution must:

(1) incorporate the commission's rules on abatement or prevention of pollution and the prevention of injury to the public health;

(2) meet the commission's minimum requirements for on-site sewage disposal systems; and

(3) include a written enforcement plan.

(b) If the order or resolution adopts more stringent standards for on-site sewage disposal systems than this chapter or the commission's standards and provides greater public health and safety protection, the authorized agent's order or resolution prevails over this chapter or the standards.

(c) An authorized agent must obtain commission approval of substantive amendments to the agent's order or resolution.

Acts 1989, 71st Leg., ch. 678, § 1, eff. Sept. 1, 1989. Amended by Acts 1995, 74th Leg., ch. 76, § 11.113, eff. Sept. 1, 1995.

§ 366.033. DELEGATION TO LOCAL GOVERNMENTAL ENTITIES.

The commission shall delegate to local governmental entities responsibility for the implementation and enforcement of applicable rules.

Acts 1989, 71st Leg., ch. 678, § 1, eff. Sept. 1, 1989. Amended by Acts 1995, 74th Leg., ch. 76, § 11.113, eff. Sept. 1, 1995.

§ 366.034. INVESTIGATION OF AUTHORIZED AGENTS.

(a) The commission shall:

(1) conduct not more often than once a year an investigation of each authorized agent to determine the authorized agent's compliance with this chapter; and

(2) prepare an annual report concerning the status of the local governmental entity's regulatory program.

(b) If the commission determines that an authorized agent does not consistently enforce the commission's minimum requirements for on-site sewage disposal systems, the commission shall hold a hearing and determine whether to continue the designation as an authorized agent.

Acts 1989, 71st Leg., ch. 678, § 1, eff. Sept. 1, 1989. Amended by Acts 1995, 74th Leg., ch. 76, § 11.113, eff. Sept. 1, 1995.

§ 366.035. MANDATORY APPLICATION FOR AND MAINTENANCE OF DESIGNATION.

A local governmental entity that applies to the Texas Water Development Board for financial assistance under a program for economically distressed areas must take all actions necessary to receive and maintain a designation as an authorized agent of the commission.

Added by Acts 1991, 72nd Leg., ch. 14, § 127, eff. Sept. 1, 1991. Amended by Acts 1995, 74th Leg., ch. 76, § 11.113, eff. Sept. 1, 1995.

§ 366.036. COUNTY MAP.

(a) If the commission designates a local governmental entity as its authorized agent and if the entity intends to apply to the Texas Water Development Board for financial assistance under a program for economically distressed areas, the commissioners court of the county in which the entity is located shall prepare a map of the county area outside the limits of municipalities. The entity shall give to the commissioners court a written notice of the entity's intention to apply for the assistance. The map must show the parts of the area in which the different types of on-site sewage disposal systems may be appropriately located and the parts in which the different types of systems may not be appropriately located.

(b) The commissioners court shall file the map in the office of the county clerk.

(c) The commissioners court, at least every five years, shall review the map and make changes to it as necessary to keep the map accurate.

Added by Acts 1991, 72nd Leg., ch. 14, § 127, eff. Sept. 1, 1991. Amended by Acts 1995, 74th Leg., ch. 76, § 11.113, eff. Sept. 1, 1995.

SUBCHAPTER D. PERMITS; FEES

§ 366.051. PERMITS.

(a) A person must hold a permit and an approved plan to construct, alter, repair, extend, or operate an on-site sewage disposal system.

(b) If the on-site sewage disposal system is located in the jurisdiction of an authorized agent, the permit is issued by the authorized agent; otherwise, the permit is issued by the commission.

(c) A person may not begin to construct, alter, repair, or extend an on-site sewage disposal system that is owned by another person unless the owner or owner's representative shows proof of a permit and approved plan from the commission or authorized agent.

Acts 1989, 71st Leg., ch. 678, § 1, eff. Sept. 1, 1989. Amended by Acts 1995, 74th Leg., ch. 76, § 11.113, eff. Sept. 1, 1995.

§ 366.0512. MULTIPLE TREATMENT SYSTEMS.

A multiple system of treatment devices and disposal facilities may be permitted as an on-site disposal system under this chapter if the system:

(1) is located on a tract of land of at least 100 acres in size;

(2) produces not more than 5,000 gallons a day on an annual average basis;

(3) is used only on a seasonal or intermittent basis;

and

(4) is used only for disposal of sewage produced on the tract of land on which any part of the system is located.

Added by Acts 2001, 77th Leg., ch. 965, § 20.03, eff. Sept. 1, 2001.

§ 366.0515. MAINTENANCE CONTRACT AND PERFORMANCE BOND.

(a) Except as provided by Subsection (g), an authorized agent or the commission may not condition a permit or the approval of a permit for an on-site sewage disposal system using aerobic treatment for a single-family residence on the system's owner contracting for the maintenance of the system.

(b) Except as provided by Subsection (a), an authorized agent by order or resolution or the commission by rule may condition approval of a permit for an on-site sewage disposal system on the system's owner contracting for the maintenance of the system. If a maintenance contract is required, the owner of the on-site sewage disposal system must submit to the permitting authority:

(1) a signed contract for the maintenance of the on-site sewage disposal system; and

(2) if the on-site sewage disposal system is located in a county with a population of more than 2.8 million, a performance bond obtained from the person with whom the owner of the on-site sewage disposal system has contracted for maintenance of the system.

(c) A performance bond required by Subsection (b) must be:

(1) solely for the protection of the owner of the on-site sewage disposal system;

(2) conditioned on the faithful performance of the maintenance of the on-site sewage disposal system in accordance with plans, specifications, laws, regulations, and ordinances of the state and the authorized agent;

(3) in an amount reasonably related to the cost that the owner of the on-site sewage disposal system would incur if the maintenance company did not adhere to maintenance standards or comply with applicable statutes, rules, or ordinances;

(4) executed by a corporate surety in accordance with Section 1, Chapter 87, Acts of the 56th Legislature, Regular Session, 1959 (Article 7.19-1, Vernon's Texas Insurance Code);

(5) in a form approved by the permitting authority; and

(6) payable to the owner of the on-site sewage disposal system.

(d) If the owner of the on-site sewage disposal system enters into a new maintenance contract or revises the original maintenance contract, the owner must submit a copy of the new or revised maintenance contract and a new performance bond to the permitting authority not later than the 30th day after the date on which the original contract terminates or is modified.

(e) The permitting authority may establish and collect a reasonable fee to cover the cost of administering the performance bond program.

(f) The installer of an on-site sewage disposal system shall provide the owner of the system with information regarding maintenance of the system at the time the system is installed.

(g) The owner of a single-family residence shall maintain the system directly or through a maintenance contract. If an authorized agent or the commission determines that an owner of a single-family residence located in a county with a population of at least 40,000 who maintains the owner's system directly has violated this chapter or a rule adopted or order or permit issued under this chapter,

the owner, not later than the 10th day after the date of receipt of notification of the violation, shall correct the violation or enter into a contract for the maintenance of the system. If before the third anniversary of the date of the determination the owner is determined to have committed another violation of this chapter or a rule adopted under this chapter, the owner, not later than the 10th day after the date of receipt of notification of the subsequent violation, shall enter into a contract for the maintenance of the system. An owner of a single-family residence located in a county with a population of at least 40,000 who maintains the owner's system directly and who violates this chapter or a rule adopted or order or permit issued under this chapter is also subject to an administrative penalty. The commission may recover the penalty in a proceeding conducted as provided by Subchapter C, Chapter 7, Water Code, or the authorized agent may recover the penalty in a proceeding conducted under an order or resolution of the agent. Notwithstanding Section 7.052, Water Code, the amount of the penalty may not exceed $100.

(h) Repealed by Acts 2007, 80th Leg., R.S., Ch. 892, § 3, eff. September 1, 2007.

(i) Repealed by Acts 2007, 80th Leg., R.S., Ch. 892, § 3, eff. September 1, 2007.

(j) Repealed by Acts 2007, 80th Leg., R.S., Ch. 892, § 3, eff. September 1, 2007.

(k) If, under Subsection (b), an authorized agent or the commission conditions approval of a permit for an on-site sewage disposal system using aerobic treatment on the system's owner contracting for the maintenance of the system, the order, resolution, or rule may require the maintenance company to:

(1) inspect the system at specified intervals;

(2) submit a report on each inspection to the authorized agent or commission; and

(3) provide a copy of each report submitted under Subdivision (2) to the system's owner.

(l) A maintenance company that violates a provision of an order, resolution, or rule described by Subsection (k) is subject to an administrative penalty. The commission may recover the penalty in a proceeding conducted as provided by Subchapter C, Chapter 7, Water Code, or the authorized agent may recover the penalty in a proceeding conducted under an order or resolution of the agent. Notwithstanding Section 7.052, Water Code, the amount of the penalty for the first violation of that order, resolution, or rule is $200, and the amount of the penalty for each subsequent violation is $500.

(m) If a maintenance company violates an order, resolution, or rule described by Subsection (k) three or more times, the commission, in the manner provided by Subchapter G, Chapter 7, Water Code, may revoke the license or registration of the maintenance company or any person employed by the maintenance company issued under:

(1) Section 26.0301, Water Code;

(2) Chapter 37, Water Code; or

(3) Section 366.071 of this code.

(n) Repealed by Acts 2007, 80th Leg., R.S., Ch. 892, § 3, eff. September 1, 2007.

(o) Repealed by Acts 2007, 80th Leg., R.S., Ch. 892, § 3, eff. September 1, 2007.

Added by Acts 1997, 75th Leg., ch. 1127, § 4, eff. Sept. 1, 1997.

Amended by:

Acts 2005, 79th Leg., Ch. 1129, § 1, eff. September 1, 2005.

Acts 2007, 80th Leg., R.S., Ch. 892, § 1, eff. September 1, 2007.

Acts 2007, 80th Leg., R.S., Ch. 892, § 3, eff. September 1, 2007.

§ 366.052. PERMIT NOT REQUIRED FOR ON-SITE SEWAGE DISPOSAL ON CERTAIN SINGLE RESIDENCES.

(a) Sections 366.051, 366.053, 366.054, and 366.057 do not apply to an on-site sewage disposal system of a single residence that is located on a land tract that is 10 acres or larger in which the field line or sewage disposal line is not closer than 100 feet of the property line.

(b) Effluent from the on-site sewage disposal system on a single residence:

(1) must be retained in the specified limits;

(2) may not create a nuisance; and

(3) may not pollute groundwater.

Acts 1989, 71st Leg., ch. 678, § 1, eff. Sept. 1, 1989. Amended by Acts 1995, 74th Leg., ch. 76, § 11.113, eff. Sept. 1, 1995.

§ 366.053. PERMIT APPLICATION.

(a) Application for a permit must:

(1) be made on a form provided by the commission or authorized agent; and

(2) include information required by the commission or authorized agent to establish that the individual sewage disposal system complies with this chapter and rules adopted under this chapter.

(b) The commission shall adopt rules and procedures for the submission, review, and approval or rejection of permit applications.

Acts 1989, 71st Leg., ch. 678, § 1, eff. Sept. 1, 1989. Amended by Acts 1995, 74th Leg., ch. 76, § 11.113, eff. Sept. 1, 1995.

§ 366.054. NOTICE FROM INSTALLER.

An installer may not begin construction, alteration, repair, or extension of an on-site sewage disposal system unless the installer notifies the commission or authorized agent of the date on which the installer plans to begin work on the system.

Acts 1989, 71st Leg., ch. 678, § 1, eff. Sept. 1, 1989. Amended by Acts 1995, 74th Leg., ch. 76, § 11.113, eff. Sept. 1, 1995.

§ 366.055. INSPECTIONS.

(a) The commission or authorized agent shall review a proposal for an on-site sewage disposal system and make inspections of the system as necessary to ensure that the on-site sewage disposal system is in substantial compliance with this chapter and the rules adopted under this chapter.

(b) An on-site sewage disposal system may not be used unless it is inspected and approved by the commission or the authorized agent.

(c) A holder of a permit issued under this chapter shall notify the commission, the authorized agent, or a designated representative not later than the fifth working day before the proposed date of the operation of an installation that the installation is ready for inspection.

(d) The inspection shall be made on a date and time mutually agreed on by the holder of a permit and the commission, the authorized agent, or a designated representative.

(e) An installation inspection shall be made not later than the second working day, excluding holidays, after the date on which notification that the installation is completed and ready for inspection is given to the commission, the authorized agent, or a designated representative.

(f) The owner, owner's representative, or occupant of the property on which the installation is located shall give the commission, the authorized agent, or a designated representative reasonable access to the property at reasonable times to make necessary inspections.

Acts 1989, 71st Leg., ch. 678, § 1, eff. Sept. 1, 1989. Amended by Acts 1995, 74th Leg., ch. 76, § 11.113, eff. Sept. 1, 1995.

§ 366.056. APPROVAL OF ON-SITE SEWAGE DISPOSAL SYSTEM.

(a) The commission or authorized agent may approve or disapprove the on-site sewage disposal system depending on the results of the inspections under Section 366.055.

(b) If a system is not approved under this section, the on-site sewage disposal system may not be used until all deficiencies are corrected and the system is reinspected and approved by the commission or authorized agent.

Acts 1989, 71st Leg., ch. 678, § 1, eff. Sept. 1, 1989. Amended by Acts 1995, 74th Leg., ch. 76, § 11.113, eff. Sept. 1, 1995.

§ 366.057. PERMIT ISSUANCE.

(a) The commission shall issue or authorize the issuance of permits and other documents.

(b) A permit and approved plan to construct, alter, repair, extend, or operate an on-site sewage disposal system must be issued in the name of the person who owns the system and must identify the specific property location or address for the specific construction, alteration, extension, repair, or operation proposed by the person.

(c) The commission may not issue a permit to construct, alter, repair, or extend an on-site sewage disposal system if the issuance of a permit conflicts with other applicable laws or public policy under this chapter.

Acts 1989, 71st Leg., ch. 678, § 1, eff. Sept. 1, 1989. Amended by Acts 1995, 74th Leg., ch. 76, § 11.113, eff. Sept. 1, 1995.

§ 366.058. PERMIT FEE.

(a) The commission by rule shall establish and collect a reasonable permit fee to cover the cost of issuing permits under this chapter and administering the permitting system. The commission may also use the fee to cover any other costs incurred to protect water resources in this state, including assessment of water quality, reasonably related to the activities of any of the persons required to pay a fee under the statutes listed in Section 5.701(q), Water Code.

(b) The commission at its discretion may provide variances to the uniform application of the permit fee.

(c) Fees collected under this section shall be deposited to the credit of the water resource management account.

Acts 1989, 71st Leg., ch. 678, § 1, eff. Sept. 1, 1989. Amended by Acts 1995, 74th Leg., ch. 76, § 11.113, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 333, § 60, eff. Sept. 1, 1997; Acts 2001, 77th Leg., ch. 965, § 3.08, eff. Sept. 1, 2001.

§ 366.059. PERMIT FEE PAID TO DEPARTMENT OR AUTHORIZED AGENT.

(a) The permit fee shall be paid to the authorized agent or the commission, whichever performs the permitting function.

(b) The commission may assess a reasonable and appropriate charge-back fee, not to exceed $500, to a local governmental entity for which the commission issues permits for administrative costs relating to the permitting function that are not covered by the permit fees collected. The commission shall base the amount of a charge-back fee under this subsection on the actual cost of issuing a permit under this section. The commission may assess a charge-back fee to a local governmental entity under this subsection if the local governmental entity is an authorized agent that:

(1) has repealed the order, ordinance, or resolution that established the entity as an authorized agent; or

(2) has had its authorization as an authorized agent revoked by the commission.

(c) Fees collected under this section shall be deposited to the credit of the water resource management account.

(d) The commission may not assess a charge-back fee to a local governmental entity if the local governmental entity has repealed the order, ordinance, or resolution that established the entity as an authorized agent or has lost its designation as an authorized agent due to material change in the commission's rules under this chapter.

Acts 1989, 71st Leg., ch. 678, § 1, eff. Sept. 1, 1989. Amended by Acts 1995, 74th Leg., ch. 76, § 11.113, eff. Sept. 1, 1995; Acts 1997, 75th Leg., ch. 333, § 61, eff. Sept. 1, 1997; Acts 2001, 77th Leg., ch. 965, § 3.09, eff. Sept. 1, 2001.

SUBCHAPTER E. REGISTRATION OF INSTALLERS

§ 366.071. OCCUPATIONAL LICENSING AND REGISTRATION.

(a) A person who constructs, installs, alters, extends, services, maintains, or repairs an on-site sewage disposal system or any part of an on-site sewage disposal system for compensation must hold a license or registration issued by the commission under Chapter 37, Water Code.

(b) A person designated by an authorized agent under Section 366.014 must hold a license issued by the commission under Chapter 37, Water Code.

(c) A person who conducts preconstruction site evaluations, including visiting a site and performing a soil analysis, a site survey, or other activities necessary to determine the suitability of a site for an on-site sewage disposal system must hold a license issued by the commission under Chapter 37, Water Code, unless the person is licensed by the Texas Board of Professional Engineers as an engineer.

(d) The commission may implement a program under Chapter 37, Water Code, to register persons who service or maintain on-site sewage disposal systems for compensation.

Acts 1989, 71st Leg., ch. 678, § 1, eff. Sept. 1, 1989. Amended by Acts 1993, 73rd Leg., ch. 589, § 5, eff. Aug. 30, 1993; Acts 1995, 74th Leg., ch. 76, § 11.113, eff. Sept. 1, 1995; Acts 2001, 77th Leg., ch. 880, § 24.

Amended by:

Acts 2005, 79th Leg., Ch. 1129, § 2, eff. September 1, 2006.
Acts 2005, 79th Leg., Ch. 1129, § 4, eff. September 1, 2005.
Acts 2007, 80th Leg., R.S., Ch. 892, § 2, eff. September 1, 2007.

SUBCHAPTER F. PENALTIES

§ 366.092. INJUNCTION OR CIVIL SUIT.

(a) If it appears that a person has violated, is violating, or is threatening to violate any provision of this chapter, or any rule, permit, or other order of the commission issued pursuant to this chapter, an authorized agent or, at the request of the commission, the attorney general may bring a civil suit for:

(1) mandatory or prohibitory injunctive relief, as warranted by the facts;
(2) a civil penalty as provided by this chapter; or
(3) both injunctive relief and civil penalty.

(b) Repealed by Acts 1997, 75th Leg., ch. 1072, §60(b)(4), eff. Sept. 1, 1997.

Acts 1989, 71st Leg., ch. 678, § 1, eff. Sept. 1, 1989. Amended by Acts 1993, 73rd Leg., ch. 589, § 7, eff. Aug. 30, 1993; Acts 1997, 75th Leg., ch. 1127, § 5, eff. Sept. 1, 1997.

§ 366.0922. COMMISSION ENFORCEMENT AT LOCAL GOVERNMENT REQUEST.

A local government may request that the commission initiate an enforcement action under this chapter through a petition filed with the commission. If the commission chooses to initiate an enforcement action on behalf of a local government, civil penalties recovered shall be divided between the local government and the state based on the proportion of resources expended by each entity in the course of enforcement action.

Added by Acts 1993, 73rd Leg., ch. 589, § 8, eff. Aug. 30, 1993. Amended by Acts 1997, 75th Leg., ch. 1127, § 6, eff. Sept. 1, 1997.

§ 366.0923. FEES AND COSTS RECOVERABLE.

If an authorized agent or the state prevails in a suit under this subchapter, it may recover reasonable attorney's fees, court costs, and reasonable investigative costs incurred in relation to the proceeding.

Added by Acts 1993, 73rd Leg., ch. 589, § 8, eff. Aug. 30, 1993. Amended by Acts 1997, 75th Leg., ch. 1127, § 7, eff. Sept. 1, 1997.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

ON-SITE SEWAGE FACILITIES

TITLE 30 TAC

CHAPTER 285

Effective September 11, 2008

INDEX

CHAPTER 285
ON-SITE SEWAGE FACILITIES

SUBCHAPTER A: GENERAL PROVISIONS

§285.1. Purpose and Applicability…….....1
§285.2. Definitions …….....1
§285.3. General Requirements …….....8
§285.4. Facility Planning …….....11
§285.5. Submittal Requirements for Planning Materials ...…….....13
§285.6. Cluster Systems …….....15
§285.7. Maintenance Requirements …….....15
§285.8. Multiple On-Site Sewage Facility (OSSF) Systems on One Large Tract of Land....….....18

SUBCHAPTER B: LOCAL ADMINISTRATION OF THE OSSF PROGRAM

§285.10. Delegation to Authorized Agents ……..…….....21
§285.11. General Requirements ……..…….....24
§285.12. Review of Locally Administered Programs ……..….....25
§285.13. Revocation of Authorized Agent Delegation …….....26
§285.14. Charge-back Fee …….....27

SUBCHAPTER C: COMMISSION ADMINISTRATION OF THE OSSF PROGRAM IN AREAS WHERE NO AUTHORIZED AGENT EXISTS

§285.20. General Requirements ……..…….....29
§285.21. Fees ……...…….....29

SUBCHAPTER D: PLANNING, CONSTRUCTION, AND INSTALLATION STANDARDS FOR OSSFS

§285.30. Site Evaluation ..…….…….....30
§285.31. Selection Criteria for Treatment and Disposal Systems.....…….....32
§285.32. Criteria for Sewage Treatment Systems …….....32
§285.33. Criteria for Effluent Disposal Systems …….....41
§285.34. Other Requirements…….....56
§285.35. Emergency Repairs …….....57
§285.36. Abandoned Tanks, Boreholes, Cesspools, and Seepage Pits …….....58
§285.37. On-Site Sewage Facilities and Water Treatment Equipment and Appliances ……....58
§285.39. On-Site Sewage Facilities Maintenance and Management Practices ……60

SUBCHAPTER E: SPECIAL REQUIREMENTS FOR OSSFS LOCATED IN THE EDWARDS AQUIFER RECHARGE ZONE

§285.40. OSSFs on the Recharge Zone of the Edwards Aquifer …….....61
§285.41. Edwards Aquifer Protection Plan …….....63
§285.42. Other Requirements …….....63

SUBCHAPTER F: LICENSING AND REGISTRATION REQUIREMENTS FOR INSTALLERS, APPRENTICES, DESIGNATED REPRESENTATIVES, SITE EVALUATORS, MAINTENANCE PROVIDERS, AND MAINTENANCE TECHNICIANS

§285.50. General Requirements …….....64
§285.60. Duties and Responsibilities of Site Evaluators …….....65
§285.61. Duties and Responsibilities of Installers ……..….....66
§285.62. Duties and Responsibilities of Designated Representatives …….....67
§285.63. Duties and Responsibilities of Registered Apprentices …….....68
§285.64. Duties and Responsibilities of Maintenance Providers and Maintenance Technicians...69
§285.65 Suspension or Revocation of License or Registration …….....70

SUBCHAPTER G: OSSF ENFORCEMENT

§285.70. Duties of Owners With Malfunctioning OSSFs ……....73
§285.71. Authorized Agent Enforcement of OSSFs ……..... 74

SUBCHAPTER H: DISPOSAL OF GRAYWATER

§285.80. General Requirements…….....75
§285.81. Criteria for Disposal of Graywater…….....75

SUBCHAPTER I: APPENDICES

§285.90. Figures…….....78
§285.91. Tables …….....87

SUBCHAPTER A: GENERAL PROVISIONS
§§285.1 - 285.8

§285.1. Purpose and Applicability.

(a) Purpose. The purpose of this chapter is to provide a comprehensive regulatory program for the management of on-site sewage facilities (OSSFs), as prescribed by the Texas Health and Safety Code, Chapter 366. This chapter establishes minimum standards for planning materials, construction, installation, alteration, repair, extension, operation, maintenance, permitting, and inspection of OSSFs. This chapter also provides the procedures for the designation of local governmental entities as authorized agents. The licensing of installers, designated representatives, and site evaluators and the registration of apprentices is included in Chapter 30 of this title (relating to Occupational Licenses and Registrations). Unauthorized discharge of effluent into or adjacent to the waters in the state is prohibited.

(b) Applicability. This chapter applies to:

(1) any person who has an ownership interest in an OSSF; or

(2) any person who participates in any activity relating to the development of planning materials, construction, installation, alteration, repair, extension, operation, maintenance, permitting, inspection, or investigation of an OSSF; or

(3) any governmental entity that is, desires to be, or was, designated as an authorized agent.

Adopted November 20, 2001 Effective December 17, 2001

§285.2. Definitions.

The following words and terms in this section are in addition to the definitions in Chapter 3 and Chapter 30 of this title (relating to Definitions and Occupational Licenses and Registrations). The words and terms in this section, when used in this chapter, have the following meanings.

(1) Aerobic digestion--The bacterial decomposition and stabilization of sewage in the presence of free oxygen.

(2) Alter--To change an on-site sewage facility resulting in:

(A) an increase in the volume of permitted flow;

(B) a change in the nature of permitted influent;

(C) a change from the planning materials approved by the permitting authority;

(D) a change in construction; or

(E) an increase, lengthening, or expansion of the treatment or disposal system.

(3) Anaerobic digestion--The bacterial decomposition and stabilization of sewage in the absence of free oxygen.

(4) Apprentice--An individual who has been properly registered with the executive director according to Chapter 30 of this title (relating to Occupational Licenses and Registrations), and is undertaking a training program under the direct supervision of a licensed installer.

(5) Authorization to construct--Written permission from the permitting authority to construct an on-site sewage facility showing the date the permission was granted. The authorization to construct is the first part of the permit.

(6) Authorized agent--A local governmental entity that has been delegated the authority by the executive director to implement and enforce the rules adopted under Texas Health and Safety Code, Chapter 366.

(7) Borehole--A drilled hole four feet or greater in depth and one to three feet in diameter.

(8) Certified professional soil scientist--An individual who has met the certification requirements of the American Society of Agronomy to engage in the practice of soil science.

(9) Cesspool--A non-watertight, covered receptacle intended for the receipt and partial treatment of sewage. This device is constructed such that its sidewalls and bottom are open-jointed to allow the gradual discharge of liquids while retaining the solids for anaerobic decomposition.

(10) Cluster system-- A sewage collection, treatment, and disposal system designed to serve two or more sewage-generating units on separate legal tracts where the total combined flow from all units does not exceed 5,000 gallons per day.

(11) Commercial or institutional facility--Any building that is not used as a single-family dwelling or duplex.

(12) Compensation--A payment to construct, alter, repair, extend, maintain, or install an on-site sewage facility. Payment may be in the form of cash, check, charge, or other form of monetary exchange or exchange of property or services for service rendered.

(13) Composting toilet--A self-contained treatment and disposal facility constructed to decompose non-waterborne human wastes through bacterial action.

(14) Condensate drain--A pipe that is used for the disposal of water generated by air conditioners, refrigeration equipment, or other equipment.

(15) Construct--To engage in any activity related to the installation, alteration, extension, or repair of an on-site sewage facility (OSSF), including all activities from disturbing the soils through connecting the system to the building or property served by the OSSF. Activities relating to a site evaluation are not considered construction.

(16) Delegate--The executive director's act of assigning authority to implement the on-site sewage facility program under this chapter.

(17) Designated representative--An individual who holds a valid license issued by the executive director according to Chapter 30 of this title (relating to Occupational Licenses and Registrations), and who is designated by the authorized agent to review permit applications, site evaluations, or planning materials, or conduct inspections on on-site sewage facilities.

(18) Direct communication--The demonstrated ability of an installer and the apprentice to communicate immediately with each other in person, by telephone, or by radio.

(19) Direct supervision--The responsibility of an installer to oversee, direct, and approve all actions of an apprentice relating to the construction of an on-site sewage facility, or the responsibility of a maintenance provider to oversee, direct, and approve all actions of a maintenance technician relating to the maintenance of an on-site sewage facility.

(20) Discharge--To deposit, conduct, drain, emit, throw, run, allow to seep, or otherwise release or dispose of, or to allow, permit, or suffer any of these acts or omissions.

(21) Edwards Aquifer--That portion of an arcuate belt of porous, waterbearing predominantly carbonate rocks (limestones) known as the Edwards (Balcones Fault Zone) Aquifer trending from west to east to northeast in Kinney, Uvalde, Medina, Bexar, Comal, Hays, Travis, and Williamson Counties; and composed of the Salmon Peak Limestone, McKnight Formation, West Nueces Formation, Devil's River Limestone, Person Formation, Kainer Formation, Edwards Group, and Georgetown Formation, or as amended under Chapter 213 of this title (relating to Edwards Aquifer). The permeable aquifer units generally overlie the less-permeable Glen Rose Formation to the south, overlie the less-permeable Comanche Peak and Walnut formations north of the Colorado River, and underlie the less-permeable Del Rio Clay regionally.

(22) Edwards Aquifer Recharge Zone--That area where the stratigraphic units constituting the Edwards Aquifer crop out, including the outcrops of other geologic formations in proximity to the Edwards Aquifer, where caves, sinkholes, faults, fractures, or other permeable features would create a potential for recharge of surface waters into the Edwards Aquifer. The recharge zone is identified as a geographic area delineated on official maps located in the agency's central office and in the appropriate regional office, or as amended by Chapter 213 of this title (relating to Edwards Aquifer).

(23) Extend--To alter an on-site sewage facility resulting in an increase in capacity, lengthening, or expansion of the existing treatment or disposal system.

(24) Floodplain (100-year)--Any area susceptible to inundation by flood waters from any source and subject to the statistical 100-year flood (has a 1% chance of flooding each year).

(25) Floodway--The channel of a watercourse and the adjacent land areas (within a portion of the 100-year floodplain) that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot above the 100-year flood elevation before encroachment into the 100-year floodplain.

(26) Geotextile filter fabric--A non-woven fabric suitable for wastewater applications.

(27) Gravel-less drainfield pipe--An eight-inch or ten-inch diameter geotextile fabric-wrapped piping product without gravel or media.

(28) Grease interceptor--Floatation chambers where grease floats to the water surface and is retained while the clearer water underneath is discharged.

(29) Groundwater--Subsurface water occurring in soils and geologic formations that are fully saturated either year-round or on a seasonal or intermittent basis.

(30) Holding tank--A watertight container equipped with a high-level alarm used to receive and store sewage pending its delivery to an approved treatment process.

(31) Individual--A single living human being.

(32) Install--To put in place or construct any portion of an on-site sewage facility.

(33) Installer--An individual who is compensated by another to construct an on-site sewage facility.

(34) Local governmental entity--A municipality, county, river authority, or special district, including groundwater conservation districts, soil and water conservation districts, and public health districts.

(35) Maintenance--Required or routine performance checks, examinations, upkeep, cleaning, or mechanical adjustments to an on-site sewage facility, including replacement of pumps, filters, aerator lines, valves, or electrical components. Maintenance does not include alterations.

(36) Maintenance findings--The results of a required performance check or component examination on a specific on-site sewage facility.

(37) Maintenance provider--An individual who maintains on-site sewage facilities for compensation. Through August 31, 2009, a maintenance company is a person or business that maintains on-site sewage facilities for compensation.

(38) Maintenance technician--An individual who holds a valid registration issued by the executive director to maintain on-site sewage facilities and works under a maintenance provider.

(39)) Malfunctioning OSSF--An on-site sewage facility that is causing a nuisance or is not operating in compliance with this chapter.

(40) Manufactured housing community--Any area developed or used for lease or rental of space for two or more manufactured homes.

(41) Multi-unit residential development--Any area developed or used for a structure or combination of structures designed to lease or rent space to house two or more families.

(42) Notice of approval--Written permission from the permitting authority to operate an on-site sewage facility. The notice of approval is the final part of the permit.

(43) Nuisance--

(A) sewage, human excreta, or other organic waste discharged or exposed in a manner that makes it a potential instrument or medium in the transmission of disease to or between persons;

(B) an overflow from a septic tank or similar device, including surface discharge from or groundwater contamination by a component of an on-site sewage facility; or

(C) a blatant discharge from an OSSF.

(44) On-site sewage disposal system--One or more systems that:

(A) do not treat or dispose of more than 5,000 gallons of sewage each day; and

(B) are used only for disposal of sewage produced on a site where any part of the system is located.

(45) On-site sewage facility (OSSF)--An on-site sewage disposal system.

(46) On-site waste disposal order--An order, ordinance, or resolution adopted by a local governmental entity and approved by the executive director.

(47) Operate--To use an on-site sewage facility.

(48) Owner--A person who owns property served by an on-site sewage facility (OSSF), or a person who owns an OSSF. This includes any person who holds legal possession or ownership of a total or partial interest in the structure or property served by an OSSF.

(49) Owner's agent--An installer, professional sanitarian, or professional engineer who is authorized to submit the permit application and the planning materials to the permitting authority on behalf of the owner.

(50) Permit--An authorization, issued by the permitting authority, to construct or operate an on-site sewage facility. The permit consists of the authorization to construct (including the approved planning materials) and the notice of approval.

(51) Permitting authority--The executive director or an authorized agent.

(52) Planning material--Plans, applications, site evaluations, and other supporting materials submitted to the permitting authority for the purpose of obtaining a permit.

(53) Platted--The subdivision of property which has been recorded with a county or municipality in an official plat record.

(54) Pretreatment tank--A tank placed ahead of a treatment unit that functions as an interceptor for materials such as plastics, clothing, hair, and grease that are potentially harmful to treatment unit components.

(55) Professional engineer--An individual licensed by the Texas Board of Professional Engineers to engage in the practice of engineering in the State of Texas.

(56) Professional sanitarian--An individual registered by the Texas Department of State Health Services to carry out educational and inspection duties in the field of sanitation in the State of Texas.

(57) Proprietary system--An on-site sewage facility treatment or disposal system that is produced or marketed under exclusive legal right of the manufacturer or designer or for which a patent, trade name, trademark, or copyright is used by a person or company.

(58) Recharge feature--Permeable geologic or manmade feature located on the Edwards Aquifer Recharge Zone where:

(A) a potential for hydraulic interconnectedness between the surface and the aquifer exists; and

(B) rapid infiltration from the on-site sewage facility to the subsurface may occur.

(59) Recreational vehicle park--A single tract of land that has rental spaces for two or more vehicles that are intended for recreational use only and has a combined wastewater flow of less than 5,000 gallons per day.

(60) Regional office--A regional office of the agency.

(61) Repair--To replace any components of an on-site sewage facility (OSSF) in situations not included under emergency repairs according to §285.35 of this title (relating to Emergency Repairs), excluding maintenance. The replacement of tanks or drainfields is considered a repair and requires a permit for the entire OSSF system.

(62) Scum--A mass of organic or inorganic matter which floats on the surface of sewage.

(63) Secondary treatment--The process of reducing pollutants to the levels specified in Chapter 309 of this title (relating to Domestic Wastewater Effluent Limitation and Plant Siting).

(64) Seepage pit--An unlined covered excavation in the ground which operates in essentially the same manner as a cesspool.

(65) Septic tank--A watertight covered receptacle constructed to receive, store, and treat sewage by: separating solids from the liquid; digesting organic matter under anaerobic conditions; storing the digested solids through a period of detention; and allowing the clarified liquid to be disposed of by a method approved under this chapter.

(66) Sewage--Waste that:

(A) is primarily organic and biodegradable or decomposable; and

(B) originates as human, animal, or plant waste from certain activities, including the use of toilet facilities, washing, bathing, and preparing food.

(67) Single family dwelling--A structure that is either built on or brought to a site, for use as a residence for one family. A single family dwelling includes all detached buildings located on the residential property and routinely used only by members of the household of the single family dwelling.

(68) Site evaluator--An individual who holds a valid license issued by the executive director according to Chapter 30 of this title (relating to Occupational Licenses and Registrations) and who conducts preconstruction site evaluations, including visiting a site and performing soil analysis, a site survey, or other activities necessary to determine the suitability of a site for an on-site sewage facility. A professional engineer may perform site evaluations without obtaining a site evaluator license.

(69) Sludge--A semi-liquid mass of partially decomposed organic and inorganic matter which settles at or near the bottom of a receptacle containing sewage.

(70) Soil--The upper layer of the surface of the earth that serves as a natural medium for the growth of plants.

(71) Soil absorption system--A subsurface method for the treatment and disposal of sewage which relies on the soil's ability to treat and absorb moisture and allow its dispersal by lateral and vertical movement through and between individual soil particles.

(72) Subdivision--A division of a tract of land, regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method.

(73) Testing and reporting--Routine inspection, sampling and performance checks performed by the maintenance provider or maintenance technician and the submittal of findings to the OSSF owner and the permitting authority. Testing and reporting does not include repair or replacement of parts.

(74) Well--A water well, injection well, dewatering well, monitoring well, piezometer well, observation well, or recovery well as defined under Texas Water Code, Chapters 26, 32, and 33, and 16 TAC Chapter 76 (relating to Water Well Drillers and Water Well Pump Installers).

Adopted August 20, 2008 Effective September 11, 2008

§285.3. General Requirements.

(a) Permit required. A person shall hold a permit for an OSSF unless the OSSF meets one of the exceptions in subsection (f) of this section.

(1) All aspects of the permitting, planning, construction, operation, and maintenance of OSSFs shall be conducted according to this chapter, or according to an order, ordinance, or resolution of an authorized agent.

(2) The executive director is the permitting authority unless a local governmental entity has an OSSF order, ordinance, or resolution approved by the executive director. In areas where the executive director is the permitting authority, the staff from the appropriate regional office shall be responsible for the proper implementation of this chapter.

(3) Permits shall be transferred to a new owner automatically upon sale or other legal transfer of an OSSF.

(4) Conditioning of Permits. The permitting authority may require conditions to a permit in order to ensure that the permitted OSSF system will operate in accordance with the planning materials and system approval. Failure to comply with these conditions is a violation of the permit and this chapter. Any violation of a condition of a permit that would be considered an alteration as defined in §285.2(2) of this title (relating to Definitions) would require a new permit.

(b) General Application Requirements.

(1) The owner or owner's agent must obtain an authorization to construct from the permitting authority before construction may begin on an OSSF. Before an authorization to construct can be issued, the permitting authority shall require submittal of the following from the owner or owner's agent:

(A) an application, on the form provided by the permitting authority;

(B) all planning materials, according to §285.5 of this title (relating to Submittal Requirements for Planning Materials);

(C) the results of a site evaluation, conducted according to §285.30 of this title (relating to Site Evaluation); and

(D) the appropriate fee.

(2) Variance requests shall be submitted with the application and shall be reviewed by the permitting authority according to subsection (h) of this section.

(3) Before the permitting authority issues an authorization to construct, the owner of OSSFs identified in §285.91(12) of this title (relating to Tables) or the owner's agent, must record an affidavit in the county deed records of the county or counties where the OSSF is located. Additionally, the owner or the owner's agent must submit, to the permitting authority, an affidavit affirming the recording. An example of the affidavit is located in §285.90(2) of this title (relating to Figures). The affidavit must include:

(A) the owner's full name;

(B) the legal description of the property;

(C) that an OSSF requiring continuous maintenance is located on the property;

(D) that the permit for the OSSF is transferred to the new owner upon transfer of the property; and

(E) that at any time after the initial two-year service policy, the owner of an aerobic treatment system for a single family residence shall either obtain a maintenance contract within 30 days of the transfer or maintain the system personally.

(c) Action on Applications. The permitting authority shall either approve or deny an application within 30 days of receiving an application. If the application and planning materials are approved, the permitting authority shall issue an authorization to construct. If the application and planning materials are denied, the permitting authority shall explain the reasons for the denial in writing to the owner, and the owner's agent.

(d) Construction and Inspection.

(1) An authorization to construct is valid for one calendar year from the date of its issuance. If the installer does not request a construction inspection by the permitting authority within one year of the issuance of the authorization to construct, the authorization to construct expires, and the owner will be required to submit a new application and application fee before an OSSF can be installed. A new application and application fee are not required if the owner decides not to install an OSSF.

(2) The installer shall notify the permitting authority at least five working days (Monday through Friday, excluding holidays) before the date the OSSF will be ready for inspection.

(3) The permitting authority shall conduct a construction inspection.

(4) If the OSSF does not pass the construction inspection, the permitting authority shall:

(A) at the close of the inspection, advise the owner and the owner's agent, if present, of the deficiencies identified and that the OSSF cannot be used until it passes inspection; and

(B) within seven calendar days after the inspection, issue a letter to the owner and the owner's agent listing the deficiencies identified and stating that the OSSF cannot be used until it passes inspection.

(5) If a reinspection is necessary, a reinspection fee may be assessed by the permitting authority.

(6) The reinspection fee must be paid before the reinspection is conducted.

(e) Notice of Approval.

(1) Within seven calendar days after the OSSF has passed the construction inspection, the permitting authority shall issue, to the owner or owner's agent, a written notice of approval for the OSSF.

(2) The notice of approval shall have a unique identification number, and shall be issued in the name of the owner.

(f) Exceptions.

(1) An owner of an OSSF will not be required to comply with the permitting, operation, and installation requirements of this chapter if the OSSF is not creating a nuisance and:

(A) the OSSF was installed before September 1, 1989, provided the system has not been altered, and is not in need of repair;

(B) the OSSF was installed before the effective date of the order, ordinance, or resolution in areas where the local governmental entity had an approved order, ordinance, or resolution dated before September 1, 1989, provided the system has not been altered and is not in need of repair; or

(C) the owner received authorization to construct from a permitting authority before the effective date of this chapter.

(2) No planning materials, permit, or inspection are required for an OSSF for a single family dwelling located on a tract of land that is ten acres or larger and:

(A) the OSSF is not causing a nuisance or polluting groundwater;

(B) all parts of the OSSF are at least 100 feet from the property line;

(C) the effluent is disposed of on the property; and

(D) the single family dwelling is the only dwelling located on that tract of land.

(3) Connecting recreational vehicles or manufactured homes to rental spaces is not considered construction if the existing OSSF system is not altered.

(g) Exclusions. The following systems are not authorized by this subchapter and may require a permit under Chapter 205 or Chapter 305 of this title (relating to General Permits for Waste Discharges or Consolidated Permits, respectively):

(1) one or more systems that cumulatively treat and dispose of more than 5,000 gallons of sewage per day on one piece of property;

(2) any system that accepts waste that is either municipal, agricultural, industrial, or other waste as defined in Texas Water Code, Chapter 26;

(3) any system that will discharge into or adjacent to waters in the state; or

(4) any new cluster systems.

(h) Variances. Requests for variances from provisions of this chapter may be considered by the appropriate permitting authority on a case-by-case basis.

(1) A variance may be granted if the owner, or a professional sanitarian or professional engineer representing the owner, demonstrates to the satisfaction of the permitting authority that conditions are such that equivalent or greater protection of the public health and the environment can be provided by alternate means. Variances for separation distances shall not be granted unless the provisions of this chapter cannot be met.

(2) Any request for a variance under this subsection must contain planning materials prepared by either a professional sanitarian or a professional engineer (with appropriate seal, date, and signature).

(i) Unauthorized systems. Boreholes, cesspools, and seepage pits are prohibited for installation or use. Boreholes, cesspools, and seepage pits that treat or dispose of less than 5,000 gallons of sewage per day shall be closed according to §285.36 of this title (relating to Abandoned Tanks, Boreholes, Cesspools, and Seepage Pits). Boreholes, cesspools, and seepage pits that exceed 5,000 gallons of sewage per day must be closed as a Class V injection well under Chapter 331 of this title (relating to Underground Injection Control).

Adopted August 20, 2008 Effective September 11, 2008

§285.4. Facility Planning.

(a) Land planning and site evaluation. Property that will use an OSSF for sewage disposal shall be evaluated for overall site suitability. For property located on the Edwards Aquifer recharge zone, see §285.40 of this title (relating to OSSFs on the Recharge Zone of the Edwards Aquifer) for additional requirements. The following requirements apply to all sites where an OSSF may be located.

(1) Residential lot sizing.

(A) Platted or unplatted subdivisions served by a public water supply. Subdivisions of single family dwellings platted or created after the effective date of this section, served by a public water supply and using individual OSSFs for sewage disposal, shall have lots of at least 1/2 acre.

(B) Platted or unplatted subdivisions not served by a public water supply. Subdivisions of single family dwellings platted or created after the effective date of this section, not served by a public water supply and using individual OSSFs, shall have lots of at least one acre.

(2) Manufactured housing communities or multi-unit residential developments. The owners of manufactured housing communities or multi-unit residential developments that are served by an OSSF and rent or lease space shall submit a sewage disposal plan to the permitting authority for approval. The total anticipated sewage flow for the individual tract of land shall not exceed 5,000 gallons per day. The plan shall be prepared by a professional engineer or professional sanitarian. This plan is in addition to the requirements of subsection (c) of this section.

(b) Approval of OSSF systems on existing small lots or tracts.

(1) Existing small lots or tracts that do not meet the minimum lot size requirements under subsection (a)(1)(A) or (B) of this section, and were either subdivided before January 1, 1988, or had a site-specific sewage disposal plan approved between January 1, 1988, and the effective date of this section, are allowed to use OSSFs, but the OSSFs must comply with the requirements set forth in this Chapter.

(2) The owner of a single family dwelling on an existing small lot or tract (property 1) may transport the wastewater from the dwelling to an OSSF at another location (property 2) provided that:

(A) both properties (properties 1 and 2) are owned by the same person;

(B) the owner or owner's agent demonstrates that no OSSF authorized under these rules can be installed on the property which contains the single-family dwelling (property 1);

(C) if property not owned by the owner of properties 1 and 2 must be crossed in transporting the sewage, the application includes all right-of-ways and permanent easements needed for the sewage conveyance lines; and

(D) the application includes an affidavit indicating that the owner or the owner's agent recorded the information required by §285.3(b)(3) on the real property deeds of both properties (properties 1 and 2). The deed recording shall state that the properties cannot be sold separately.

(c) Review of subdivision or development plans. Persons proposing residential subdivisions, manufactured housing communities, multi-unit residential developments, business parks, or other similar structures that use OSSFs for sewage disposal shall submit planning materials for these developments to the permitting authority and receive approval prior to submitting an OSSF application.

(1) The planning materials must be prepared by a professional engineer or professional sanitarian and must include:

(A) an overall site plan;

(B) a topographic map;

(C) a 100-year floodplain map;

(D) a soil survey;

(E) the locations of water wells;

(F) the locations of easements, as identified in §285.91(10) of this title (relating to Tables);

(G) a comprehensive drainage plan;

(H) a complete report detailing the types of OSSFs to be considered and their compatibility with area-wide drainage and groundwater; and

(I) other requirements, including Edwards Aquifer requirements that are pertinent to the proposed OSSF.

(2) If the proposed development includes restaurants or buildings with food service establishments, the planning materials must show adequate land area for doubling the land needed for the treatment units. The designer may consider increasing the amount of land area for the treatment units beyond doubling the minimum required area.

(3) The permitting authority will either approve or deny the planning materials, in writing, within 45 days of receipt.

Adopted August 20, 2008 Effective September 11, 2008

§285.5. Submittal Requirements for Planning Materials.

(a) Submittal of planning material. Planning materials required under this chapter shall be submitted by the owner, or owner's agent, to the permitting authority for review and approval according to this section. All planning materials shall comply with this chapter and shall be submitted according to §285.91(9) of this title (relating to Tables). A legal description of the property where an on-site sewage facility (OSSF) is to be installed must be included with the permit application. Additionally, a scale drawing of the OSSF, all structures served by the OSSF, and all items specified in §285.30(b) of this title (relating to Site Evaluation) and §285.91(10) of this title must be included with the permit application.

(1) Planning materials prepared by an owner or installer. Either the owner or installer may prepare the planning materials for any proposed OSSF not requiring the preparation of plans according to paragraphs (2) or (3) of this subsection.

(2) Planning materials prepared by a professional engineer or professional sanitarian. OSSF planning materials shall be prepared by a professional engineer or professional sanitarian (with appropriate seal, date, and signature) as follows, unless otherwise specified in this chapter:

(A) any proposals for treatment or disposal that are not standard as described in Subchapter D of this chapter (relating to Planning, Construction, and Installation Standards for OSSFs) unless otherwise specified under §285.91(9) of this title;

(B) any proposal for an OSSF to serve manufactured housing communities, recreational vehicle parks, or multi-unit residential developments where spaces are rented or leased;

(C) all subdivision and development plans as required in §285.4(c) of this title (relating to Facility Planning); or

(D) a proposal for multiple treatment and disposal systems on large tracts of land.

(3) Planning materials prepared by a professional engineer. OSSF planning materials shall be prepared by a professional engineer (with appropriate seal, date, and signature) as follows, unless otherwise specified in this chapter:

(A) all proposals for non-standard treatment systems that require secondary treatment as detailed in Subchapter D of this chapter; or

(B) verifications that precast concrete septic tanks conform to the requirements of §285.32(b)(1)(E)(i) of this title (relating to Criteria for Sewage Treatment Systems); or

(C) designs demonstrating that the requirements of §285.31(c)(2) of this title (relating to Selection Criteria for Treatment and Disposal Systems) related to the regulated floodway have been met.

(b) Review of planning materials.

(1) Standard planning materials. All planning materials for standard treatment or disposal systems shall be reviewed by the permitting authority.

(2) Non-standard planning materials. The executive director shall review and respond to initial plans for all non-standard planning material for any system described in §285.32(d) and §285.33(d)(6) of this title within ten calendar days of receipt of the planning materials. After favorable review by the executive director, the same non-standard system planning materials may be reviewed and approved by the authorized agent for different locations, provided the same site conditions exist for which the planning materials were developed.

(3) Proprietary planning materials. Planning materials for proprietary treatment or disposal systems, as described in §285.32(c) or §285.33(c) of this title, shall be submitted to the executive director for review. The systems and the testing protocol shall be approved by the executive director before the systems can be installed in the state.

§285.6. Cluster Systems.

(a) Cluster systems are not authorized under this chapter after the effective date of these rules. Cluster systems may be authorized under other chapters of this title including Chapter 331 of this title (relating to Underground Injection Control).

(b) Existing cluster systems may not be repaired, altered, or extended under this chapter and may require authorization under other chapters of this title including Chapter 331 of this title when the system is malfunctioning or expanded.

Adopted May 23, 2001 Effective June 13, 2001

§285.7. Maintenance Requirements.

(a) Maintenance contract requirements. Maintenance contract requirements for all on-site sewage facilities (OSSFs) are identified in §285.91(12) of this title (relating to Tables). The permit holder shall ensure that the OSSF is properly operated and maintained in accordance with this chapter. Homeowners who maintain their own systems are exempt from contract requirements, as provided in subsection (d)(4) of this section.

(b) Maintenance provider.

(1) Effective September 1, 2009, in order to perform maintenance on an OSSF, an individual must either be licensed by the TCEQ as a maintenance provider or registered by the TCEQ as a maintenance technician and employed by a licensed maintenance provider. Prior to September 1, 2009, in order to perform maintenance on an OSSF, an individual must be registered by the TCEQ as a maintenance provider.

(2) Effective September 1, 2009, the maintenance provider will be responsible for fulfilling the requirements of the maintenance contract. The maintenance provider will be responsible for the work performed by registered maintenance technicians under their direct supervision. Prior to September 1, 2009, the maintenance company will be responsible for fulfilling the requirements of the maintenance contract.

(3) Effective September 1, 2009, the maintenance provider must sign all maintenance reports.

(c) Initial Two-Year Service Policy. The initial two-year service policy shall be effective for two years from the date the OSSF is first used. For a new single family dwelling, this date is the date of sale by the builder. For an existing single family dwelling this date is the date the notice of approval is issued by the permitting authority. The owner, or owner's agent shall provide the permitting authority with a copy of the signed initial two-year service policy before the system is approved for use. The initial service policy shall meet the minimum guidelines for maintenance contracts, as described in §285.7(d)(1)(A) –

(E) and the individual fulfilling the service policy shall be a maintenance provider or a maintenance technician working under the supervision of a maintenance provider.

(d) Maintenance contracts. OSSFs required to have maintenance contracts are identified in §285.91(12) of this title.

(1) Contract provisions. The OSSF maintenance contract shall, at a minimum:

(A) list items that are covered by the contract;

(B) specify a time frame in which the maintenance provider or maintenance technician will visit the property in response to a complaint by the property owner regarding the operation of the system;

(C) specify the name of the maintenance provider who is responsible for fulfilling the terms of the maintenance contract;

(D) identify the frequency of routine maintenance and the frequency of the required testing and reporting;

(E) identify who is responsible for maintaining the disinfection unit; and

(F) indicate the business physical address and telephone number for the maintenance provider.

(2) Contract submittals. Unless the owner maintains the system, as excepted by paragraph (4) of this subsection, a copy of the signed maintenance contract shall be provided by the owner to the permitting authority 30 days before the expiration of the initial two-year service policy. For the time period after the initial two-year service policy, the owner is required to have a new maintenance contract signed and submitted to the permitting authority at least 30 days before the contract expires unless the owner maintains the system, as excepted by paragraph (4) of this subsection.

(3) Amendments or terminations.

(A) Effective September 1, 2009, if the maintenance provider discontinues the maintenance contract, the maintenance provider shall notify, in writing, the permitting authority, the manufacturer, and the owner at least 30 days before the date service will cease. Prior to September 1, 2009, if the maintenance company discontinues the maintenance contract, the maintenance company shall notify, in writing, the permitting authority, the manufacturer, and the owner at least 30 days before the date service will cease.

(B) Effective September 1, 2009, if the owner discontinues the maintenance contract, the maintenance provider shall notify, in writing, the permitting authority and the manufacturer at least 30 days before the date service will cease. Prior to September 1, 2009, if the owner discontinues the maintenance contract, the maintenance company shall notify, in writing, the permitting authority and the manufacturer at least 30 days before the date service will cease.

(C) Effective September 1, 2009, if a maintenance contract is discontinued or terminated, the owner shall contract with another maintenance provider and provide the permitting authority with a copy of the new signed maintenance contract no later than 30 days after termination, unless the owner meets the requirements of paragraph (4) of this subsection. Prior to September 1, 2009, if a maintenance contract is discontinued or terminated, the owner shall contract with another maintenance company and provide the permitting authority with a copy of the new signed maintenance contract no later than 30 days after termination, unless the owner meets the requirements of paragraph (4) of this subsection.

(4) Exceptions to maintenance contract. At the end of the initial two-year service policy, the owner of an OSSF for a single family residence shall either maintain the system personally or obtain a new maintenance contract.

(A) If the residence is sold before the end of the initial two-year service policy period, the terms of the initial service policy will apply to the new owner.

(B) An owner may not maintain an OSSF under the provisions of this section for commercial, speculative residential, or multifamily property.

(e) Testing and reporting. OSSFs that must be tested are identified in §285.91(12) of this title.

(1) Effective September 1, 2009, the maintenance provider shall test and report for each system as required in §285.91(12) of this title. Prior to September 1, 2009, the maintenance company shall test and report for each system as required in §285.91(12) of this title. The report must:

(A) include any responses to owner complaints; the results of the maintenance provider's findings as described in §285.90(3) of this title (relating to Figures) and the test results as required in §285.91(4) of this title, including procedures for the maintenance of the unit approved by the executive director; and

(B) be submitted to the permitting authority and the owner within 14 days after the date the test is performed.

(2) To provide the owner with a record of the maintenance check, the maintenance provider shall install a weather resistant tag, or some other form of weather resistant identification, on the system at the beginning of each maintenance contract. This identification shall:

(A) identify the maintenance provider;

(B) list the telephone number of the maintenance provider;

(C) specify the start date of the contract; and

(D) be either punched or indelibly marked with the date the system was checked at the time of each maintenance check, including any maintenance check in response to owner complaints.

(3) The number of required tests may be reduced to two per year for all systems having electronic monitoring and automatic telephone or radio access that will notify the maintenance provider of system or components failure and will monitor the amount of disinfection in the system. The maintenance provider shall be responsible for ensuring that the electronic monitoring and automatic telephone or radio access systems are working properly.

(4) The owner of an OSSF for a single family residence who elects to maintain their unit through the exemption described in subsection (d)(4) of this section is not subject to testing and reporting requirements.

(f) Replacement parts. The manufacturer of the installed on-site aerobic system shall make available to the homeowner all replacement parts for that aerobic system to any homeowner who elects to maintain the on-site aerobic system as identified in subsection (d)(4) of this section. The manufacturer shall also make replacement parts available to installers and maintenance providers. Failure to do so may result in removal of the manufacturer's product(s) from the list of approved systems.

(g) Inspections by authorized agents or commission. An authorized agent or the commission may inspect an on-site sewage system using aerobic treatment at any time.

Adopted August 20, 2008 Effective September 11, 2008

§285.8. Multiple On-Site Sewage Facility (OSSF) Systems on One Large Tract of Land.

(a) The executive director may authorize the permitting authority to issue a permit for multiple treatment and disposal systems on a tract of land as an OSSF, instead of as a municipal wastewater treatment facility, if:

(1) the systems are located on a tract of land of 100 acres or more;

(2) the systems are used:

(A) on a seasonal or intermittent basis, which means any combination of weekends (Friday through Sunday) plus 60 weekdays (Monday through Thursday) or less during a calendar year; and

(B) the remainder of the year by employees, voluntary staff, or contractors performing work-related duties on the tract of land.

(3) the anticipated combined flow, calculated using either actual water use data or the data from §285.91(3) of this title (relating to Tables), from all systems is less than 5,000 gallons per day (gpd) on an annual average basis (the arithmetic average of all daily flows from the preceding 12 consecutive calendar months);

(4) the peak flow, calculated using either actual water use data or the data from §285.91(3) of this title, for each individual system is less than 5,000 gpd; and

(5) the systems are used only for disposal of sewage produced on the tract of land where the systems are located.

(b) To obtain an OSSF permit for multiple treatment and disposal systems, the owner or owner's agent must submit the following to the permitting authority:

(1) an application on the form provided by the permitting authority;

(2) all planning materials according to §285.5(a)(2) of this title (relating to Submittal Requirements for Planning Materials). The planning materials must include details on all existing systems, as well as any proposed new systems;

(3) the results of a site evaluation, conducted according to §285.30 of this title (relating to Site Evaluation);

(4) the location, types of systems, size of systems, and if permitted, information from the permit for all existing systems; and

(5) the appropriate fee.

(c) The permitting authority must submit the items listed in subsection (b) of this section to the executive director within five working days after receipt. The executive director shall review the materials submitted and shall determine if the systems may be permitted as an OSSF, the systems do not meet the requirements of this section, or the application is incomplete. The executive director shall provide the determination in writing to the owner or the owner's agent, and to the permitting authority, within 30 working days after receipt of the materials listed in subsection (b) of this section from the permitting authority.

(d) Executive director determination.

(1) If the executive director determines that the systems may be permitted as an OSSF, the permitting authority shall issue an authorization to construct for all new systems and a permit for existing systems. If the permitting authority issues an authorization to construct, all steps in §285.3(d) and (e) of this title (relating to General Requirements) must be followed before the system receives a notice of approval.

(2) If the executive director determines that the systems do not meet the requirements of this section, the owner may be required to submit an application for either a permit under Chapters 205 or 305 of this title (relating to General Permits for Waste Discharges or Consolidated Permits, respectively).

(e) In order to receive a notice of approval, all systems on the property, including the existing systems, must meet the requirements of this chapter.

(f) The owner shall submit a report of the actual flow data to both the permitting authority and the executive director once a year in the month following the anniversary month of the receipt of the notice of approval. The reported flows shall be based on sewage flows measured by a totalizing meter installed at

each individual system, water usage for the facilities served by the individual systems, or by other means approved by the executive director. The flows shall be recorded in a table by calendar month. The table shall give a continuous average of flows.

(g) If, as a result of the submittal of the reports required in subsection (f) of this section, the executive director and the authorized agent determine that the systems no longer meet the requirements of this section, the owner shall either bring the systems into compliance with this section or submit an application for a permit under Chapter 205 or Chapter 305 of this title.

Adopted August 20, 2008 Effective September 11, 2008

SUBCHAPTER B: LOCAL ADMINISTRATION OF THE OSSF PROGRAM
§285.10 - §285.14

§285.10. Delegation to Authorized Agents.

(a) Responsibility of the authorized agent. An authorized agent is responsible for the proper implementation of this chapter in its area of jurisdiction.

(1) An authorized agent shall administer its on-site sewage facility (OSSF) program according to the OSSF order, ordinance, or resolution approved by the executive director.

(2) An authorized agent shall enforce this chapter and Texas Health and Safety Code (THSC), Chapter 366.

(b) Requirements and procedures.

(1) Upon request from a local governmental entity, the executive director shall forward a description of the delegation process and provide a copy of the executive director's model order, ordinance, or resolution.

(2) If the OSSF program is delegated to a municipality, the jurisdiction of the authorized agent will be limited to the municipality's incorporated area.

(3) To receive delegation as an authorized agent, a local governmental entity shall draft an order, ordinance, or resolution that meets the requirements of this chapter and THSC, §366.032. The local governmental entity shall use the model order, ordinance, or resolution as a guide for developing its order, ordinance, or resolution.

(4) If the local governmental entity proposes more stringent standards than those in this chapter, the local governmental entity shall submit the proposed order, ordinance, or resolution to the executive director for review and comment before publishing notice.

(A) Each more stringent requirement shall be justified based on greater public health and safety protection. The written justification shall be submitted to the executive director with the draft order, ordinance, or resolution.

(B) The executive director shall review the draft order, ordinance, or resolution and provide written comments to the local governmental entity within 30 days of receipt.

(C) If the local governmental entity's draft order, ordinance, or resolution meets the requirements of this chapter, the executive director will notify the local governmental entity in writing to continue the process outlined in this subsection.

(D) If the local governmental entity's draft order, ordinance, or resolution does not meet the requirements of this chapter, the executive director will not continue the review process until

all requirements have been met. The executive director will notify the local governmental entity in writing of all deficiencies.

(5) If the local governmental entity proposes using the model order, ordinance, or resolution without more stringent standards, or if the executive director has approved the draft order, ordinance, or resolution with more stringent standards, the local governmental entity shall hold a public meeting to discuss the proposed order, ordinance, or resolution.

(A) The local governmental entity shall publish notice of a public meeting that will be held to discuss the adoption of the proposed order, ordinance, or resolution. The notice must be published in a regularly published newspaper of general circulation in the entity's area of jurisdiction.

(B) The public notice shall include the time, date, and location of the public meeting.

(C) The public notice shall be published at least 72 hours before the public meeting, but not more than 30 days before the meeting.

(6) The local governmental entity shall provide the executive director with the following:

(A) a copy of the public notice as it appeared in the newspaper;

(B) a publisher's affidavit from the newspaper in which the public notice was published;

(C) a certified copy of the minutes of the meeting when the order, ordinance, or resolution was adopted; and

(D) a certified copy of the order, ordinance, or resolution that was passed by the entity.

(7) Upon receiving the information listed in paragraph (6) of this subsection, the executive director shall have 30 days to review the materials to ensure the local governmental entity has complied with the requirements of this chapter and THSC, Chapter 366.

(A) After the review has been completed and all the requirements have been met, the executive director shall sign the order approving delegation and notify the local governmental entity by mail.

(B) If the executive director determines during the review that the materials do not comply with the requirements of this section, the executive director will issue a letter to the local governmental entity detailing the deficiencies.

(8) The local governmental entity's order, ordinance, or resolution shall be effective on the date the order approving delegation is signed by the executive director.

(9) Any appeal of the executive director's decision shall be done according to §50.39 of this title (relating to Motion for Reconsideration).

(c) Amendments to existing orders, ordinances, or resolutions.

(1) To ensure that the authorized agent's program is consistent with current commission rules, the executive director may require periodic amendments of OSSF orders, ordinances, or resolutions.

(2) An authorized agent may initiate an amendment. The authorized agent shall use the procedures in subsection (b) of this section.

(3) The amendment shall be effective on the date the amendment is approved by the executive director.

(d) Relinquishment of delegated authority by authorized agent.

(1) When an authorized agent decides to relinquish authority to regulate OSSFs, the following shall occur:

(A) the authorized agent shall inform the executive director by certified mail at least 30 days before publishing notice of intent to relinquish authority;

(B) the authorized agent shall hold a public meeting to discuss its intent to relinquish the delegated authority;

(i) the authorized agent shall publish notice of a public meeting that will be held to discuss its intent to relinquish the delegated authority. The notice must be published in a regularly published newspaper of general circulation in the entity's area of jurisdiction;

(ii) the public notice shall include the time, date, and location of the public meeting;

(iii) the public notice shall be published at least 72 hours before the public meeting, but not more than 30 days before the meeting;

(C) the authorized agent must, either at the meeting discussed in subparagraph (B) of this paragraph, or at another meeting held within 30 days after the first meeting, formally decide whether to repeal the order, ordinance, or resolution; and

(D) the authorized agent shall forward to the executive director copies of the public notice, a publisher's affidavit of public notice, and a certified copy of the minutes of the meeting in which the authorized agent formally acted.

(2) Before the executive director will process a relinquishment order, the authorized agent and the executive director shall determine the exact date the authorized agent shall surrender its

delegated authority. Until that date, the authorized agent will retain all authority and responsibility for the delegated program.

(3) The executive director shall process the request for relinquishment within 30 days of receipt of the copies of documentation required in paragraph (1)(D) of this subsection. After processing the request for relinquishment, the executive director will issue an order and shall assume responsibility for the OSSF program.

(4) On or after the date determined by the authorized agent and the executive director, the authorized agent shall repeal it's order, ordinance, or resolution. Within ten days after the authorized agent repeals it's order, ordinance, or resolution, the authorized agent shall forward a certified copy of the repeal to the executive director.

(5) Authorized agents who relinquish their OSSF authority may be subject to fees according to §285.14 of this title (relating to Charge-back Fee) after the date that delegation has been relinquished, unless the authorized agent has relinquished its OSSF authority due to a material change in this chapter.

Adopted August 7, 2002 Effective August 29, 2002

§285.11. General Requirements.

(a) General Administrative Requirements for Authorized Agents. OSSF permitting, construction, and inspection requirements are in §285.3 of this title (relating to General Requirements).

(b) Fees. The OSSF permit and inspection fees will be set by the authorized agent. Additionally, a fee of $10 shall be assessed for each OSSF permit for the On-Site Wastewater Treatment Research Council as required in the Texas Health and Safety Code, Chapter 367.

(c) Complaints. The authorized agent shall investigate all complaints within 30 days after receipt. After completing the investigation, the authorized agent shall take appropriate and timely action according to §285.71 of this title (relating to Authorized Agent Enforcement of OSSFs).

(d) Appeals. Appeals of an authorized agent's decision will be made through the appeal procedures stated in the authorized agent's order, ordinance, or resolution.

(e) Authorized Agents Reporting Requirements.

(1) The authorized agent shall notify the executive director, in writing, of any change of the designated representative within 30 days after the date of the change.

(2) Each authorized agent shall provide to the executive director an OSSF monthly activity report on the form provided by the executive director, within ten days after the end of the month.

Adopted May 23, 2001 Effective June 13, 2001

§285.12. Review of Locally Administered Programs.

(a) Not more than once a year, the executive director shall review an authorized agent's program for compliance with requirements established by Texas Health and Safety Code, Chapter 366; this chapter; and the order, ordinance, or resolution adopted by the authorized agent.

(1) During the review the executive director shall:

(A) evaluate the authorized agent's:

(i) administrative processes;

(ii) planning material review processes;

(iii) permitting processes;

(iv) inspection processes; and

(v) complaint resolution processes;

(B) conduct an interview with the authorized agent's representative, to present the results of the executive director's review.

(2) After the executive director completes the review, the executive director shall:

(A) prepare a written report of the executive director's findings; and

(B) forward a copy of the report to the authorized agent by certified mail within 60 days after completing the review.

(b) If as a result of the executive director's review the executive director determines that the authorized agent's program is deficient, the authorized agent must respond in writing to the executive director within 45 days after the date of the executive director's report with a plan to address all deficiencies noted during the review. The executive director shall offer assistance to the authorized agent including providing training to the authorized agent's designated representative. Additionally, if the authorized agent's program is:

(1) deficient because it does not consistently provide required documentation of the permitting, inspection, and compliance investigation processes the executive director shall review the authorized agent's response and determine if the response is adequate. If the response is adequate, the executive director shall not take further action. If the authorized agent's response is not adequate, or the authorized agent fails to respond, the executive director shall continue to work with the authorized agent until the deficiencies are resolved by making contact with the authorized agent through additional letters or by telephone;

(2) deficient because it does not consistently enforce the permitting, planning, construction, operation, and maintenance of on-site sewage facility systems, the executive director shall review the authorized agent's response and determine if adequate measures will be taken to correct the deficiencies. If the response is adequate, the executive director will schedule another review of the authorized agent's program one year after the first review to verify that the deficiencies have been corrected. If the authorized agent's response is not adequate, the authorized agent fails to respond, or the executive director's next annual review determines that the authorized agent's program has the same deficiencies as noted during the previous review, the executive director will begin the process of revoking the authorized agent's delegated authority under §285.13 of this title (relating to Revocation of Authorized Agent Delegation); or

(3) endangering human health or safety, the executive director will begin the process of revoking the authorized agent's delegated authority under §285.13 of this title.

Adopted August 7, 2002 Effective August 29, 2002

§285.13. Revocation of Authorized Agent Delegation.

(a) An authorized agent's on-site sewage facility (OSSF) order, ordinance, or resolution may be revoked by order of the commission, after notice and an opportunity for a hearing, for the authorized agent's failure to implement, administer, or enforce Texas Health and Safety Code, this chapter, or its order, ordinance, or resolution.

(b) If the executive director determines that cause exists for revocation, the executive director shall:

(1) meet with the authorized agent's county judge, mayor, general manager, or chairman of the board, or other authorized individual, to discuss the report of the executive director's findings, the authorized agent's response to the findings, and the possible revocation; and

(2) prepare a letter documenting the meeting in paragraph (1) of this subsection and forward it to the authorized agent within ten days after the meeting.

(c) The authorized agent shall respond to the executive director's letter in subsection (b)(2) of this section in writing within 90 days after the date of the executive director's letter.

(d) If the executive director determines from the authorized agent's response that sufficient action will be taken to consistently enforce the OSSF program, the executive director will:

(1) respond to the authorized agent that the revocation process will be discontinued; and

(2) schedule another review of the authorized agent's program one year after the first review to verify that the authorized agent is consistently enforcing the OSSF program.

(e) If the executive director determines from the authorized agent's response that insufficient action will be taken, the executive director will:

(1) file a petition with the commission according to Chapter 70 of this title (relating to Enforcement) seeking revocation;

(2) initiate the hearing process with SOAH according to Chapter 80 of this title (relating to Contested Case Hearings);

(3) publish notice of a public hearing that will be held to review the commission's possible revocation of the delegated authority. The notice must be published in a regularly published newspaper of general circulation in the local governmental entity's area of jurisdiction and shall:

(A) include the time, date, and location of the public hearing; and

(B) be published at least 20 days before the public hearing; and

(4) hold a public hearing to review possible revocation of the delegated authority.

(f) An authorized agent may consent to the revocation of its OSSF delegation in writing before the public hearing. If the authorized agent consents to the revocation, the commission may revoke the authorized agent's delegated authority without a public hearing.

(g) After an opportunity for a hearing, the commission may:

(1) issue an order revoking the authorized agent's delegation, which may include a charge-back fee;

(2) issue an order requiring the authorized agent to take certain action or actions in order to retain delegation; or

(3) take no action.

(h) If the authorized agent's delegation is revoked, the executive director shall assume responsibility for the OSSF program in the former authorized agent's jurisdiction. The executive director shall implement the program on the date of the revocation.

(i) An authorized agent that has had its OSSF authority revoked may be subject to charge-back fees according to §285.14 of this title (relating to Charge-back Fee).

Adopted August 20, 2008 Effective September 11, 2008

§285.14. Charge-back Fee.

(a) Under Texas Health and Safety Code, §366.059, the commission may assess a reasonable and appropriate charge-back fee, not to exceed $500 per permit, to local governmental entities that either have

repealed an on-site sewage facility (OSSF) order, ordinance, or resolution, or have had their delegation revoked by the commission according to §285.13 of this title (relating to Revocation of Authorized Agent Delegation). The charge-back fee will be assessed for each OSSF permit issued within that local governmental entity's area of jurisdiction. The amount of the charge-back fee will be based on the executive director's actual cost of issuing an OSSF permit in that jurisdiction. The executive director's actual cost will be based on the type and number of OSSFs typically installed and inspected in the local governmental entity's jurisdiction, along with expected travel expenses for the executive director.

(1) If a local governmental entity repeals its OSSF order, ordinance, or resolution or the commission revokes a local governmental entity's delegation and the local governmental entity agrees to the amount of the charge-back fee, the executive director will recommend the commission approve the charge-back fee. In order to have legal effect as an order of the commission, the charge-back fee must be approved and ordered by the commission. The commission order must include:

(A) the type of OSSFs typically installed and inspected in the local governmental entity's jurisdiction;

(B) the number of OSSFs installed in the local governmental entity's jurisdiction over the preceding five years;

(C) the distance the county courthouse or city hall is from the nearest agency regional office;

(D) the current mileage rate set by the Comptroller of the State of Texas; and

(E) the amount of the charge-back fee.

(2) If a local governmental entity repeals its OSSF order, ordinance, or resolution or the commission revokes a local governmental entity's delegation and the local governmental entity does not agree to the amount of the charge-back fee, the commission will refer the matter to SOAH for a contested case hearing to determine the charge-back fee, according to Chapter 80 of this title (relating to Contested Case Hearings).

(b) The executive director will bill the local governmental entities for charge-back fees no more frequently than quarterly and no less than annually. Payment of charge-back fees is due within 30 days from the invoice date. Late payments are subject to penalties and interest according to Chapter 12 of this title (relating to Payment of Fees).

Adopted August 7, 2002 Effective August 29, 2002

SUBCHAPTER C: COMMISSION ADMINISTRATION OF THE OSSF PROGRAM IN AREAS WHERE NO AUTHORIZED AGENT EXISTS
§285.20, §285.21

§285.20. General Requirements.

(a) General Administrative Requirements. OSSF permitting, construction, and inspection requirements are in §285.3 of this title (relating to General Requirements).

(b) Complaints. The executive director shall investigate all complaints within 30 days after receipt. After completing the investigation, the executive director shall take appropriate and timely action according to §285.70 of this title (relating to Duties of Owners With Malfunctioning OSSFs).

(c) Appeals. All appeals under this subchapter shall be sent in writing to the director of the appropriate regional office.

Adopted May 23, 2001 Effective June 13, 2001

§285.21. Fees.

(a) The application fee for an OSSF permit is:

(1) $200 for an OSSF serving a single family dwelling; or

(2) $400 for all other types of OSSFs.

(b) A fee of $10 shall also be collected for each OSSF permit for the On-Site Wastewater Treatment Research Council as required by the Texas Health and Safety Code, Chapter 367.

(c) The fees are payable when the owner, or owner's agent, applies to the executive director for an OSSF permit. The fee shall be submitted to the appropriate regional office and shall be paid by a money order or check. Payments shall be made payable to the Texas Commission on Environmental Quality.

(d) The reinspection fee shall be equal to one-half of the permit fee that was in effect at the time the original application was submitted to the regional office.

(e) Refunds of the application fee shall not be granted.

Adopted August 20, 2008 Effective September 11, 2008

SUBCHAPTER D: PLANNING, CONSTRUCTION, AND INSTALLATION STANDARDS FOR OSSFS
§§285.30 – 285.37, 285.39

§285.30. Site Evaluation.

(a) General Requirement. To document the soil and site conditions, a complete site evaluation shall be performed by either a site evaluator or a professional engineer on every tract of land where an OSSF will be installed. A report prepared by either the site evaluator or the professional engineer providing the site evaluation criteria in subsection (b) of this section shall be submitted with the planning materials.

(b) Site evaluation criteria. All aspects of the site evaluation shall be performed by either a site evaluator or a professional engineer according to this section. The information obtained during the site evaluation shall be used to determine the type and size of the OSSF.

(1) 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. The location of all borings or backhoe pits shall be clearly indicated on the site drawing required in §285.5(a) of this title (relating to Submittal Requirements for Planning Materials).

(A) Soil texture analysis. A general texture analysis shall be performed to identify the classification of the soil. The different soils in each class are provided in §285.91(6) of this title (relating to Tables).

(i) Soil Class Ia. This class includes sandy textured soils that contain more than 30% gravel.

(ii) Soil Class Ib. This class includes sand and loamy sand soils that contain less than or equal to 30% gravel.

(iii) Soil Class II. This class includes sandy loam and loam soils.

(iv) Soil Class III. This class includes silt, silt loam, silty clay loam, clay loam, sandy clay loam, and sandy clay soils.

(v) Soil Class IV. This class includes silty clay and clay soils.

(B) Gravel analysis. Class II or Class III soils containing gravel shall be further evaluated by either a site evaluator or a professional engineer by using a sieve analysis to determine the percentage of gravel by volume and the size of the gravel as indicated in §285.91(5) of this title.

(C) Restrictive horizons analysis. The soils within the borings or backhoe pits shall be analyzed by either a site evaluator or a professional engineer to determine if a restrictive horizon exists. Clay subsoils, rock, and plugged laminar soils are considered restrictive horizons. Restrictive horizons are recognized by an abrupt change in texture from a sandy or loamy surface horizon to:

(i) a clayey subsoil which an auger will not penetrate; or

(ii) rock-like material which an auger will not penetrate.

(2) Groundwater evaluation. The soil profile shall be examined by either a site evaluator or a professional engineer to determine if there are indications of groundwater within 24 inches of the bottom of the excavation.

(A) If the designated representative and the site evaluator or the professional engineer disagree on the presence of groundwater, the designated representative shall verify groundwater information using the Natural Resources Conservation Service (NRCS) soil survey for that county, if it is available.

(B) If the designated representative or the site evaluator or the professional engineer disagree with the NRCS soil survey, or if an NRCS soil survey does not exist for that county, the owner has the option to retain a certified professional soil scientist to evaluate the presence of groundwater and present that information to the designated representative for a final decision.

(3) Surface drainage analysis.

(A) Topography. The slope of each tract of land where an OSSF will be installed, areas of poor drainage such as depressions, and areas of complex slope patterns where slopes are dissected by gullies and ravines shall be determined. All slope patterns shall be clearly indicated on the site drawing, as required in §285.5(a) of this title.

(B) Flood hazard. The 100-year floodplain for each tract of land where an OSSF will be installed shall be determined from either Federal Emergency Management Agency (FEMA) maps or from a flood study prepared by a professional engineer when FEMA maps are not available. The 100-year flood boundaries shall be clearly indicated on the site drawing, as required in §285.5(a) of this title. The drawing(s) shall also indicate if the 100-year floodplain does not exist within the tract.

(4) Separation requirements. All features in the area where the OSSF is to be installed that could be contaminated by the OSSF or could prevent the proper operation of the system shall be identified during the site evaluation. The separation requirements are in §285.91(10) of this title. All features and separation distances shall be clearly indicated on the site drawing, as required in §285.5(a) of this title.

§285.31. Selection Criteria for Treatment and Disposal Systems.

(a) General Requirement. The type and size of an OSSF shall be determined on the basis of the soil and site information developed according to §285.30 of this title (relating to Site Evaluation).

(b) Suitability. A standard subsurface absorption system may be used if all the soil and site criteria are determined to be suitable under §285.91(5) of this title (relating to Tables). If one or more of the soil and site criteria categories are determined to be unsuitable, a standard subsurface absorption system cannot be used except as noted in §285.91(5) of this title. If it is determined that a standard subsurface absorption system cannot be used, either a proprietary or a non-standard system may be used, provided all soil and site criteria for that system can be met as required in §285.91(13) of this title.

(c) Surface drainage criteria.

(1) Topography. Uniform slopes under 30% are suitable for standard subsurface absorption systems. If the slope is less than 2%, steps shall be taken to ensure there is adequate surface drainage over any subsurface disposal field. The excavation for a standard subsurface absorption system shall be parallel to the contour of the ground.

(2) Flood hazard. Any potential OSSF site within a 100-year floodplain is subject to special planning requirements. The OSSF shall be located so that a flood will not damage the OSSF during a flood event, resulting in contamination of the environment. Planning materials shall indicate how tank flotation is eliminated. Additionally, if the site is within the regulated floodway, a professional engineer shall demonstrate that:

(A) the system shall not increase the height of the flood;

(B) all components, with the exception of risers, chlorinators, cleanouts, sprinklers, and inspection ports, shall be completely buried without adding fill; and

(C) non-buried components (e.g. alarms, junction boxes, and compressors) shall be elevated above the 100-year flood elevation.

(d) Separation requirements. OSSFs shall be separated from features, in the area where the OSSF is to be installed, that could be contaminated by the OSSF or could prevent the proper operation of the system. The separation requirements are in §285.91(10) of this title.

Adopted May 23, 2001 Effective June 13, 2001

§285.32. Criteria for Sewage Treatment Systems.

(a) Pipe from building to treatment system.

(1) The pipe from the sewer stub out to the treatment system shall be constructed of cast iron, ductile iron, polyvinyl chloride (PVC) Schedule 40, standard dimension ratio (SDR) 26 or other material approved by the executive director.

(2) The pipe shall be watertight.

(3) The slope of the pipe shall be no less than 1/8 inch fall per foot of pipe.

(4) The sewer stub out should be as shallow as possible to facilitate gravity flow.

(5) A two-way cleanout plug must be provided between the sewer stub out and the treatment tank. Only sanitary type fittings constructed of PVC Schedule 40 or SDR 26 shall be used on this section of the sewer. An additional cleanout plug shall be provided every 50 feet on long runs of pipe and within five feet of 90 degree bends.

(6) Additional cleanout plugs shall be of the single sanitary type.

(7) The pipe shall have a minimum inside diameter of three inches.

(b) Standard treatment systems.

(1) Septic tanks. A septic tank shall meet the following requirements.

(A) Tank volume. The liquid volume of a septic tank, measured from the bottom of the outlet, shall not be less than established in §285.91(2) of this title (relating to Tables). Additionally, the liquid depth of the tank shall not be less than 30 inches.

(B) Inlet and outlet devices. The flowline of the tank's inlet device in the first compartment of a two-compartment tank, or in the first tank in a series of tanks, shall be at least three inches higher than the flowline of the outlet device. For a configuration of the tank and inlet and outlet devices, see §285.90(6) and (7) of this title (relating to Figures). The inlet devices shall be "T" branch fittings, constructed baffles or other structures or fittings approved by the executive director. The outlet devices shall use a "T" unless an executive director approved fitting is installed on the outlet. All inlet and outlet devices shall be installed water tight to the septic tank walls and shall be a minimum of three inches in diameter.

(C) Baffles and series tanks. All septic tanks shall be divided into two or three compartments by the use of baffles or by connecting two or more tanks in a series.

(i) Baffled tanks. In a baffled tank, the baffle shall be located so that one half to two thirds of the total tank volume is located in the first compartment. Baffles shall be constructed the full width and height of the tank with a gap between the top of the baffle and the tank top. The baffle shall have an opening located below the liquid level of the tank at a depth between 25% and 50% of the liquid level. The opening may be a slot or hole. If a "T" is fitted to the slot or hole, the inlet to the fitting shall be at the depth stated in this paragraph. See §285.90(6) of this title for details. Any metal structures, fittings, or fastenings shall be stainless steel.

(ii) Series tanks. Two or more tanks shall be arranged in a series to attain the required liquid volume. The first tank in a two-tank system shall contain at least one-half the required volume. The first tank in a three-tank system shall contain at least one-third of the total required volume, but no less than 500 gallons. The first tank in a four or more tank system shall contain no less than 500 gallons, and the last tank in a four or more tank system shall contain no more than one third of the total required volume. Interconnecting inlet and outlet devices may be installed at the same elevation for multiple tank installations.

(D) Inspection or cleanout ports. All septic tanks shall have inspection or cleanout ports located on the tank top over the inlet and outlet devices. Each inspection or cleanout port shall be offset to allow for pumping of the tank. The ports may be configured in any manner as long as the smallest dimension of the opening is at least 12 inches, and is large enough to provide for maintenance and for equipment removal. Septic tanks buried more than 12 inches below the ground surface shall have risers over the port openings. The risers shall extend from the tank surface to no more than six inches below the ground. The risers shall be sealed to the tank. The risers shall have inside diameters which are equal to or larger than the inspection or cleanout ports. The risers shall be fitted with removable watertight caps and prevent unauthorized access.

(E) Septic tank design and construction materials. The septic tank shall be of sturdy, water-tight construction. The tank shall be designed and constructed so that all joints, seams, component parts, and fittings prevent groundwater from entering the tank, and prevent wastewater from exiting the tank, except through designed inlet and outlet openings. Materials used shall be steel-reinforced poured-in-place concrete, steel-reinforced precast concrete, fiberglass, reinforced plastic polyethylene, or other materials approved by the executive director. Metal septic tanks are prohibited. The septic tank shall be structurally designed to resist buckling from internal hydraulic loading and exterior loading caused by earth fill and additional surface loads. Tanks exhibiting deflections, leaks, or structural defects shall not be used. Sweating at construction joints is acceptable on concrete tanks.

(i) Precast concrete tanks. In addition to the general requirements in subparagraph (E) of this paragraph, precast concrete tanks shall conform to requirements in the Materials and Manufacture Section and the Structural Design Requirements Section of American Society for Testing and Materials (ASTM) Designation: C 1227, Standard Specification for Precast Concrete Septic Tanks (2000) or under any other standards approved by the executive director. A professional engineer shall verify in writing that the manufacturer is in compliance with ASTM Standard C 1227. This verification shall be submitted to the permitting authority from the tank manufacturer. If this verification has not been previously submitted or accepted by the permitting authority, a new verification shall be completed within 30 days of the effective date of this section.

(ii) Fiberglass and plastic polyethylene tank specifications.

(I) The tank shall be fabricated to perform its intended function when installed. The tank shall not be adversely affected by normal vibration, shock, climate conditions, nor typical household chemicals. The tank shall be free of rough or sharp edges that would interfere with installation or service of the tank.

(II) Full or empty tanks shall not collapse or rupture when subjected to earth and hydrostatic pressures.

(iii) Poured-in-place concrete tanks. Concrete tanks shall be structurally sound and water-tight. The concrete tank shall be designed by a professional engineer.

(iv) Tank manufacturer specifications. All precast or prefabricated tanks shall be clearly and permanently marked, tagged, or stamped with the manufacturer's name, address, and tank capacity. The identification shall be near the level of the outlet and be clearly visible. Additionally, the direction of flow into and out of the tank shall be indicated by arrows or other identification, and shall be clearly marked at the inlet and outlet.

(F) Installation of tanks. For gravity disposal systems, septic tanks must be installed with at least a 12 inch drop in elevation from the bottom of the outlet pipe to the bottom of the disposal area. A minimum of four inches of sand, sandy loam, clay loam, or pea gravel, free of rock larger than 1/2 inch in diameter, shall be placed under and around all tanks, except poured-in-place concrete tanks. Unless otherwise approved by the permitting authority, tank excavations shall be left open until they have been inspected by the permitting authority. Tank excavations must be backfilled with soil or pea gravel that is free of rock larger than 1/2 inch in diameter. Class IV soils and gravel larger than one-half inch in diameter are not acceptable for use as backfill material. If the top of a septic tank extends above the ground surface, soil may be mounded over the tank to maintain slope to the drainfield.

(G) Pretreatment (Trash) tanks. If an aerobic treatment unit does not prevent plastic and other non-digestible sewage from interfering with aeration lines and diffusers, the executive director may require the use of a pretreatment tank. All pretreatment tanks shall meet all applicable structural and fitting requirements of this section.

(H) Leak Testing. At the discretion of the permitting authority, leak testing using water filled to the inside level of the tank lid or to the top of the tank riser(s) may be required.

(2) Intermittent sand filters. A typical layout and cross-section of an intermittent sand filter is presented in §285.90(8) of this title. Requirements for intermittent sand filters are as follows.

(A) Sand media specifications. Sand filter media must meet ASTM C-33 specifications as outlined in §285.91(11) of this title.

(B) Loading rate. The loading rate shall not exceed 1.2 gallons per day per square foot.

(C) Surface area. The minimum surface area shall be calculated using the formula: Q/1.2=Surface Area (Square Feet), where Q is the wastewater flow in gallons per day.

(D) Thickness of sand media. There shall be a minimum of 24 inches of sand media.

(E) Filter bed containment. The filter bed containment shall be an impervious lined pit or tank. Liners shall meet the specifications detailed in §285.33(b)(2)(A) of this title (relating to Criteria for Effluent Disposal Systems).

(F) Underdrains. For gravity discharge of effluent to a drainfield, there shall be a three inch layer of pea gravel over a six inch layer of 0.75 inch gravel, that contains the underdrain collection pipe. When pumpwells are to be used to pump the effluent from the underdrain to the drainfield, they must be constructed of concrete or plastic sewer pipe. The pumpwell must contain a sufficient number of holes so that effluent can flow from the gravel void space as rapidly as the effluent is pumped out of the pumpwell to the drainfield. Refer to §285.90(9) of this title.

(c) Proprietary treatment systems. This subsection does not apply to proprietary septic tanks described in subsection (b)(1) of this section.

(1) Tank sizing. Proprietary treatment systems must be designed using Table II, located in Figure: 30 TAC §285.91(2) of this title (relating to Septic Tank and Aerobic Treatment Unit Sizing). Leak testing shall be performed in accordance with §285.32(b)(1)(H) of this title (relating to Leak Testing).

(2) Installation. Proprietary treatment systems shall be installed according to this subchapter. If the manufacturer has installation specifications that are more stringent than given in this subchapter, the manufacturer shall submit these specifications to the executive director for review. If approved by the executive director, the treatment systems may be installed according to these more stringent specifications. Any subsequent changes to these manufacturer's installation specifications must be approved by the executive director before installation. Inspection, cleanout ports, or maintenance ports shall have risers installed according to the riser installation provisions in subsection (b)(1)(D) of this section. Tank excavations shall be backfilled according to the backfill provisions in subsection (b)(1)(F) of this section. At the discretion of the permitting authority, leak testing using water filled to the inside level of the tank lid or to the top of the riser(s) may be required.

(3) System maintenance. Ongoing maintenance contracts are required for all proprietary treatment systems except those systems maintained by homeowners under the provisions of §285.7(d)(4) of this title (relating to Maintenance Requirements). The maintenance contract shall satisfy §285.7(d) of this title.

(4) Electrical wiring. Electrical wiring for proprietary systems shall be according to §285.34(c) of this title (relating to Other Requirements).

(5) Approval of proprietary treatment systems. Proprietary treatment systems must be approved by the executive director prior to their installation and use. Approval of proprietary treatment systems shall follow the procedures found in this section. After the effective date of these rules, only systems tested according to subparagraph (A) or (B) of this paragraph will be placed on the list of approved systems. The list may be obtained from the executive director. All systems on the list of approved systems on the effective date of these rules shall continue to be listed subject to the retesting requirements in paragraph (6) of this subsection. In addition, all proprietary treatment systems undergoing testing under this paragraph on the effective date of these rules shall be considered for inclusion on the list of approved systems.

(A) Treatment systems that have been tested by and are currently listed by NSF International as Class I systems under NSF Standard 40 (2005) , or have been tested and certified as Class I systems according to NSF Standard 40 (2005) , by an American National Standard Institute (ANSI)

accredited testing institution, or under any other standards approved by the executive director, shall be considered for approval by the executive director. All systems approved by the executive director on the effective date of these rules shall continue to be listed on the list of approved systems, subject to retesting under the requirements of NSF Standard 40 (2005), and Certification Policies for Wastewater Treatment Devices (1997) or under any standards approved by the executive director. The manufacturers of proprietary treatment systems and the accredited certification institution must comply with all the provisions of NSF Standard 40 (2005) , and Certification Policies for Wastewater Treatment Devices (1997) or under any standards approved by the executive director.

(i) Proprietary units under this section have been approved to treat flows equal to or less than their rated capacity and with an influent wastewater strength ranging from a 30-day average Carbonaceous Biochemical Oxygen Demand (CBOD) concentration between 100 milligrams per liter (mg/l) and 300 mg/l and a 30-day average TSS concentration between 100 mg/l and 350 mg/l.

(ii) Proprietary units may be used as components in an overall treatment system treating influent stronger than the ranges listed in this section. However, the overall treatment system will be considered a non-standard treatment system and shall meet the requirements set forth in subsection (d) of this section.

(B) Treatment systems that will not be accepted for testing because of system size or type by NSF International, or ANSI accredited third party testing institutions, and are not approved systems at the time of the effective date of these rules, may only be approved in the following manner.

(i) The proprietary systems shall be tested by an independent third party for two years and all the supporting data from the test shall be submitted to the executive director for review and approval, or denial before the system is marketed for sale in the state.

(ii) The independent third party shall obtain a temporary authorization from the executive director before testing. The temporary authorization shall contain the following:

(I) the number of systems to be tested (between 20 and 50);

(II) the location of the test sites (the test sites must be typical of the sites where the system will be used if final authorization is granted);

(III) provisions as to how the proprietary system will be installed and maintained;

(IV) the testing protocol for collecting and analyzing samples from the system;

(V) the equipment monitoring procedures, if applicable; and

(VI) provisions for recording data and data retention necessary to evaluate the performance as well as the effect of the proprietary system on public health, groundwater, and surface waters.

(iii) Permitting authorities may issue authorizations to construct upon receipt of the temporary authorization. The owner must be advised, in writing, that the system is temporarily approved for testing. If a system fails, regardless of the reason, it shall be replaced with a system that meets the requirements of this subchapter by the manufacturer at the manufacturer's expense. A system installed under this subparagraph is the responsibility of the manufacturer until the system has obtained final authorization by the executive director according to this subparagraph.

(iv) Upon completion of the two-year test period, the executive director shall require the independent third party to submit a detailed report on the performance of the system. After evaluating the report, the executive director may issue conditional approval of the system, or may deny use of the system.

(I) The conditional approval will authorize installations only in areas similar to the area in which the system was tested.

(II) The conditional approval shall be for a specified performance and evaluation (monitoring) period, not to exceed an additional five years. The system must be monitored according to a plan approved by the executive director. Approval or disapproval of these systems will be based on their performance during the monitoring period. Failure of one or more of the installed systems may be cause for disapproval of the proprietary system. The owner must be advised, in writing, that the system is conditionally approved.

(III) If the executive director denies use of the system after the two-year period, the executive director shall provide, in writing, the reasons for denying the use of the system. If a system fails, regardless of the reason, it shall be replaced with a system that meets the requirements of this subchapter by the manufacturer at the manufacturer's expense.

(v) Upon successful completion of the monitoring period, the monitoring requirements may be lifted by the executive director, the notice of approval may be made permanent for the test systems and the systems will be deemed suitable for use in conditions similar to areas in which the systems were tested and monitored.

(6) System reviews. The manufacturers of systems that are approved for listing under this section shall ensure that their systems are reviewed every seven years, or as often as deemed necessary by the executive director, starting from the date the system was originally added to the executive director's approved list. All reviews shall be completed before the end of the seven-year period. The manufacturer of any system that was approved by the executive director more than seven years before the effective date of these rules, will be given 365 days from the effective date of these rules to complete a review.

(A) The review shall be performed by either an ANSI accredited institution according to the reevaluation requirements in NSF Standard 40 (2005) , and Certification Policies for Wastewater Treatment Devices (1997), or under any standards approved by the executive director, or by an independent third party for those systems not tested under NSF Standard 40.

(B) If the system being reviewed was not approved under the requirements of NSF Standard 40, the independent third party shall evaluate between 20 and 50 systems in the state that have been in operation for at least two years and are the same design as originally approved.

(C) The review under this subsection shall include an evaluation of:

(i) the short-term and long-term effectiveness of the system;

(ii) the structural integrity of the system;

(iii) the maintenance of the system;

(iv) owner access to maintenance support;

(v) any impacts that system failures may have had on the environment; and

(vi) an evaluation of the effectiveness of the manufacturer's installer training program.

(D) Any system that is not approved by the executive director as a result of the review will be removed from the list of approved systems. The manufacturer shall ensure that maintenance support remains available for the existing systems.

(d) Non-standard treatment systems. All OSSFs not described or defined in subsections (b) and (c) of this section are non-standard treatment systems. These systems shall be designed by a professional engineer or a professional sanitarian, and the planning materials shall be submitted to the permitting authority for review according to §285.5(b)(2) of this title (relating to Submittal Requirements for Planning Materials). Upon approval of the planning materials, an authorization to construct will be issued by the permitting authority.

(1) Non-standard treatment systems include all forms of the activated sludge process, rotating biological contactors, recirculating sand filters, trickling type filters, submerged rock biological filters, and sand filters not described in subsection (b)(2) of this section.

(2) The planning materials for non-standard treatment systems submitted for review will be evaluated using the criteria established in this chapter, or basic engineering and scientific principles.

(3) Approval for a non-standard treatment system is limited to the specific system described in the planning materials. Approval is on a case-by-case basis only.

(4) The need for ongoing maintenance contracts shall be determined by the permitting authority based on the review required by §285.5(b) of this title. If the permitting authority determines that a maintenance contract is required, the contract must meet the requirements in §285.7 of this title.

(5) Electrical wiring for non-standard treatment systems shall be installed according to §285.34(c)(4) of this title.

(e) Effluent quality. The following effluent criteria shall be met by the treatment systems for those disposal systems listed in §285.33 of this title that require secondary treatment.

Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS):

30-day average..... 20 mg/l
seven-day average..... 30 mg/l
Daily Maximum..... 45 mg/l
Single Grab..... 65 mg/l

pH..... 6.0 - 9.0 standard units

Carbonaceous Biochemical Oxygen Demand (CBOD) - to be used instead of BOD for proprietary treatment systems tested after 1996

30-day average..... 15 mg/l
seven-day average..... 25 mg/l
Daily Maximum..... 40 mg/l
Single Grab..... 60 mg/l

The 30-day average is the average of all 30-day averages, and seven-day average is the average of all seven-day averages over the length of the testing period.

(f) Other Design Considerations.

(1) Restaurant/food establishment sewage. 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 trap/interceptor. It is the responsibility of the designer to properly design a system which reduces the wastewater strength to 140 mg/l BOD prior to disposal unless secondary treatment levels are required.

(2) Other high-strength sewage. For situations where sewage as defined in this chapter is expected to be a higher strength than residential sewage, it is the responsibility of the professional designer to justify sewage design strength estimations and properly design a system that reduces the wastewater strength to 140 mg/l BOD prior to disposal unless secondary treatment levels are required. Residential sewage is sewage that has a strength of less than 300 mg/l BOD.

(3) Flow equalization. The designer should consider whether flow-equalization will be needed for the treatment system to function properly.

§285.33. Criteria for Effluent Disposal Systems.

(a) General requirements.

(1) All disposal systems in this section shall have an approved treatment system as specified in §285.32(b) - (d) of this title (relating to Criteria for Sewage Treatment Systems).

(2) All criteria in this section shall be met before the permitting authority issues an authorization to construct.

(3) The pipe between all treatment tanks and the pipe from the final treatment tank to a gravity disposal system shall be a minimum of three inches in diameter and be American Society for Testing and Materials (ASTM) 3034, Standard dimension ratio (SDR) 35 polyvinyl chloride (PVC) pipe or a pipe with an equivalent or stronger pipe stiffness at a 5% deflection. The pipe must maintain a continuous fall to the disposal system.

(4) The pipe from the final treatment tank to a gravity disposal system shall be a minimum of five feet in length.

(5) Except for drip irrigation tubing, pipe under internal pressure within any part of an on-site sewage facility system shall meet the minimum requirements of ASTM Schedule 40.

(b) Standard disposal systems. Acceptable standard disposal methods shall consist of a drainfield to disperse the effluent either into adjacent soil (absorptive) or into the surrounding air through evapotranspiration (evaporation and transpiration).

(1) Absorptive drainfield. An absorptive drainfield shall only be used in suitable soil. There shall be two feet of suitable soil from the bottom of the excavation to either a restrictive horizon or to groundwater.

(A) Excavation. The excavation must be made in suitable soils as described in §285.31(b) of this title (relating to Selection Criteria for Treatment and Disposal Systems).

(i) The excavation shall be at least 18 inches deep but shall not exceed a depth of either three feet or six inches below the soil freeze depth, whichever is deeper. Single excavations shall not exceed 150 feet.

(ii) In areas of the state where annual precipitation is less than 26 inches per year (as identified in the *Climatic Atlas of Texas*, (1983) published by the Texas Department of Water Resources or other standards approved by the executive director), and suitable soils (Class Ib, II, or III) lie below unsuitable soil caps, the maximum permissible excavation depth shall be five feet.

(iii) Multiple excavations must be separated horizontally by at least three feet of undisturbed soil. The sidewalls and bottom of the excavation must be scarified as needed. When there are multiple excavations, it is recommended that the ends be looped together.

(iv) The bottom of the excavation shall be not less than 18 inches in width.

(v) The bottom of the excavation shall be level to within one inch over each 25 feet of excavation or within three inches over the entire excavation, whichever is less.

(vi) If the borings or backhoe pits excavated during the site evaluation encounter a rock horizon and the site evaluation shows that there is both suitable soil from the bottom of the rock horizon to two feet below the bottom of the proposed excavation and no groundwater anywhere within two feet of the bottom of the proposed excavation, a standard subsurface disposal system may be used, providing the following are met.

(I) The depth of the excavation shall comply with clause (i) of this subparagraph.

(II) The rock horizon shall be at least six inches above the bottom of the excavation.

(III) Surface runoff shall be prevented from flowing over the disposal area.

(IV) Subsurface flow along the top of the rock horizon shall be prevented from flowing into the excavation.

(V) The sidewall area will not be counted toward the required absorptive area.

(VI) The formulas in clause (vii)(I) - (III) of this subparagraph shall be adjusted so that no credit is given for sidewall area.

(VII) No single pipe drainfields on sloping ground as shown in §285.90(5) of this title (relating to Figures) or no systems using serial loading shall be used.

(vii) The size of the excavation shall be calculated using data from §285.91(1) and (3) of this title (relating to Tables). The soil application rate is based on the most restrictive horizon along the media, or within two feet below the bottom of the excavation. The formula A = Q/Ra shall be used to determine the total absorptive area where:

A = absorptive area

Q = average daily sewage flow in gallons per day

Ra = soil application rate in gallons per square foot per day

(I) The absorptive area shall be calculated by adding the bottom area (L x W) of the excavation to the total absorptive area along the excavated perimeter 2(L+W), (in feet) multiplied by one foot.

Absorptive Area = (L x W) + 2 (L+W) x 1.0 ft

Where: L = excavation length

W = excavation width

(II) The length of the excavation may be determined as follows when the area and width are known.

L = (A-2W)/(W+2)

A = absorptive area

W = excavation width

(III) For excavations three feet wide or less, use the following formula, or §285.91(8) of this title to determine L.

L = A/(W+2)

A = absorptive area

W = excavation width

(B) Media. The media shall consist of clean, washed and graded gravel, broken concrete, rock, crushed stone, chipped tires, or similar aggregate that is generally one uniform size and approved by the executive director. The size of the media must range from 0.75 - 2.0 inches as measured along its greatest dimension except as noted in clause (i) of this subparagraph.

(i) If chipped tires are used:

(I) a geotextile fabric heavier than specified in subparagraph (E) of this paragraph must be used; and

(II) the size of the chipped tires must not exceed three inches as measured along their greatest dimension.

(ii) Soft media such as oyster shell and soft limestone shall not be used.

(C) Drainline. The drainline shall be constructed of perforated distribution pipe and fittings in compliance with any one of the following specifications:

(i) three- or four-inch diameter PVC pipe with an SDR of 35 or stronger;

(ii) four-inch diameter corrugated polyethylene, ASTM F405 in rigid ten foot joints;

(iii) three- or four-inch diameter polyethylene smoothwall, ASTM F810;

(iv) three- or four-inch diameter PVC ASTM D2729 pipe;

(v) three- or four-inch diameter polyethylene ASTM F892 corrugated pipe with a smoothwall interior and fittings; or

(vi) any other pipe approved by the executive director.

(D) Drainline installation requirements. The drainline shall be placed in the media with at least six inches of media between the bottom of the excavation and the bottom of the drainline. The drainline shall be completely covered by the media and the drainline perforations shall be below the horizontal center line of the pipe. For typical drainfield configurations, see §285.90(5) of this title. For excavations greater than four feet in width, the maximum distance between parallel drainlines shall be four feet (center to center). Multiple drainlines shall be manifolded together with solid or perforated pipe. Additionally, the ends of the multiple drainlines opposite the manifolded end shall either be manifolded together with a solid line, looped together using a perforated pipe and media, or capped.

(E) Permeable soil barrier. Geotextile fabric shall be used as the permeable soil barrier and shall be placed between the top of the media and the excavation backfill. Geotextile fabric shall conform to the following specifications for unwoven, spun-bounded polypropylene, polyester, or nylon filter wrap.

Minimum values	
Weight oz/sq yd (ASTM D3776)	0.70
Grab Strength lbs (ASTM D4632)	11
Air Permeability cfm/sq ft (ASTM D737)	500
Water Flow Rate gpm/sq ft @ 3" head (ASTM D4491)	33
Trapezoidal Tear Strength Lbs (ASTM D4533)	6

(F) Backfilling. Only Class Ib, II, or III soils as described in §285.30 of this title (relating to Site Evaluation) shall be used for backfill. Class Ia and IV soils are specifically prohibited for use as a backfill material. The backfill material shall be mounded over the excavated area so that the center of the backfilled area slopes down to the outer perimeter of the excavated area to allow for settling.

Surface runoff impacting the disposal area is not permitted and the diversion method shall be addressed during development of the planning materials.

(G) Drainfields on irregular terrain. Where the ground slope is greater than 15% but less than 30%, a multiple line drainfield may be constructed along descending contours as shown in §285.90(5) of this title. An overflow line shall be provided from the upper excavations to the lower excavations. The overflow line shall be constructed from solid pipe with an SDR of 35 or stronger, and the excavation carrying the overflow pipe shall be backfilled with soil only.

(H) Drainfield plans. A number of sketches, specifications, and details for drainfield construction are provided in §285.90(4) and (5) of this title.

(2) Evapotranspirative (ET) system. An ET system may be used in soils which are classified as unsuitable for standard subsurface absorption systems according to §285.31(b) of this title with respect to texture, restrictive horizons, or groundwater. Water saving devices must be used if an ET system is to be installed. ET systems shall only be used in areas of the state where the annual average evaporation exceeds the annual rainfall. Evaporation data is provided in §285.91(7) of this title.

(A) Liners. An impervious liner shall be used between the excavated surface and the ET system in all Class Ia soils, where seasonal groundwater tables penetrate the excavation, and where a minimum of two feet of suitable soil does not exist between the excavated surface and either a restrictive horizon or groundwater. Liners shall be rubber, plastic, reinforced concrete, gunite, or compacted clay (one foot thick or more). If the liner is rubber or plastic, it must be impervious, and each layer must be at least 20 mils thick. Rubber or plastic liners must be protected from exposed rocks and stones by covering the excavated surface with a uniform sand cushion at least four inches thick. Clay liners shall have a permeability of 10^{-7} centimeters/second or less, as tested by a certified soil laboratory.

(B) ET system sizing. The following formula shall be used to calculate the top surface area of an ET system.

$$A = 1.6\ Q/Ret$$

Where: A = total top surface area of the excavations.

Q = estimated daily water usage in gallons/day in §285.91(3) of this title (relating to Tables).

Ret = net local evaporation rate in §285.91(7) of this title.

The owner of the ET system shall be advised by the person preparing the planning materials of the limits placed on the system by the Q selected. If the Q is less than required by §285.91(3) of this title, the flow rate shall be included as a condition to the permit, and stated in an affidavit properly filed and recorded in the deed records of the county as specified in §285.3(b)(3) of this title (relating to General Requirements).

(C) Backfill material. Backfill material shall consist of Class II soil as described in §285.30 of this title. All drainlines must be surrounded by a minimum of one foot of media. Backfill shall be used to fill the excavation between the media to allow the backfill material to contact the bottom of the excavation.

(D) Vegetative cover for transpiration. The final grade shall be covered with vegetation fully capable of taking maximum advantage of transpiration. Evergreen bushes with shallow root systems may be planted in the disposal area to assist in water uptake. Grasses with dormant periods shall be overseeded to provide year-round transpiration.

(E) ET systems. ET systems shall be divided into two or more equal excavations connected by flow control valves. One excavation may be removed from service for an extended period of time to allow it to dry out and decompose biological material which might plug the excavation. If one of the excavations is removed from service, the daily water usage must be reduced to prevent overloading of the excavation(s) still in operation. Normally, an excavation must be removed from service for two to three dry months for biological breakdown to occur.

(F) ET system plans. A number of sketches for ET system construction are provided in §285.90(4) and (5) of this title.

(3) Pumped effluent drainfield. Pumped effluent drainfields shall use the specifications for low-pressure dosed drainfields described in subsection (d)(1) of this section, with the following exceptions.

(A) Applicability. If the slope of the site is greater than 2.0%, pumped effluent drainfields shall not be used. Pumped effluent drainfields may only be used by single family dwellings.

(B) Length of distribution pipe. There shall be at least 1,000 linear feet of perforated pipe for a two bedroom single family dwelling. For each additional bedroom, there shall be an additional 400 linear feet of perforated pipe. No individual distribution line shall exceed 70 feet in length from the header.

(C) Excavation width and horizontal separation. The excavated area shall be at least six inches wide. There shall be at least three feet of separation between trenches.

(D) Lateral depth and vertical separation. All drainfield laterals shall be between 18 inches and three feet deep. There shall be a minimum vertical separation distance of one foot from the bottom of the excavation to a restrictive horizon, and a minimum vertical separation of two feet from the bottom of the excavation to groundwater.

(E) Media. Each dosing pipe shall be placed with the drain holes facing down and placed on top of at least six inches of media (pea gravel or media up to two inches measured along its greatest dimension).

(F) Pipe and hole size. The distribution (dosing) and manifold (header) pipe shall be 1.25 - 1.5 inches in diameter. The manifold may have a diameter larger than the distribution pipe, but

shall not exceed 1.5 inches in diameter. Distribution (dosing) pipe holes shall be 3/16 - 1/4 inch in diameter and shall be spaced five feet apart.

(G) Pump size. Pumped effluent drainfields shall use at least a 1/2 horsepower pump.

(H) Backfilling. Only Class Ib, II, or III soils as described in §285.30(b)(1)(A) of this title shall be used for backfill.

(c) Proprietary disposal systems.

(1) Gravel-less drainfield piping. Gravel-less pipe may be used only on sites suitable for standard subsurface sewage disposal methods. Gravel-less pipe shall be eight-inch or ten-inch diameter corrugated perforated polyethylene pipe. The pipe shall be enclosed in a layer of unwoven spun-bonded polypropylene, polyester, or nylon filter wrap. Gravel-less pipe shall meet ASTM F-667 Standard Specifications for large diameter corrugated high density polyethylene (ASTM D 1248) tubing. The filter cloth must meet the same material specifications as described under subsection (b)(1)(E) of this section.

(A) Planning parameters. Gravel-less drainfield pipe may be substituted for drainline pipe in both absorptive and ET systems. When gravel-less pipe is substituted, media will not be required. ET systems shall be backfilled with Class II soils only. All other planning parameters for absorptive or ET systems apply to drainfields using gravel-less pipe.

(B) Installation. The connection from the solid line leaving the treatment tank to the gravel-less line shall be made by using an eight or ten-inch offset connector. The gravel-less line shall be laid level, the continuous stripe shall be up, and the lines shall be joined together with couplings. A filter cloth must be pulled over the joint to eliminate soil infiltration. The gravel-less pipe must be held in place during initial backfilling to prevent movement of the pipe. The end of each gravel-less line shall have an end cap and an inspection port. The inspection port shall allow for easy monitoring of the amount of sludge or suspended solids in the line, and allow the distribution lines to be back-flushed.

(C) Drainfield sizing. To determine appropriate drainfield sizing, use a drainfield width of W = 2.0 feet for an eight-inch diameter gravel-less pipe, and an excavation width of W = 2.5 for a ten-inch gravel-less pipe.

$$L = A/(W+2)$$

A = absorptive area as calculated in subsection (b)(1)(A)(vii) of this section
W = excavation width

(2) Leaching chambers. Leaching chambers are bottomless chambers that are installed in a drainfield excavation with the open bottom of the chamber in direct contact with the excavation. The ends of the chamber rows shall be linked together with non-perforated sewer pipe. The chambers shall completely cover the excavation, and adjacent chambers must be in contact with each other in such a manner that the chambers will not separate. To obtain the reduction in drainfield size allowed in subparagraph (A)(i) and (ii) of this paragraph for excavations wider than the chambers, the chambers shall be placed edge to edge.

(A) The following formulas shall be used to determine the length of an excavation using leaching chambers.

(i) The following formula is used for leaching chambers without water saving devices.

$$L = 0.6A/(W+2)$$

Where: A = minimum absorptive area calculated with no flow reduction; and

W = leaching chamber panel width

(ii) The following formula is used for leaching chambers with water saving devices.

$$L = 0.75A/(W+2)$$

Where: A = minimum absorptive area calculated with flow reduction; and

W = leaching chamber panel width

(B) Leaching chambers shall not be used for absorptive drainfields in Class Ia or IV soils. Leaching chambers may be used instead of media in ET systems, low-pressure dosed drainfields, and soil substitution drainfields; however, the size of the drainfield shall not be reduced from the required area.

(C) Backfill covering leaching chambers shall be Class Ib, II, or III soil.

(3) Drip irrigation. Drip irrigation systems using secondary treatment may be used in all soil classes including Class IV soils. The system must be equipped with a filtering device capable of filtering particles larger than 100 microns and that meets the manufacturer's requirements.

(A) Drainfield layout. The drainfield shall consist of a matrix of small-diameter pressurized lines, buried at least six inches deep, and pressure reducing emitters spaced at a maximum of 30-inch intervals. The pressure reducing emitter shall restrict the flow of effluent to a flow rate low enough to ensure equal distribution of effluent throughout the drainfield.

(B) Effluent quality. The treatment preceding a drip irrigation system shall treat the wastewater to secondary treatment as described in §285.32(e) of this title unless the drip irrigation system has been approved by the executive director as a proprietary disposal system without the use of secondary treatment.

(C) System flushing. Systems must be equipped to flush the contents of the lines back to the pretreatment unit when intermittent flushing is used. If continuous flushing is used during the pumping cycle, the contents of the lines must be returned to the pump tank.

(D) Loading rates. Pressure reducing emitters can be used in all classes of soils using loading rates specified in §285.91(1) of this title. Pressure reducing emitters are assumed to wet four square feet of absorptive area per emitter; however, overlapping areas shall only be counted once toward absorptive area requirements. The loading rate shall be based on the most restrictive soil horizon within one foot of the pressure reducing emitter. When solid rock is less than 12 inches below the pressure reducing emitter, the loading rate shall be based on Class IV soils.

(E) Vertical separation distance. There shall be a minimum of one foot of soil between the pressure reducing emitter and groundwater and six inches between the pressure reducing emitter and solid rock, or fractured rock. For proprietary disposal systems that do not pretreat to secondary treatment, there shall be two feet of soil between the groundwater and pressure reducing emitter and one foot of soil between solid rock or fractured rock and the pressure reducing emitter.

(F) Labeling or listing. All drip irrigation system devices shall either be labeled by the manufacturer as suitable for use with domestic sewage, or be on the list of approved devices maintained by the executive director according to §285.32(c)(4) of this title.

(4) Approval of proprietary disposal systems. All proprietary disposal systems, other than those described in this section, shall be approved by the executive director before they may be used. Proprietary disposal systems shall be approved by the executive director using the procedures established in §285.32(c)(4)(B) of this title.

(d) Nonstandard disposal systems. All disposal systems not described or defined in subsections (b) and (c) of this section are nonstandard disposal systems. Planning materials for nonstandard disposal systems must be developed by a professional engineer or professional sanitarian using basic engineering and scientific principles. The planning materials for paragraphs (1) - (5) of this subsection shall be submitted to the permitting authority and the permitting authority shall review and either approve or disapprove them on a case-by-case basis according to §285.5 of this title (relating to Submittal Requirements for Planning Materials). Electrical wiring for nonstandard disposal systems shall be installed according to §285.34(c) of this title (relating to Other Requirements). Upon approval of the planning materials, an authorization to construct will be issued by the permitting authority. Approval for a nonstandard disposal system is limited to the specific system described in the planning materials for the specific location. The systems identified in paragraphs (1) - (5) of this subsection must meet these requirements, in addition to the requirements identified for each specific system in this section.

(1) Low-pressure dosed drainfield. Effluent from this type of system shall be pumped, under low pressure, into a solid wall force main and then into a perforated distribution pipe installed within the drainfield area.

(A) The effluent pump in the pump tank must be capable of an operating range that will assure that effluent is delivered to the most distant point of the perforated piping network, yet not be excessive to the point that blowouts occur.

(B) A start/stop switch or timer must be included in the system to control the dosing pump. An audible and visible high water alarm, on an electric circuit separate from the pump, must be provided.

(C) Pressure dosing systems shall be installed according to either design criteria in the *North Carolina State University Sea Grant College Publication UNC-S82-03* (1982) or other publications containing criteria or data on pressure dosed systems which are acceptable to the permitting authority. Additionally, the following sizing parameters are required for all low-pressure dosed drainfields and shall be used in place of the sizing parameters in the *North Carolina State University Sea Grant College Publication* or other acceptable publications.

(i) The low-pressure dosed drainfield area shall be sized according to the effluent loading rates in §285.91(1) of this title and the wastewater usage rates in §285.91(3) of this title. The effluent loading rate (Ra) in the formula in §285.91(1) of this title shall be based on the most restrictive horizon one foot below the bottom of the excavation. Excavated areas can be as close as three feet apart, measured center to center. All excavations shall be at least six inches wide. To determine the length of the excavation, use the following formulas, where L = excavation length, and A = absorptive area.

(I) If the media in the excavation is at least one foot deep, the length of the excavation is L = A/(w+2) where:

(-a-) w = the width of the excavation for excavations one foot wide or greater; or

(-b-) w = 1 for all excavations less than one foot wide.

(II) If the media in the excavation is less than one foot deep, the length of the excavation is L = A/(w + 2H), where H = the depth of the media in feet and:

(-a-) w = the width of the excavation for excavations one foot wide or greater; or

(-b-) w = 1 for all excavations less than one foot wide.

(ii) Each dosing pipe shall be placed with the drain holes facing down and placed on top of at least six inches of media (pea gravel or media up to two inches measured along the greatest dimension).

(iii) Geotextile fabric meeting the criteria in subsection (b)(1)(E) of this section shall be placed over the media. The excavation shall be backfilled with Class Ib, II, or III soil.

(iv) There shall be a minimum of one foot of soil between the bottom of the excavation and solid or fractured rock. There shall be a minimum of two feet of soil between the bottom of the excavation and groundwater.

(2) Surface application systems. Surface application systems include those systems that spray treated effluent onto the ground.

(A) Acceptable surface application areas. Land acceptable for surface application shall have a flat terrain (with less than or equal to 15% slope) and shall be covered with grasses,

evergreen shrubs, bushes, trees, or landscaped beds containing mixed vegetation. There shall be nothing in the surface application area within ten feet of the sprinkler which would interfere with the uniform application of the effluent. Sloped land (with greater than 15%) may be acceptable if it is properly landscaped and terraced to minimize runoff.

(B) Unacceptable surface application areas. Land that is used for growing food, gardens, orchards, or crops that may be used for human consumption, as well as unseeded bare ground, shall not be used for surface application.

(C) Technical report. A technical report shall be prepared for any system using surface application and shall be submitted with the planning materials required in §285.5(a) of this title. The technical report shall describe the operation of the entire on-site sewage facility OSSF system, and shall include construction drawings, calculations, and the system flow diagram. Proprietary aerobic systems may reference the executive director's approval list instead of furnishing construction drawings for the system.

(D) Effluent disinfection. Treated effluent must be disinfected before surface application. The effluent quality in the pump tank must meet the minimum required test results specified in §285.91(4) of this title. Approved disinfection methods shall include chlorination, ozonation, ultraviolet radiation, or other method approved by the executive director. Tablet or other dry chlorinators shall use calcium hypochlorite properly labeled for wastewater disinfection. The effectiveness of the disinfection procedure will be established by monitoring either the fecal coliform count or total chlorine residual from representative effluent grab samples as directed in the testing and reporting schedule. The frequency of testing, the type of tests, and the required results are shown in §285.91(4) of this title.

(E) Minimum required application area. The minimum surface application area required shall be determined by dividing the daily usage rate (Q), established in §285.91(3) of this title, by the allowable surface application rate (Ri = effective loading rate in gallons per square foot per day) found in §285.90(1) of this title or as approved by the permitting authority.

(F) Landscaping plan. Applications for surface application disposal systems shall include a landscape plan. The landscape plan shall describe, in detail, the type of vegetation to be maintained in the disposal area. Surface application systems may apply treated and disinfected effluent upon areas with existing vegetation. If any ground within the proposed surface application area does not have vegetation, that bare area shall be seeded or covered with sod before system start-up. The vegetation shall be capable of growth, before system start-up.

(G) Uniform application of effluent. Distribution pipes, sprinklers, and other application methods or devices must provide uniform distribution of treated effluent. The application rate must be adjusted so that there is no runoff.

(i) Sprinkler criteria. The maximum inlet pressure for sprinklers shall be 40 pounds per square inch. Low angle nozzles (15 degrees or less in trajectory) shall be used in the sprinklers to keep the spray stream low and reduce aerosols. If the separation distance between the property line and the edge of the surface application area is less than 20 feet, sprinkler operation shall be controlled by commercial irrigation timers set to spray between midnight and 5:00 a.m.

(ii) Planning criteria. Circular spray patterns may overlap to cover all irrigated area including rectangular shapes. The overlapped area will be counted only once toward the total application area. For large systems, multiple sprinkler heads are preferred to single gun delivery systems.

(iii) Effluent storage and pumping requirements.

(I) For systems controlled by a commercial irrigation timer and required to spray between midnight and 5:00 a.m., there shall be at least one day of storage between the alarm-on level and the pump-on level, and a storage volume of one-third the daily flow between the alarm-on level and the inlet to the pump tank.

(II) For systems not controlled by a commercial irrigation timer, the minimum dosing volume shall be at least one-half the daily flow, and a storage volume of one-third the daily flow between the alarm-on level and the inlet to the pump tank.

(III) Pump tank construction and installation shall be according to §285.34(b) of this title.

(iv) Distribution piping. Distribution piping shall be installed below the ground surface and hose bibs shall not be connected to the distribution piping. An unthreaded sampling port shall be provided in the treated effluent line in the pump tank.

(v) Color coding of distribution system. All new distribution piping, fittings, valve box covers, and sprinkler tops shall be permanently colored purple to identify the system as a reclaimed water system according to Chapter 210 of this title (relating to Use of Reclaimed Water).

(3) Mound drainfields. A mound drainfield is an absorptive drainfield constructed above the native soil surface. The mound consists of a distribution area installed within fill material placed on the native soil surface. The required area of the fill material is a function of the texture of the native soil surface, the depth of the native soil, basal area sizing considerations, and sideslope requirements. A description of mound construction, as well as construction requirements not addressed in this section can be found in the *North Carolina State University Sea Grant College Publication UNC-SG-82-04* (1982).

(A) A mound drainfield shall only be installed at a site where there is at least one foot of native soil; however, approval for installation on sites with less than one foot of native soil may be granted by the permitting authority on a case-by-case basis.

(B) Mounds and mound distribution systems must be constructed with the longest dimension parallel to the contour of the site.

(C) Soil classification, loading rates (R(a)), and wastewater usage rates (Q) shall all be obtained from this chapter.

(D) The depth of soil material (with less than 30% gravel) between the bottom of the media and a restrictive horizon must be at least 1.5 feet to the restrictive horizon or two feet to groundwater. The soil material includes both the fill and the native soil.

(E) The distribution area is defined as the interface area between the media containing the distribution piping and the fill material or the native soil, if applicable. The distribution length is the dimension parallel with the contour and equivalent to the length of the distribution media which must also run parallel with the contour. The distribution lines within the distribution media must extend to 12 inches of the end of the distribution media. The distribution width is defined as the distribution area divided by the distribution length.

(i) The formula A(d) = Q/R(a) shall be used for calculating the minimum required distribution area of the mound where:

A(d) = minimum required distribution absorptive area in square feet

Q = design wastewater usage rate in gallons per day

R(a) = most restrictive application rate between the fill material or the soil surface if the soil surface is within four inches of the bottom of the distribution media. The application rate is in gallons per square foot per day.

(ii) The area credited toward the minimum required distribution area can be determined in either of the following ways.

(I) If the distribution area consists of a continuous six-inch layer of media over the fill, the credited area is the bottom interface area between the media and soil beneath the media.

(II) If the distribution area consists of rows of media and distribution piping, the credited area can be calculated using the formulas listed in paragraph (1)(C)(i)(I) or (II) of this subsection depending on the depth of the media.

(iii) For sites with greater than 2% slopes and solid bedrock, saturated zones, or class IV horizons within two feet of the native soil surface, the length to width ratio of the distribution area must be at least 7:1. For sites with greater than 2% slopes and no solid bedrock, saturated zones, or class IV horizons within two feet of the native soil surface, the length to width ratio of the distribution area must be at least 4:1. No length to width ratio is required on a site with 2% slope or less.

(iv) Effluent must be pressure dosed into the distribution piping to ensure equal distribution and to control application rates.

(v) If a continuous layer of media is used, the dosing lines must not be spaced more than three feet apart. If rows of media are used, the rows may be as close as three feet apart, measured edge to edge.

(vi) The dosing holes must not be greater than three feet apart.

(F) The basal area is defined as the interface area between the native soil surface and the fill material. The formula A(b) = Q/R(a) must be used for calculating the minimum required basal area of the mound where:

A(b) = minimum required basal absorptive area in square feet

Q = design wastewater usage rate in gallons per day

R(a) = application rate of the native soil surface in gallons per square foot per day

(i) On sites with greater than 2% slope, the area credited toward the required minimum basal area is computed by multiplying the length of the distribution system by the distance from the upslope edge of the distribution system to the downslope toe of the mound.

(ii) On sites with 2% slopes or less, the area credited toward the minimum required basal area sizing includes all areas below the distribution system as well as the side slope area on all side slope areas greater than six inches deep.

(G) Mounds shall only be installed on sites with less than 10% slope.

(H) The toe of the mound is considered the edge of the soil absorption system.

(I) The side slopes must be no steeper than three to one.

(J) There must be at least six inches of backfill over the distribution media and the mound shall be crowned to shed water.

(4) Soil substitution drainfields. Soil substitution drainfields may be constructed in Class Ia soils, highly permeable fractured rock, highly permeable fissured rock, or Class II and III soils with greater than 30% gravel.

(A) A soil substitution drainfield must not be used in Class IV soils or Class IV soils with greater than 30% gravel. Class III or IV soil shall not be used as the substituted soil in a soil substitution drainfield. There must be at least two feet of substituted soil between the bottom of the media and groundwater.

(B) A soil substitution drainfield is constructed similar to a standard absorptive drainfield except that a minimum two foot thick Class Ib or Class II soil buffer shall be placed below and on all sides of the drainfield excavation. The soil buffer must extend at least to the top of the media. The two-foot buffer area along the sides of the excavation is not credited as bottom area in calculating absorptive area. However, the interface between the media and the substituted soil is credited as absorptive area.

(C) Soil substitution drainfields must be designed to address soil compaction to prevent unlevel disposal. It is recommended that low-pressure dosing be used for effluent distribution.

The edge of the substituted soil is considered the edge of the soil absorption drainfield in determining the appropriate separation distances as listed in §285.91(10) of this title.

(D) Class Ia soils do not provide adequate treatment of wastewater through soil contact. A soil substitution drainfield may be constructed in Class Ia soils in order to provide adequate soil for treatment. Absorptive area sizing must be based on the textural class of the substituted soil and must follow the formulas in subsection (b)(1)(A)(vii)(I) of this section.

(E) Highly permeable fractured and fissured rock, which contains soil in the fractures and fissures, does not provide adequate treatment of wastewater through soil contact. A soil substitution drainfield can be constructed in this permeable fractured and fissured rock in order to provide adequate soil for treatment. Absorptive area sizing must be based on the most restrictive textural class between either the native soil residing in the fractures or fissures or the substituted soil. The sizing must follow the formulas in subsection (b)(1)(A)(vii)(I) of this section.

(F) Class II and III soils with greater than 30% gravel do not provide adequate treatment of wastewater through soil contact. A soil substitution drainfield can be constructed in Class II or III soils with greater than 30% gravel in order to provide adequate soil for treatment. Absorptive area sizing must be based on the most restrictive textural class between either the non-gravel portion of the native soil or the substituted soil. The sizing must follow the formulas in subsection (b)(1)(A)(vii)(I) of this section.

(5) Drainfields following secondary treatment and disinfection. Subsurface drainfields following secondary treatment and disinfection may be constructed in Class Ia soils, fractured rock, fissured rock, or other conditions where insufficient soil depth will allow septic tank effluent to reach fractured rock or fissured rock, as long as the following conditions are met.

(A) Drainfield sizing.

(i) If the unsuitable feature is Class Ia soil, the disposal area sizing shall be based on the application rate for Class Ib soil. Some form of pressure distribution shall be used for effluent disposal.

(ii) If the unsuitable feature is fractured or fissured rock, the system sizing should be based on the application rate for Class III soil. Some form of pressure distribution system shall be used for effluent disposal.

(B) Effluent disinfection. Treated effluent must be disinfected as indicated in §285.32(e) of this title before discharging into the drainfield.

(C) Other requirements. The affidavit, maintenance, and testing and reporting requirements of §285.3(b)(3) of this title and §285.7(a) and (d) of this title (relating to Maintenance Requirements) apply to these systems.

(6) All other nonstandard disposal systems. The planning materials for all non-standard disposal systems not described in paragraphs (1) - (5) of this subsection shall be submitted to the executive director for review according to §285.5(b)(2) of this title before the systems can be installed.

Adopted August 20, 2008 Effective September 11, 2008

§285.34. Other Requirements.

(a) Septic tank effluent filters. Effective 180 days after the effective date of these rules, all effluent filters that are installed in septic tanks shall be listed and approved under the NSF Standard 46 (2000) or under any standard approved by the executive director.

(b) Pump tanks. Pump tanks may be necessary when the septic tank outlet is at a lower elevation than the disposal field or for systems that require pressure disposal. All requirements in §285.32(b)(1)(D) - (F) of this title (relating to Criteria for Sewage Treatment Systems) also apply to pump tanks. The pump tank shall be constructed according to the following specifications.

(1) Pump tank criteria. When effluent must be pumped to a disposal area, an appropriate pump shall be placed in a separate water-tight tank or chamber. A check valve may be required if the disposal area is above the pump tank. The pump tank shall be equipped to prevent siphoning. The tank shall be provided with an audible and visible high water alarm. If an electrical alarm is used, the power circuit for the alarm shall be separate from the power circuit for the pump. Batteries may be used for back-up power supply only. All electrical components shall be listed and labeled by Underwriters Laboratories (UL). At the discretion of the permitting authority, leak testing using water filled to the inside level of the tank lid or to the top of the riser(s) may be required.

(2) Pump tank sizing. Pump tanks shall be sized to contain one-third of a day's flow between the alarm-on level and the inlet to the pump tank. The capacity above the alarm-on level may be reduced to four hours average daily flow if the pump tank is equipped with multiple pumps. See §285.33(d)(2)(G)(iii) of this title (relating to Criteria for Effluent Disposal Systems) for sizing of pump tanks for surface application systems.

(3) Pump specifications. A single pump may be used for flows equal to or less than 1,000 gallons per day. Dual pumps are required for flows greater than 1,000 gallons per day. A dual pump system shall have the "alarm on" level below the "second pump on" level, and shall have a lock-on feature in the alarm circuit so that once it is activated it will not go off when the second pump draws the liquid level below the "alarm on" level. All audible and visible alarms shall have a manual "silence" switch. The pump switch-gear shall be set such that each pump operates as the first pump on an alternating basis. All pumps shall be rated by the manufacturer for pumping sewage or sewage effluent.

(c) Electrical wiring. All electrical wiring shall conform to the requirements the National Electric Code (1999) or under any other standards approved by the executive director. Additionally, all external wiring shall be installed in approved, rigid, non-metallic gray code electrical conduit. The conduit shall be buried according to the requirements in the National Electrical Code and terminated at a main circuit breaker panel or sub-panel. Connections shall be in approved junction boxes. All electrical components shall have an electrical disconnect within direct vision from the place where the electrical device is being

serviced. Electrical disconnects must be weatherproof (approved for outdoor use) and have maintenance lockout provisions.

(d) Grease interceptors. Grease interceptors shall be used on kitchen waste-lines from institutions, hotels, restaurants, schools with lunchrooms, and other buildings that may discharge large amounts of greases and oils to the OSSF. Grease interceptors shall be structurally equivalent to, and backfilled according to, the requirements established for septic tanks under §285.32(b)(1)(D) - (F) of this title. The interceptor shall be installed near the plumbing fixture that discharges greasy wastewater and shall be easily accessible for cleaning. Grease interceptors shall be cleaned out periodically to prevent the discharge of grease to the disposal system. Grease interceptors shall be properly sized and installed according to the requirements of the 2000 edition of the Uniform Plumbing Code, the 1980 EPA Design Manual: Onsite Wastewater Treatment and Disposal Systems, or other prevailing code.

(e) Holding tanks. Tanks shall be constructed according to the requirements established for septic tanks under §285.32(b)(1)(D) - (E) of this title. Inlet fittings are required. No outlet fitting shall be provided. A baffle is not required. Holding tanks shall be used only on sites where other methods of sewage disposal are not feasible (these holding tank provisions do not apply to portable toilets or to an office trailer at a construction site). All holding tanks shall be equipped with an audible and visible alarm to indicate when the tank has been filled to within 75% of its rated capacity. A port with its smallest dimension being at least 12 inches shall be provided in the tank lid for inspection, cleaning, and maintenance. This port shall be accessible from the ground surface and must be easily removable and watertight.

(1) Minimum capacity. The minimum capacity of the holding tank shall be sufficient to store the estimated or calculated daily wastewater flow for a period of one week (wastewater usage rate in gallons per day x seven days).

(2) Location. Holding tanks shall be installed in an area readily accessible to a pump truck under all weather conditions, and at a location that meets the minimum distance requirements in §285.91(10) of this title (relating to Tables).

(3) Pumping requirements. A scheduled pumping contract with a waste transporter, holding a current registration with the executive director, must be provided to the permitting authority before a holding tank may be installed. Pumping records must be retained for five years.

(f) Composting toilets. Composting toilets will be approved by the executive director provided the system has been tested and certified under NSF International Standard 41 (1999) or under any other standards approved by the executive director.

(g) Condensation. If condensate lines are plumbed directly into an OSSF, the increased water volume must be accounted for (added to the usage rate) in the system planning materials.

Adopted August 20, 2008 Effective September 11, 2008

§285.35. Emergency Repairs.

(a) An emergency repair may be made to an OSSF providing that the repair:

(1) is made for the abatement of an immediate, serious and dangerous health hazard; and

(2) does not constitute an alteration of that OSSF system's planning materials and function.

(b) Emergency repairs include tasks such as replacing tank lids, replacing inlet and outlet devices, and repairing solid lines. Such repairs must meet criteria established in this chapter.

(c) The installer shall notify the permitting authority, in writing, within 72 hours after starting the emergency repairs. The notice must include a detailed description of the methods and materials used in the repair.

(d) An inspection of the emergency repairs may be required at the discretion of the permitting authority.

Adopted May 23, 2001 Effective June 13, 2001

§285.36. Abandoned Tanks, Boreholes, Cesspools, and Seepage Pits.

(a) An abandoned tank is a tank that is not to be used again for holding sewage.

(b) To properly abandon, the owner shall conduct the following actions, in the order listed.

(1) All tanks, boreholes, cesspools, seepage pits, holding tanks, and pump tanks shall have the wastewater removed by a waste transporter, holding a current registration with the executive director.

(2) All tanks, boreholes, cesspools, seepage pits, holding tanks, and pump tanks shall be filled to ground level with fill material (less than three inches in diameter) which is free of organic and construction debris.

Adopted May 23, 2001 Effective June 13, 2001

§285.37. On-site Sewage Facilities and Water Treatment Equipment and Appliances.

(a) Water treatment equipment is defined as an appliance, which includes water softeners and reverse osmosis systems, used to:

(1) alter the mineral content of water;

(2) alter the microbiological content of water;

(3) alter other substances found in water; or

(4) purify water.

(b) Back flush or discharge from water treatment equipment installed on or after September 1, 2003, may be discharged into an on-site sewage facility (OSSF) as provided in this subsection.

(1) Water softener.

(A) The water softener must regenerate using a demand-initiated regeneration (DIR) control device. The water softener must be clearly labeled as being equipped with a DIR control device as follows:

(i) the label shall be affixed to the outside of the water softener so the label can be easily inspected and read; and

(ii) the label shall provide the name of the company that installed the water softener.

(B) A water softener may be connected to an OSSF with a non-standard or proprietary treatment system only as described in §285.32(c) and (d) of this title (relating to Criteria for Sewage Treatment Systems) if the water softener drain line:

(i) bypasses the treatment system; and

(ii) connects directly to a pump tank if the OSSF has a pump tank or directly to the pipe between the treatment system and the disposal system if no pump tank exists.

(C) An owner may continue to use a water softener that discharges to an OSSF and does not meet the requirements of subparagraph (A) of this paragraph if the water softener was installed before September 1, 2003. An owner must replace any water softener installed before September 1, 2003, with a water softener that meets the requirements of subparagraphs (A) and (B) of this paragraph at such time as:

(i) an owner replaces the existing water softener; or

(ii) an owner or installer installs, alters, constructs, or repairs an OSSF for the structure or property served by the existing water softener.

(2) Reverse osmosis system.

(A) Point-of-use (under sink unit) reverse osmosis systems. The back flush from a point-of-use reverse osmosis system may be discharged into an OSSF without including calculations of the back flush water volume in the OSSF planning materials.

(B) Point-of-entry (whole house unit) reverse osmosis systems. The back flush from a point-of-entry reverse osmosis system may be discharged into an OSSF if:

(i) the owner can demonstrate that the point-of-entry reverse osmosis system does not cause hydraulic overloading of the OSSF; or

(ii) the water volume from the point-of-entry reverse osmosis system is accounted for (added to the usage rate in §285.91(3) of this title (relating to Tables)) by providing calculations of the increase in wastewater volume with the OSSF planning materials.

(3) Water treatment equipment other than water softeners and reverse osmosis systems. If an owner uses water treatment equipment other than water softeners or reverse osmosis systems, the back flush from the water treatment equipment may be discharged into an OSSF if the water volume is added to the OSSF usage rate in §285.91(3) of this title. This water volume calculation must be provided with the OSSF planning materials.

(c) Discharges from all water treatment equipment shall enter the OSSF system through an airgap or an airgap device as required in the Uniform Plumbing Code (2000).

Adopted April 7, 2004 Effective April 28, 2004

§285.39. On-Site Sewage Facilities Maintenance and Management Practices.

(a) An installer shall provide the owner of an on-site sewage facility (OSSF) with written information regarding maintenance and management practices and water conservation measures related to the OSSF installed, repaired, or maintained by the installer.

(b) Owners shall have the treatment tanks pumped on a regular basis in order to prevent sludge accumulation from spilling over to the next tank or the outlet device. Owners of treatment tanks shall engage only persons registered with the executive director to transport the treatment tank contents.

(c) Owners shall not allow driveways, storage buildings, or other structures to be constructed over the treatment or disposal systems.

Adopted April 7, 2004 Effective April 28, 2004

SUBCHAPTER E: SPECIAL REQUIREMENTS FOR OSSFS LOCATED IN THE EDWARDS AQUIFER RECHARGE ZONE
§285.40 - §285.42

§285.40. OSSFS on the Recharge Zone of the Edwards Aquifer.

(a) Applicability. The following additional provisions apply to the Edwards Aquifer recharge zone as defined in §285.2 of this title (relating to Definitions) and are not intended to be applied to any other areas in the State of Texas.

(b) Additional application requirements for new OSSFs. All planning materials shall be submitted to the permitting authority by a professional engineer or professional sanitarian.

(c) Conditions for obtaining an authorization to construct. In order to obtain an authorization to construct in the Edwards Aquifer recharge zone, the following conditions must be met

(1) Minimum lot sizes. Each lot or tract of land on the recharge zone on which OSSFs are to be located shall have an area of at least one acre (43,560 square feet) per single family dwelling

(2) Minimum separation distances from recharge features.

(A) No sewage treatment tank or holding tank may be located within 50 feet of a recharge feature as defined in §285.2 of this title.

(B) No soil absorption system may be located within 150 feet of a recharge feature.

(C) Additional separation distances in §285.91(10) of this title (relating to Tables) shall be used.

(d) Existing OSSFs. OSSFs shall comply with the provisions of this subchapter except as provided under §285.3(f)(1) of this title (relating to General Requirements). If the OSSF is required to have a new permit, the permit shall be obtained according to §285.3 of this title. An OSSF installed on the recharge zone before April 11, 1977, in either Uvalde or Kinney Counties is not required to be permitted, provided the OSSF is not causing pollution, is not a threat to the public health, is not a nuisance, and has not been altered.

(e) Exceptions for certain lots. Lots platted and recorded with the following counties in their official plat record, deed, or tax records before the date indicated in this subsection, are exempted from the one-acre minimum lot size requirement, according to the conditions of subsection (f) of this section. However, an Edwards Aquifer protection plan under Chapter 213 of this title (relating to Edwards Aquifer) may be required for construction of regulated activities, including home construction:

(1) Kinney, Uvalde, Medina, Bexar, and Comal Counties--March 26, 1974;

(2) Hays County--June 21, 1984;

(3) Travis County--November 21, 1983; and

(4) Williamson County--May 21, 1985.

(f) Notice. Any owner who divides his property into two or more residential lots, on which any part of the OSSF will be on the recharge zone, must inform, in writing, each prospective purchaser, lessee, or renter of the following:

(1) which lots within the regulated development are subject to the terms and conditions of this section;

(2) that an authorization to construct shall be required before an OSSF can be constructed in the subdivision;

(3) that a notice of approval shall be required for the operation of an OSSF; and

(4) whether an application for a water pollution abatement plan as defined in Chapter 213 of this title has been made, whether it has been approved, and if any restrictions or conditions have been placed on that approval.

Adopted May 23, 2001 Effective June 13, 2001

§285.41. Edwards Aquifer Protection Plan.

(a) An Edwards Aquifer protection plan as defined in Chapter 213 of this title (relating to Edwards Aquifer) shall be approved by the appropriate regional office before an authorization to construct may be issued for an OSSF by a permitting authority.

(b) For projects where an Edwards Aquifer protection plan has been approved by a regional office, the written notice required in §285.40(f) of this title (relating to OSSFs on the Recharge Zone of the Edwards Aquifer) shall include the separation distance requirements to any existing or possible recharge features found on the proposed lot or lots. The location of recharge features can be obtained from the designated representative or authorized agent of the county where the development will take place, from an affected groundwater conservation district, or as identified in the water pollution abatement plan for the proposed lot or lots as provided in §213.5(b)(4)(F)(ii) of this title (relating to Required Edwards Aquifer Protection Plans, Notification, and Exemptions).

Adopted May 23, 2001 Effective June 13, 2001

§285.42. Other Requirements.

(a) If any recharge feature is discovered during construction of an OSSF, all regulated activities near the feature shall be suspended immediately. The owner shall immediately notify the appropriate regional office of the discovery of the feature. Activities regulated under Chapter 213 of this title (relating to Edwards Aquifer) or this chapter shall not proceed near the feature until the permitting authority, in conjunction with the appropriate regional office, has reviewed and approved a plan proposed to protect the feature, the structural integrity of the OSSF, and the water quality of the aquifer. The plan shall be sealed, signed, and dated by a professional engineer.

(b) No OSSF may be installed closer than 75 feet from the banks of the Nueces, Dry Frio, Frio, or Sabinal Rivers downstream from the northern Uvalde county line to the recharge zone.

(c) Additional requirements may apply as required by the permitting authority's order, ordinance, or resolution.

Adopted May 23, 2001 Effective June 13, 2001

SUBCHAPTER F: LICENSING AND REGISTRATION REQUIREMENTS FOR INSTALLERS, APPRENTICES, DESIGNATED REPRESENTATIVES, SITE EVALUATORS, MAINTENANCE PROVIDERS, AND MAINTENANCE TECHNICIANS §§285.50, 285.60, 285.61, 285.62, 285.63, 285.64, 285.65

§285.50. General Requirements.

(a) The procedures for issuing licenses and registrations for on-site sewage facilities (OSSF) installers, designated representatives, apprentices, site evaluators, maintenance providers, and maintenance technicians are in Chapter 30 of this title (relating to Occupational Licenses and Registrations).

(b) Any individual who constructs any part of an OSSF shall hold a current installer license appropriate for the type of system being installed, except as noted in §30.244 of this title (relating to Exemptions). This does not include the individuals under the direct supervision of the licensed installer or registered apprentice.

(c) Any individual who performs the duties of a designated representative under §285.62 of this title (relating to Duties and Responsibilities of Designated Representatives) on behalf of the authorized agent shall possess a current designated representative license. Individuals may not advertise or represent themselves to the public as designated representatives unless they are employed, appointed, or contracted by an authorized agent and hold a current designated representative license.

(d) Any individual who performs the duties of an apprentice under §285.63 of this title (relating to Duties and Responsibilities of Registered Apprentices) must hold a current apprentice registration under a licensed installer.

(e) Any individual, other than a professional engineer, who performs the duties of a site evaluator under §285.60 of this title (relating to Duties and Responsibilities of Site Evaluators) shall possess a current site evaluator license. An individual possessing a current professional engineer license is not required to possess a site evaluator license.

(f) When required by the permitting authority, the installer or the installer's apprentice must be present at the job site during the inspection or re-inspection of the OSSF.

(g) Any individual who acts in any capacity for a permitting authority shall not, within that permitting authority's area of jurisdiction:

(1) work as an apprentice to an OSSF installer;

(2) work as an OSSF installer;

(3) work for an OSSF maintenance provider or maintenance technician;

(4) work as a site evaluator; or

(5) perform any other OSSF-related activities which fall under the permitting authority's regulatory jurisdiction, except those activities directly related to the individual's duties as an employee of, appointee to, or contractor for the permitting authority.

(h) An Installer I is authorized to construct OSSFs as described in §285.91(9) of this title (relating to Tables).

(i) An Installer II is authorized to construct all types of OSSFs as described in §285.91(9) of this title.

(j) Any individual who performs maintenance of aerobic OSSFs under §285.64 of this title (relating to Duties and Responsibilities of Maintenance Providers and Maintenance Technicians) shall possess a current maintenance provider license or maintenance technician registration with the commission.

Adopted August 20, 2008 Effective September 11, 2008

§285.60. Duties and Responsibilities of Site Evaluators.

A site evaluator shall:

(1) possess a current license from the executive director;

(2) record their license number on all site evaluations, and all other correspondence prepared as a site evaluator under this chapter;

(3) provide true and accurate information in the site evaluation report required by §285.30(a) of this title (relating to Site Evaluation) and in any other documentation;

(4) maintain a current professional engineer license, professional sanitarian license, professional geoscientist license or certified professional soil scientist certificate, in addition to the site evaluator license if the site evaluator license was granted on the basis of holding one of the licenses listed in this subsection;

(5) conduct preconstruction site evaluations, including visiting the site and performing soil analysis, a site survey, or other activities necessary to determine if a site is suitable for an on-site sewage facility (OSSF); and

(6) maintain a current address and phone number with the executive director and submit any change in address or phone number in writing within 30 days after the date of the change.

Adopted August 20, 2008 Effective September 11, 2008

§285.61. Duties and Responsibilities of Installers.

An installer shall:

(1) possess a current Installer I or Installer II license before beginning construction of an on-site sewage facility (OSSF);

(2) record the installer's license number on all bids, proposals, contracts, invoices, proposed construction drawings, or other correspondence with owners, the executive director, or authorized agents;

(3) provide true and accurate information on any application or any other documentation;

(4) begin the construction of an OSSF only after obtaining documentation that the owner, or owner's agent, has the permitting authority's authorization to construct, unless a permit is not required;

(5) notify the permitting authority of the date on which the installer plans to begin the construction of an OSSF, unless a permit is not required;

(6) construct an OSSF to meet the minimum criteria required by this chapter or the more stringent requirements of the permitting authority;

(7) construct the OSSF that has been authorized by the permitting authority for the specific location identified in the site evaluation;

(8) stop construction and return to the permitting authority to change the planning materials for the permit if site or soil conditions, materials, or supplies make compliance with the planning materials impossible;

(9) be present at the job site during the construction of the OSSF or be represented by an apprentice;

(10) be present at the job site at least once each work day if the OSSF work is supervised by an apprentice and verify that the work performed by the apprentice is according to the requirements of this chapter;

(11) request the initial, final, and any other required inspection or inspections from the permitting authority;

(12) refrain from removing materials from, or altering components of, an OSSF after the final inspection;

(13) submit to the permitting authority, within 72 hours of starting emergency repairs, a written statement describing the need for any emergency repair and the work performed;

(14) maintain a current address and phone number with the executive director and submit any change in address or phone number in writing within 30 days after the date of the change; and

(15) make all OSSF repairs in accordance with the approved planning materials and this chapter.

Adopted August 20, 2008 Effective September 11, 2008

§285.62. Duties and Responsibilities of Designated Representatives.

A designated representative shall:

(1) possess a current license from the executive director;

(2) be employed, appointed, or contracted by an authorized agent;

(3) enforce the rules and regulations of the Texas Health and Safety Code, Chapter 366, the Texas Water Code, this chapter, and the permitting authority;

(4) assist the authorized agent in amending the authorized agent's order, ordinance, or resolution when necessary;

(5) conduct subdivision reviews in conformance with this chapter;

(6) review variance requests to ensure compliance with the requirements of the permitting authority;

(7) approve only planning materials that conform with the requirements of this chapter and the requirements of the permitting authority;

(8) issue the authorization to construct;

(9) verify, before the initial inspection, that the installer possesses a current license and has the correct classification for constructing the permitted or planned on-site sewage facility (OSSF);

(10) conduct construction inspections as required under §285.3(d) of this title (relating to General Requirements);

(11) approve only construction that conforms with this chapter, the authorized agent's approved order, ordinance, or resolution, and the notice of approval;

(12) issue the notice of approval;

(13) ensure collection of all OSSF related fees;

(14) ensure maintenance of accurate records of permitting, fees, inspections, maintenance reports, and complaints;

(15) investigate complaints and take appropriate and timely action;

(16) record his license number on all plan reviews, complaint investigations, inspection reports, site evaluations, and any other correspondence prepared in performance of the duties of a Designated Representative under this chapter;

(17) record the installer license number in any inspection reports relating to that installer;

(18) receive compensation for OSSF related services within the authorized agent's area of jurisdiction, only from the authorized agent or according to a signed contract with the authorized agent;

(19) while employed by, appointed to, or contracted by the authorized agent, refrain from performing any of the following activities within the authorized agent's area of jurisdiction:

(A) working as an apprentice to an OSSF installer;

(B) working as an OSSF installer;

(C) working for an OSSF maintenance provider;

(D) working as a site evaluator; or

(E) performing any other OSSF-related activities which fall under the authorized agent's regulatory jurisdiction, except those activities directly related to the individual's duties as a designated representative for the authorized agent;

(20) verify the existence of a maintenance contract between an owner and the maintenance provider according to §285.7(d) of this title (relating to Maintenance Requirements);

(21) maintain a current address and phone number with the executive director and submit any change in address or phone number in writing within 30 days after the date of the change; and

(22) receive written permission from the designated representative's employer if the designated representative desires to perform any OSSF-related activities for compensation outside of the authorized agent's regulatory jurisdiction, to be kept on file in the designated representative's office.

Adopted August 20, 2008 Effective September 11, 2008

§285.63. Duties and Responsibilities of Registered Apprentices.

(a) An apprentice shall:

(1) possess a current registration from the executive director;

(2) represent his supervising installer during construction at the site;

(3) perform services associated with on-site sewage facility (OSSF) construction under the direct supervision and direction of the installer on-site or be in direct communication with the installer;

(4) refrain from receiving compensation for an OSSF installation from anyone except the supervising installer; and

(5) maintain a current address and phone number with the executive director and submit any change in address or phone number in writing within 30 days after the date of the change.

(b) An apprentice shall not act as, advertise, or offer to perform services of an installer. An apprentice may not perform any services associated with OSSF construction except under the direct supervision of an installer holding a current license or according to the supervising installer's express directions.

Adopted August 20, 2008 Effective September 11, 2008

§285.64. Duties and Responsibilities of Maintenance Providers and Maintenance Technicians.

(a) A maintenance provider shall:

(1) possess a current license from the executive director;

(2) ensure maintenance of accurate records of fees, inspections, and reports;

(3) satisfy the requirements of the maintenance contract between the homeowner of the OSSF system and the maintenance provider according to §285.7 of this title (relating to Maintenance Requirements);

(4) maintain a current address and phone number with the executive director and submit any change in address or phone number to the executive director in writing within 30 days after the date of the change; and

(5) perform maintenance on each OSSF system under executed contract, keep a maintenance record, and submit maintenance reports to the permitting authority and the owner of the OSSF for whom the installer has contracted to provide maintenance, according to §285.7 of this title.

(b) A maintenance technician shall:

(1) possess a current registration from the executive director;

(2) represent his supervising maintenance provider while performing maintenance on an OSSF;

(3) perform services associated with OSSF maintenance under the direct supervision and direction of the maintenance provider on-site or be in direct communication with the maintenance provider;

(4) not receive compensation for OSSF maintenance from anyone except the supervising maintenance provider;

(5) maintain a current address and phone number with the executive director and submit any change in address or phone number to the executive director in writing within 30 days after the date of the change; and

(6) not advertise or otherwise portray themselves as a maintenance provider.

Adopted August 20, 2008 Effective September 11, 2008

§285.65. Suspension or Revocation of License or Registration.

(a) Suspension. In addition to the grounds listed in Texas Water Code, §7.303, the commission may suspend an OSSF installer's license, a designated representative's license, a site evaluator's license, an apprentice's registration, a maintenance provider's license, or a maintenance technician's registration for violation of duties and responsibilities listed in this subchapter, as recommended by the executive director. Additional grounds for suspension of these licenses and registrations include (and are not limited to) the following reasons.

(1) A maintenance provider's license can be suspended for:

(A) failing to perform required maintenance on an OSSF for at least eight consecutive months (the failure to maintain records is evidence of failure to perform maintenance on the OSSF);

(B) failing to properly submit maintenance reports required by §285.7(d) of this title (relating to Maintenance Requirements) for an individual OSSF in a 12-month period; or

(C) failing to properly submit four or more required OSSF maintenance reports over any two-year period.

(2) A designated representative's license can be suspended for:

(A) failing to verify, before the initial inspection for a particular OSSF, that the individual installing the OSSF is a properly licensed installer;

(B) failing to investigate nuisance complaints or complaints against installers, within 30 days of receipt of the complaint, according to §285.71 of this title (relating to Authorized Agent Enforcement of OSSFs); or

(C) failing to enforce the requirements of an order, ordinance, or resolution of an authorized agent.

(b) Revocation. In addition to the grounds listed in Texas Water Code, §7.303 the commission may revoke an OSSF installer's license, a designated representative's license, a site evaluator's license, an apprentice's registration, a maintenance provider's license, or a maintenance technician's registration for violation of duties and responsibilities listed in this subchapter, as recommended by the executive director. Additional grounds for revocation of these licenses and registrations include (and are not limited to) the following reasons.

(1) An OSSF installer's license can be revoked for:

(A) constructing, or otherwise facilitating the construction of, an OSSF that is not in compliance with this chapter; or

(B) allowing, or beginning, the construction of an OSSF without a permit when a permit is required.

(2) A designated representative's license can be revoked for:

(A) approving construction of an OSSF that is not in conformance with this chapter, the authorized agent's approved order, ordinance, or resolution or the notice of approval;

(B) practicing as an apprentice, maintenance provider, maintenance technician, site evaluator or an installer in the authorized agent's area of jurisdiction while employed, appointed, or contracted by that authorized agent; or

(C) working for a maintenance provider or maintenance company in the authorized agent's area of jurisdiction while employed, appointed, or contracted by that authorized agent.

(3) A site evaluator's license can be revoked for failing to maintain a current professional engineer license, professional sanitarian license, professional geoscientist license, or a certified professional soil scientist certificate.

(4) An apprentice's registration can be revoked for:

(A) acting as, advertising, or performing duties and responsibilities of an installer without the direct supervision of, or direct communication with, the supervising installer; or

(B) receiving compensation for an OSSF installation from someone other than the supervising installer.

(5) A maintenance provider's license or maintenance company's registration can be revoked for:

(A) failing to perform required maintenance on an aerobic OSSF in a 12-month period; or

(B) failing to properly submit maintenance reports required by §285.7(d) of this title for an individual homeowner in any consecutive 12-month period.

(6) A maintenance technician's registration can be revoked for:

(A) acting as, advertising, or otherwise portraying themselves as a maintenance provider, or performing duties and responsibilities of an maintenance provider without the direct supervision of, or direct communication with, the supervising maintenance provider; or

(B) receiving compensation for OSSF maintenance from someone other than the supervising maintenance provider.

Adopted August 20, 2008 Effective September 11, 2008

SUBCHAPTER G: OSSF ENFORCEMENT
§285.70, §285.71

§285.70. Duties of Owners With Malfunctioning OSSFs.

(a) If the executive director or the authorized agent determines that an on-site sewage facility (OSSF) is malfunctioning, as defined in §285.2 of this title (relating to Definitions), the owner shall bring the OSSF into compliance by repairing the malfunction. The owner shall initiate repair of a malfunctioning OSSF no later than:

(1) the 30th day after the date which the owner is notified by the executive director or the authorized agent of the malfunctioning system, if the owner has not been notified of the malfunctioning system during the previous 12 months;

(2) the 20th day after the date on which the owner is notified by the executive director or the authorized agent of the malfunctioning system, if the owner has been notified of the malfunctioning system at least once during the previous 12 months; or

(3) the 10th day after the date on which the owner is notified by the executive director or the authorized agent of the malfunctioning system, if the owner has been notified of the malfunctioning system at least twice during the previous 12 months.

(b) If aerobic treatment system maintenance is provided by the homeowner, as described in §285.7(d)(4) of this title (relating to Maintenance Requirements), an authorized agent or the commission may require the homeowner to contract for maintenance of the on-site sewage disposal system using aerobic treatment for a single-family residence if the system is located in a county of at least 40,000 persons and:

(1) the authorized agent or commission determines that the owner has violated this chapter or a rule adopted or order or permit issued under this chapter and the owner fails to correct the violation no later than the 10th day after the date of receipt of notification by the permitting authority; or

(2) the owner commits another violation before the third anniversary of the initial violation of this chapter or rule adopted under the Texas Health and Safety Code, Chapter 366.

(c) If, under this section, an authorized agent or the commission requires the system's owner to contract for the maintenance of the system, the order, resolution, or rule may require the maintenance provider to:

(1) inspect the system at specified intervals;

(2) submit a report on each inspection to the authorized agent or commission; and

(3) provide a copy of each report submitted to the system's owner.

§285.71. Authorized Agent Enforcement of OSSFs.

(a) Complaints. The authorized agent shall investigate a complaint regarding an on-site sewage facility (OSSF) within 30 days after receipt of the complaint, notify the complainant of the findings, and take appropriate and timely action on all documented violations. Appropriate action may include criminal or civil enforcement action as necessary under the authority of their order, ordinance, or resolution, the Texas Water Code, Chapters 7 and 26, or the Texas Health and Safety Code, Chapters 341 and 366. This may include complaints against:

(1) registered apprentices, maintenance technicians, licensed installers, site evaluators, maintenance providers, and designated representatives;

(2) individuals performing the duties listed above not holding a current commission license or registration or failing to maintain a license or registration, including professional engineers and professional sanitarians;

(3) owners in violation of this chapter or the authorized agent's order, ordinance, or resolution; or

(4) owners of malfunctioning OSSFs on the owners' property.

(b) Conviction or court judgment under subsection (a)(1) and (2) of this section. Upon conviction or court judgment, the authorized agent shall send a copy of the conviction or court judgment to the executive director.

(c) Referral of complaints under subsection (a)(1) and (2) of this section. If there are unusual circumstances involved, or if the authorized agent is unable to take enforcement action, the authorized agent may refer complaints to the executive director in writing at any time after a documented investigation of the complaint has been completed.

Adopted August 20, 2008 Effective September 11, 2008

SUBCHAPTER H: DISPOSAL OF GRAYWATER
§285.80, §285.81

§285.80. General Requirements.

(a) Graywater is defined as wastewater from:

(1) showers;

(2) bathtubs;

(3) handwashing lavatories;

(4) sinks that are not used for disposal of hazardous or toxic ingredients;

(5) sinks that are not used for food preparation or disposal; and

(6) clothes-washing machines.

(b) Graywater does not include wastewater from the washing of material, including diapers, soiled with human excreta or wastewater that has come in contact with toilet waste.

(c) Construction of a graywater system, including storage and disposal systems, must comply with this chapter and any more stringent requirements of the local permitting authority. For the purposes of this subchapter, a graywater system begins at the graywater stub-out of a single family dwelling.

Adopted December 15, 2004 Effective January 6, 2005

§285.81. Criteria for Disposal of Graywater.

(a) Permits and inspections are not required for the domestic use of less than 400 gallons of graywater each day if:

(1) the graywater originates from a single family dwelling;

(2) the graywater system is designed so that 100% of the graywater can be diverted to the owner's on-site sewage facility (OSSF) system during periods of non-use of the graywater system. A graywater system may only be connected to the OSSF system if the following requirements are met.

(A) The connection must be in the line between the house stub-out for the OSSF and the OSSF treatment tank.

(B) The discharge from the graywater system must enter the OSSF system through two backwater valves or backwater preventers;

(3) the graywater is stored in tanks and the tanks:

(A) are clearly labeled as nonpotable water;

(B) restrict access, especially to children;

(C) eliminate habitat for mosquitoes and other vectors;

(D) are able to be cleaned; and

(E) meet the structural requirements of the 2004 American Water Works Association standards;

(4) the graywater system uses piping clearly identified as a nonpotable water conduit, including identification through the use of painted purple pipe, purple pipe, pipe taped with purple metallic tape, or other methods approved by the commission;

(5) the graywater is applied at a rate that will not result in ponding or pooling or will not cause runoff across the property lines or onto any paved surface; and

(6) the graywater is not disposed of using a spray distribution system.

(b) No reduction in the size of the OSSF system will be allowed when using a graywater system.

(c) Builders of single family dwellings are encouraged to:

(1) install plumbing in new housing to collect graywater from all allowable sources; and

(2) design and install a subsurface graywater system around the foundation of new housing to minimize foundation movement or cracking.

(d) Graywater from a graywater system as described in subsection (a) of this section may only be used:

(1) around the foundation of new housing to minimize foundation movement or cracking;

(2) for gardening;

(3) for composting; or

(4) for landscaping at a single family dwelling.

(e) All aspects of the permitting, planning, construction, operation, and maintenance for any proposed graywater system that does not meet the requirements of subsection (a) of this section must meet the requirements of the remainder of this chapter.

(f) The installer of the graywater system must advise the owner of basic operating and maintenance procedures including any effects on the OSSF system.

(g) Graywater use must not create a nuisance or damage the quality of surface water or groundwater. If graywater use creates a nuisance or damages the quality of surface water or groundwater, the permitting authority may take action under §285.71 of this title (relating to Authorized Agent Enforcement of OSSFs).

(h) Homeowners who have been discharging wastewater from residential clothes-washing machines, otherwise known as laundry graywater, directly onto the ground prior to the effective date of this rule, may continue this discharge under the following conditions.

(1) The disposal area shall not create a public health nuisance.

(2) Surface ponding shall not occur in the disposal area.

(3) The disposal area shall support plant growth or be sodded with vegetative cover.

(4) The disposal area shall have limited access and use by residents and pets.

(5) Laundry graywater that has been in contact with human or animal waste shall not be discharged on the ground surface and shall be treated and disposed of according to §285.32 and §285.33 of this title (relating to Criteria for Sewage Treatment Systems and Criteria for Effluent Disposal Systems, respectively).

(6) Laundry graywater shall not be discharged to an area where the soil is wet.

(7) The use of detergents that contain a significant amount of phosphorus, sodium, or boron should be avoided.

(8) A lint trap shall be required at the end of the discharge line.

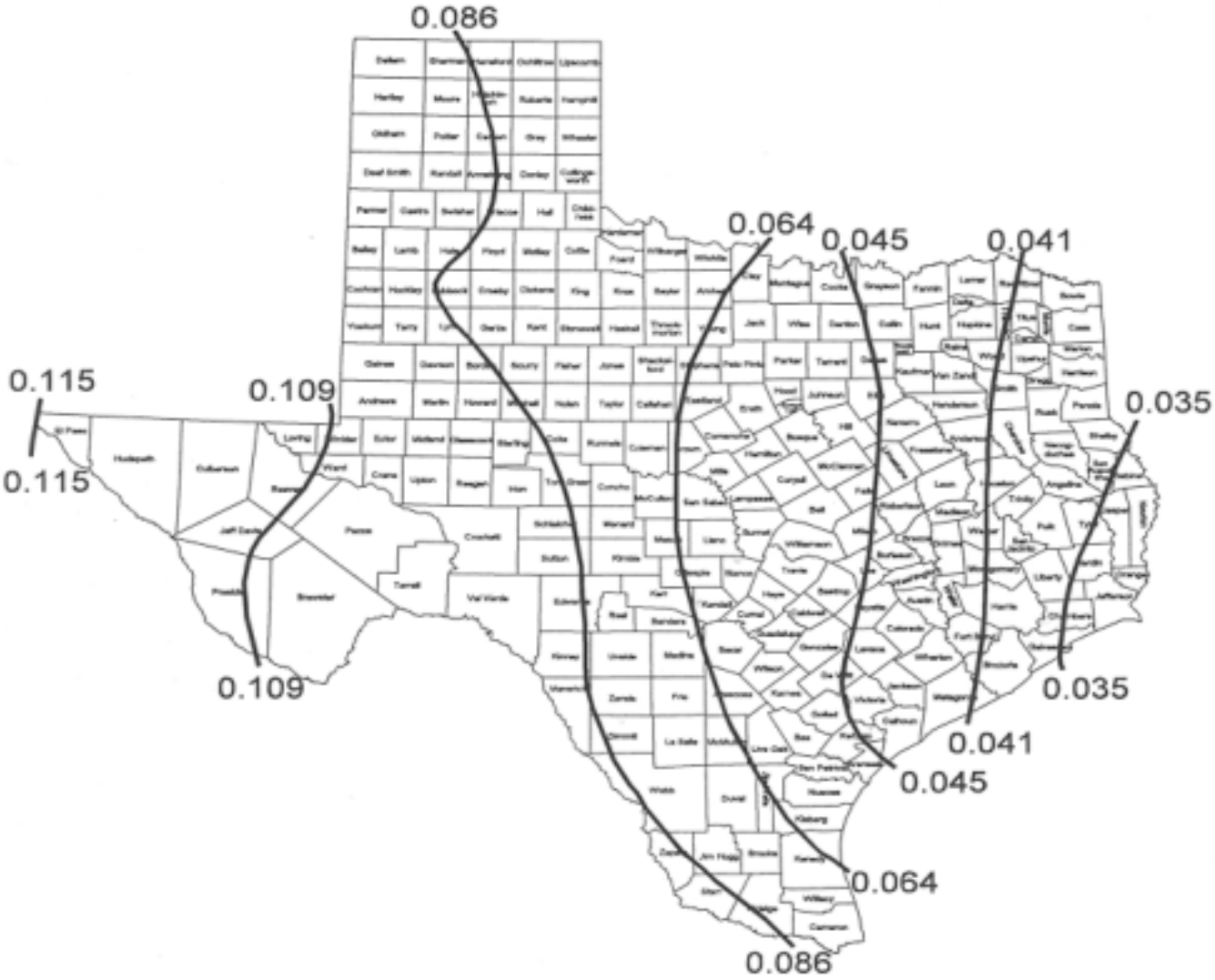
(i) Graywater systems that are altered, create a nuisance, or discharge graywater from any source other than clothes-washing machines are not authorized to discharge graywater under subsection (h) of this section.

SUBCHAPTER I: APPENDICES
§285.90, §285.91

§285.90. Figures.

The following figures are necessary for the proper location, planning, construction, and installation of an on-site sewage facility (OSSF).

(1) Figure 1. Maximum Application Rates for Surface Application of Treated Effluent in Texas.



Note: To obtain the application rate for any particular area, refer to the isopleth line to the left of the area.

(2) Figure 2. Model Affidavit to the Public.

THE COUNTY OF (insert county name)
STATE OF TEXAS

AFFIDAVIT

According to Texas Commission on Environmental Quality Rules for On-Site Sewage (OSSFs) Facilities, this document is filed in the Deed Records of (insert county name) County, Texas.

I

The Texas Health and Safety Code, Chapter 366 authorizes the Texas Commission on Environmental Quality (commission) to regulate on-site sewage facilities (OSSFs). Additionally, the Texas Water Code (TWC), §5.012 and §5.013, gives the commission primary responsibility for implementing the laws of the State of Texas relating to water and adopting rules necessary to carry out its powers and duties under the TWC. The commission, under the authority of the TWC and the Texas Health and Safety Code, requires owners to provide notice to the public that certain types of OSSFs are located on specific pieces of property. To achieve this notice, the commission requires a recorded affidavit. Additionally, the owner must provide proof of the recording to the OSSF permitting authority. This recorded affidavit is not a representation or warranty by the commission of the suitability of this OSSF, nor does it constitute any guarantee by the commission that the appropriate OSSF was installed.

II

An OSSF requiring a maintenance contract, according to 30 Texas Administrative Code §285.91(12) will be installed on the property described as (insert legal description):

The property is owned by (insert owner's full name)

This OSSF shall be covered by a continuous service policy for the first two years. After the initial two-year service policy, the owner of an aerobic treatment system for a single family residence shall either obtain a maintenance contract within 30 days or maintain the system personally.

Upon sale or transfer of the above-described property, the permit for the OSSF shall be transferred to the buyer or new owner. A copy of the planning materials for the OSSF may be obtained from (insert name of permitting authority).

WITNESS BY HAND(S) ON THIS ____ DAY OF _____, _____.

_____

_____
(Owner(s) signature(s))

SWORN TO AND SUBSCRIBED BEFORE ME ON THIS ____ DAY OF _____, _____.

Notary Public, State of Texas
Notary's Printed Name:
My Commission Expires:

Figure 3. Sample Testing and Reporting Record.

This testing and reporting record shall be completed, signed, and dated after each maintenance check and test. One copy shall be retained by the maintenance provider performing the maintenance. The second copy shall be sent to the local permitting authority and the third copy shall be sent to the system owner.

1. Required frequency of maintenance check and tests - (daily, weekly, monthly, quarterly, every 4 months).
Actual date of test: _____

2. System inspection:
Property Address: _____
Permit Number: _____
Person Performing Inspection: _____
_____
(Signature of Licensed Maintenance Provider)
Company Name (if applicable): _____
Company physical address: _____
_____
Company Telephone: _____

Inspected Item	Operational	Inoperative
Aerators		
Filters		
Irrigation Pumps		
Recirculation Pumps		
Sludge Condition		
Disinfection Device		
Chlorine Supply		
Electrical Circuits		
Distribution System		
Sprayfield Vegetation/Seeding (if applicable)		
Other As Noted		

3. Repairs to system (list all components replaced): _____
_____
_____

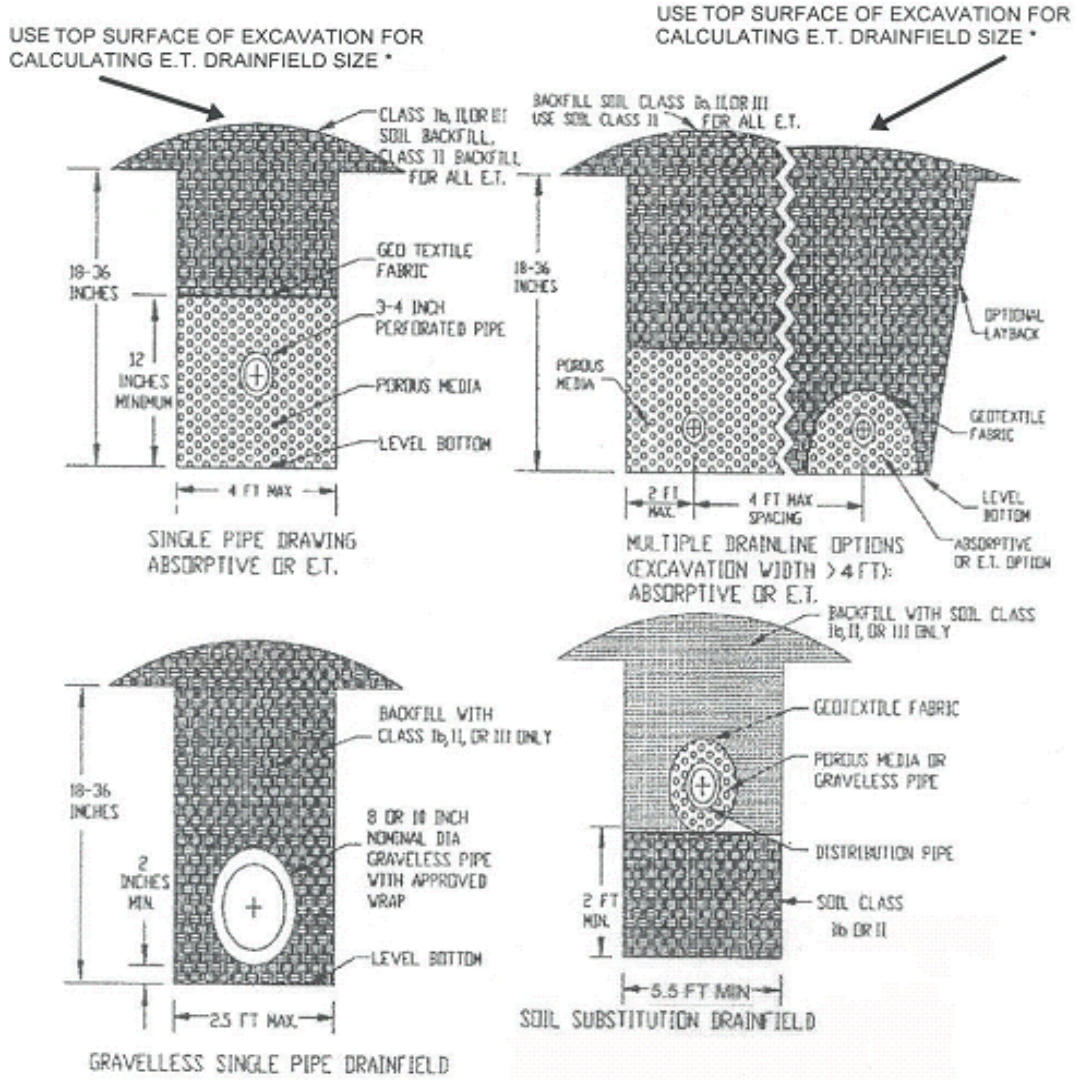
4. Tests required and results:

Test	Required (Yes/No)	Results mg/l, mpn/100 ml, or trace	Test Method
BOD (grab)			
TSS (grab)			
CL_2			
Fecal Coliform			

5. Date(s) responded to owner complaints during reporting period (attach copy of complaint and findings):
_____

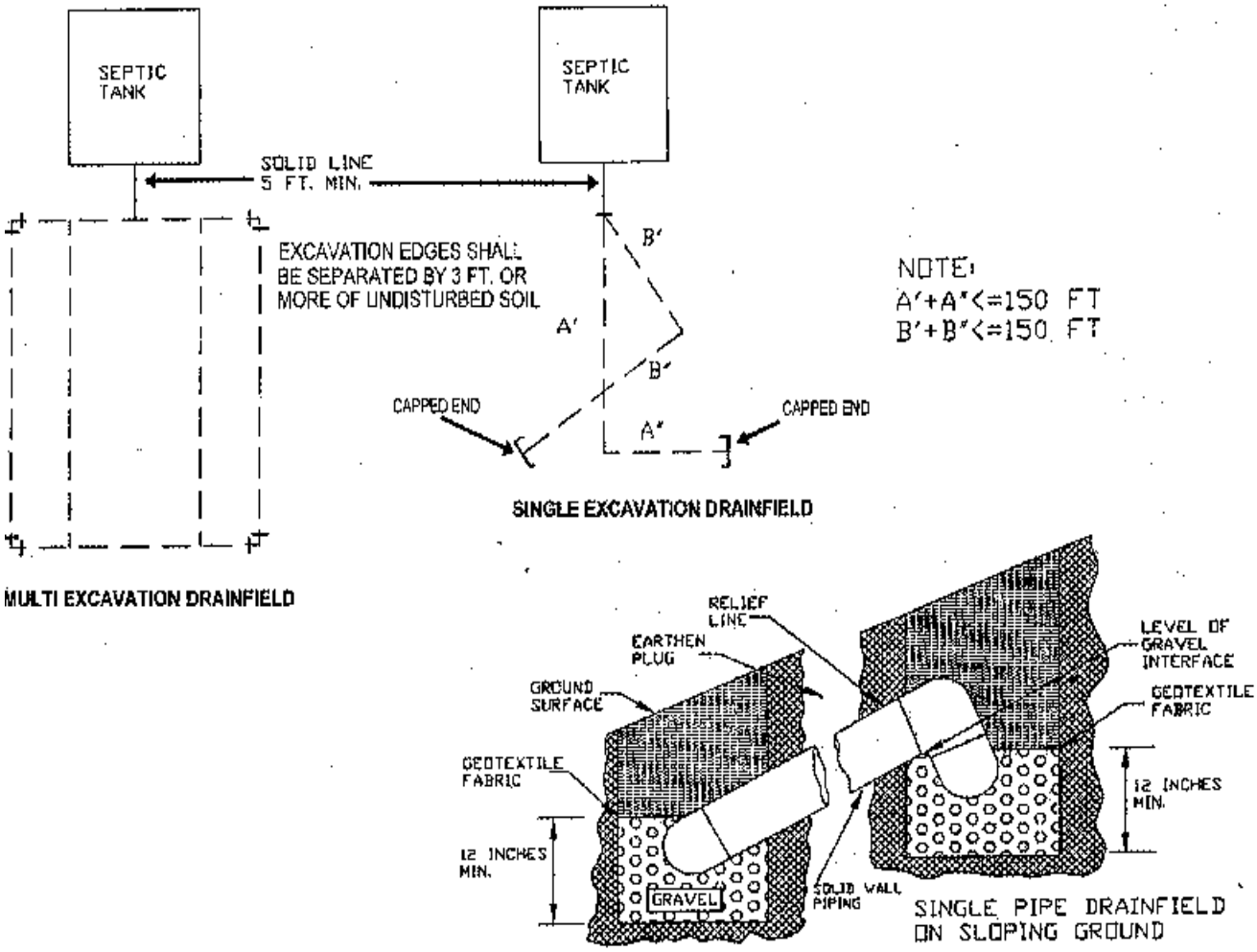
6. General comments or recommendations: _____
_____
_____

(4) Figure 4. Typical Drainfields - Sectional View.

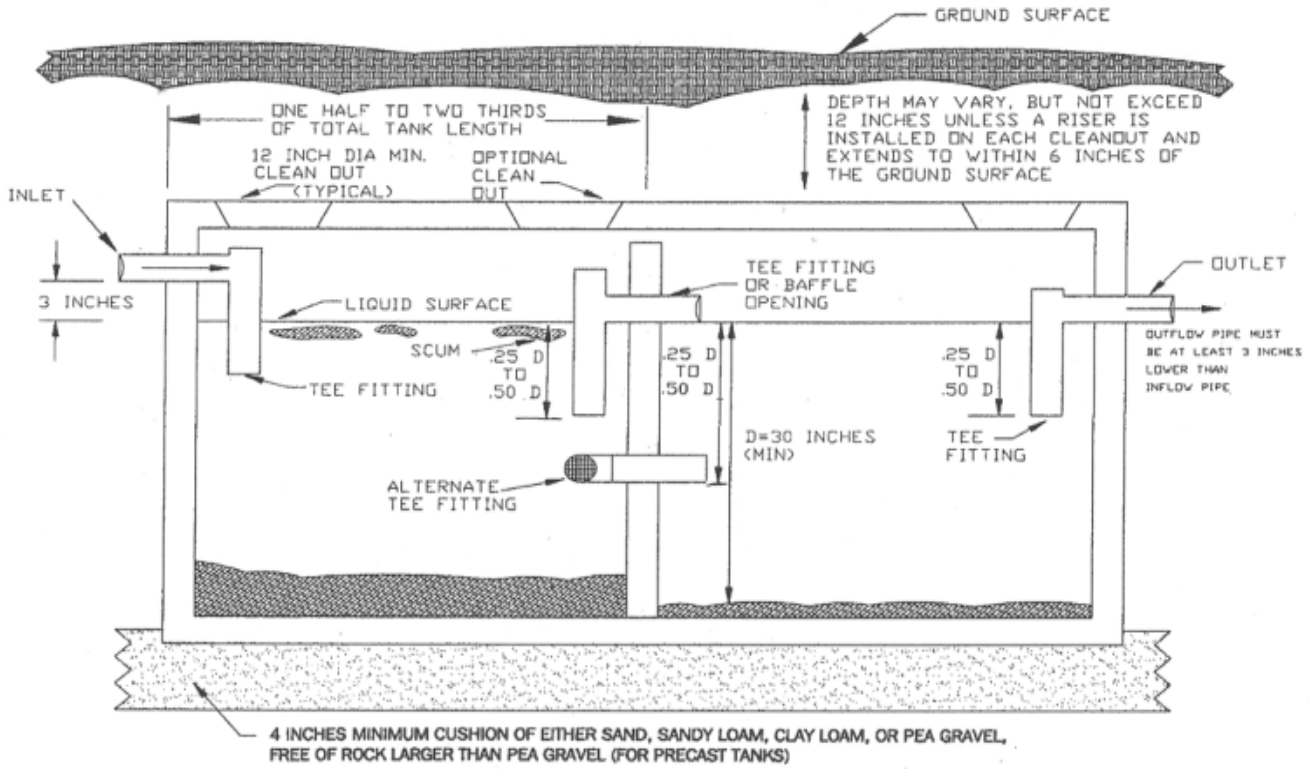


* Credit for top surface area shall be limited to 2 feet past outside drainline.

(5) Figure 5. Typical Drainfields.

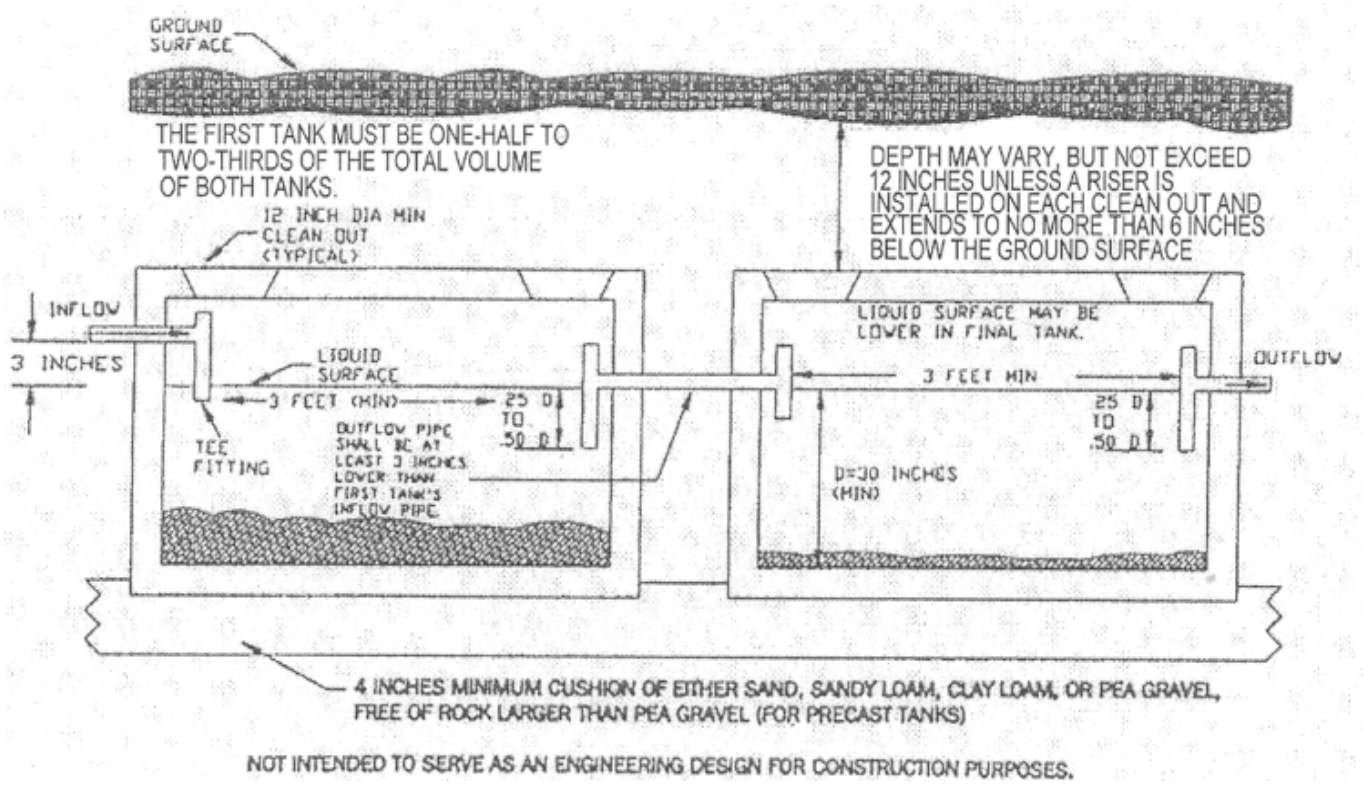


(6) Figure 6. Two Compartment Septic Tank.

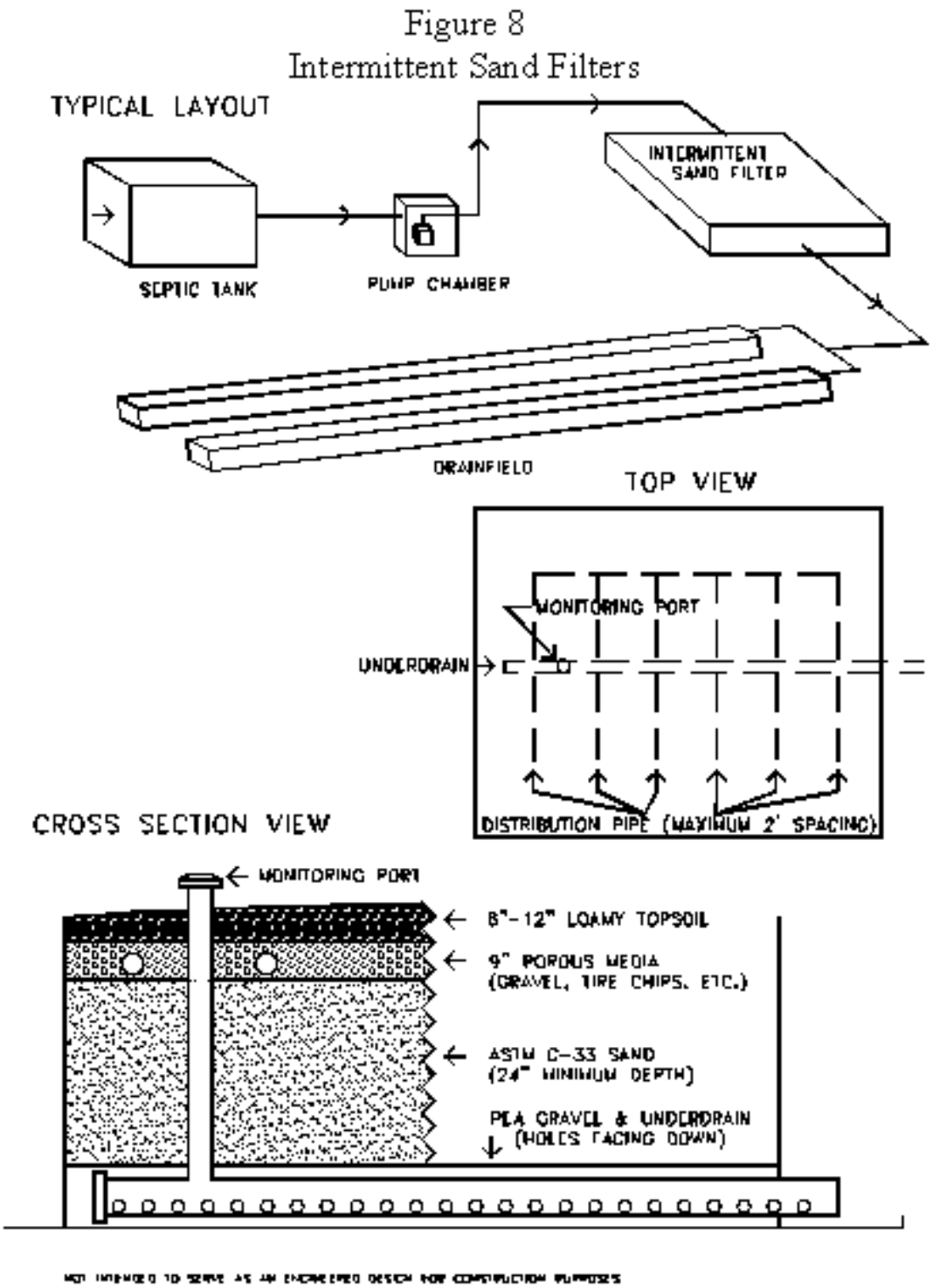


NOT INTENDED TO SERVE AS AN ENGINEERING DESIGN FOR CONSTRUCTION PURPOSES.

(7) Figure 7. Two Septic Tanks in Series.



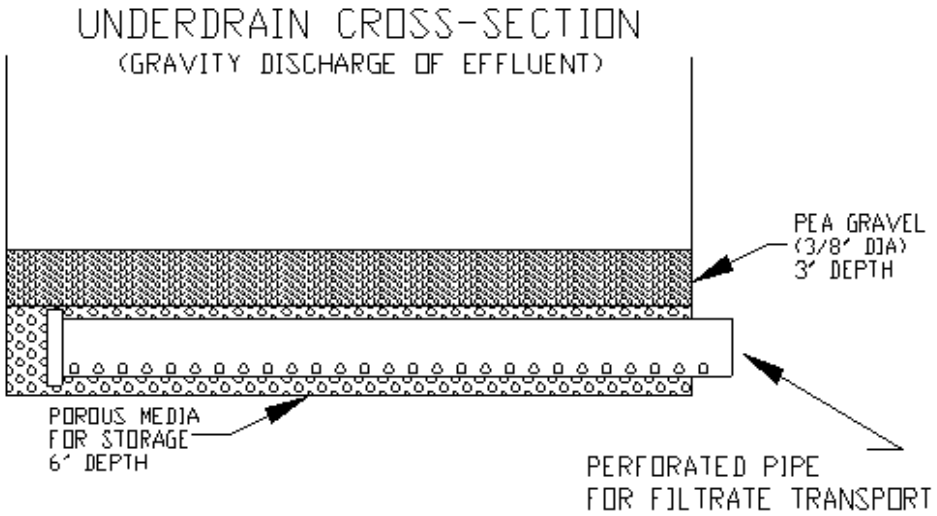
(8) Figure 8. Intermittent Sand Filters.

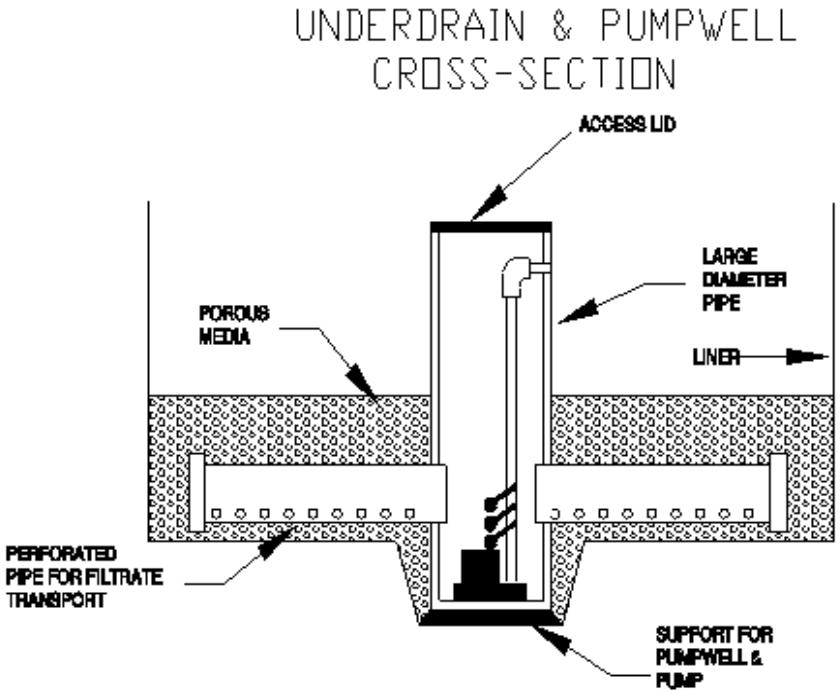


NOT INTENDED TO SERVE AS AN ENGINEERED DESIGN FOR CONSTRUCTION PURPOSES

(9) Figure 9. Intermittent Sand Filter Underdrain and Pumpwell.

Figure 9
Intermittent Sand Filter Underdrain & Pumpwell





NOT INTENDED TO SERVE AS AN ENGINEERED DESIGN FOR CONSTRUCTION PURPOSES.

§285.91. Tables.

The following tables are necessary for the proper location, planning, construction, and installation of an OSSF.

(1) Table I. Effluent Loading Requirements Based on Soil Classification.

TABLE I
EFFLUENT LOADING REQUIREMENTS BASED ON SOIL CLASSIFICATION

SOIL CLASS (Refer to Table VI)	LONG TERM APPLICATION (R_a) *GALLONS PER ABSORPTIVE AREA (SF) PER DAY
Ia	>0.50
Ib	0.38
II	0.25
III	0.20
IV	0.1

- The absorptive area consists of the bottom area of the excavation **PLUS** one foot of sidewall area around the full perimeter of the excavation.

The required absorptive area shall be calculated by the following formula:

ABSORPTIVE AREA = Q/R_a, Where Q is the wastewater usage rate in gallons per day (see Table III, Relating to Wastewater Usage Rate).

(2) Table II. Septic Tank and Aerobic Treatment Unit Sizing.

SEPTIC TANK MINIMUM LIQUID CAPACITY

A. Determine the applicable wastewater usage rate (Q) in TABLE III of 30 TAC Chapter 285.

B. Calculate the minimum septic tank volume (V) as follows:

1. For Q equal to or less than 250 gal/day: V = 750 gallons
2. For Q greater than or equal to 251 gal/day but less than or equal to 350 gal/day: V = 1000 gallons
3. For Q greater than or equal to 351 gal/day but less than or equal to 500 gal/day: V = 1250 gallons
4. For Q greater than or equal to 501 gal/day but less than or equal to 1000 gal/day: V = 2.5 Q
5. For Q greater than or equal to 1001 gal/day: V= 1,750 + 0.75Q

AEROBIC TREATMENT UNIT SIZING FOR RESIDENCES

Number of bedrooms/living area of home	Minimum Aerobic Tank Treatment Capacity (gallons per day)
Three bedrooms and < 2,501 sq. ft.	400
Four bedrooms and < 3,501 sq. ft. or Less than four bedrooms and 2,500 < sq. ft. < 3,501	480
Five bedrooms and < 4,501 sq. ft. or Less than five bedrooms and 3,500 < sq. ft. < 4,501	600
Six bedrooms and < 5,501 sq. ft. or Less than six bedrooms and 4,500 < sq. ft. < 5,501	720
Seven bedrooms and < 7,001 sq. ft. or Less than seven bedrooms and 5,500 < sq. ft. < 7,001	840
Eight bedrooms and < 8,501 sq. ft. or Less than eight bedrooms and 7,000 < sq. ft. < 8501	960
Nine bedrooms and < 10,001 sq. ft. or Less than nine bedrooms and 8,500 < sq. ft. < 10,001	1,080
Ten bedrooms and < 11,501 sq. ft. or Less than ten bedrooms and 10,000 < sq. ft. < 11,501	1,200
For each additional bedroom above ten or 1,500 additional square feet of living area above 11,500	120

(3) Table III. Wastewater Usage Rate.

This table shall be used for estimating the hydraulic loading rates only. Sizing formulas are based on residential strength BOD_5. Commercial/institutional facilities must pretreat their wastewater to 140 BOD_5 prior to disposal unless secondary treatment quality is required. For design purposes, restaurant wastewater will be assumed to have a BOD_5 of at least 1,200 mg/l after exiting the grease trap or grease interceptor. **Actual water usage data or other methods of calculating wastewater usage rates may be used by the system designer if it is accurate and acceptable to the Texas Commission on Environmental Quality or its authorized agents. If actual water use records are greater than the usage rates in this table, the system shall be designed for the higher flow.**

TYPE OF FACILITY	USAGE RATE GALLONS/DAY (Without Water Saving Devices)	USAGE RATE GALLONS /DAY (With Water Saving Devices)
Single family dwelling (one or two bedrooms) - less than 1,500 square feet.	225	180
Single family dwelling (three bedrooms) - less than 2,500 square feet.	300	240
Single family dwelling (four bedrooms) - less than 3,500 square feet.	375	300
Single family dwelling (five bedrooms) - less than 4,500 square feet.	450	360
Single family dwelling (six bedrooms) - less than 5,500 square feet.	525	420
Greater than 5,500 square feet, each additional 1,500 square feet or increment thereof.	75	60
Condominium or Townhouse (one or two bedrooms)	225	180
Condominium or Townhouse (each additional bedroom)	75	60
Mobile home (one or two bedrooms)	225	180
Mobile home (each additional bedroom)	75	60
Country Clubs (per member)	25	20
Apartment houses (per bedroom)	125	100
Boarding schools (per room capacity)	50	40
Day care centers (per child with kitchen)	25	20
Day care centers (per child without kitchen)	15	12
Factories (per person per shift)	15	12
Hospitals (per bed)	200	160
Hotels and motels (per bed)	75	60
Nursing homes (per bed)	100	80
Laundries (self service per machine)	250	200
Lounges (bar and tables per person)	10	8
Movie Theaters (per seat)	5	4
Office buildings (no food or showers per occupant)	5	4
Office buildings (with food service per occupant)	10	8
Parks (with bathhouse per person)	15	12
Parks (without bathhouse per person)	10	8
Restaurants – minimum effluent BOD_5 quality described above this table		
Restaurants (per seat)	35	28
Restaurants (fast food per seat)	15	12
Schools (with food service & gym per student)	25	20
Schools (without food service)	15	12
Service stations (per vehicle)	10	8
Stores (per washroom)	200	160
Swimming pool bathhouses (per person)	10	8
Travel trailer/RV parks (per space)	50	40
Vet clinics (per animal)	10	8
Construction sites (per worker)	50	40
Youth camps (per camper)	30	24

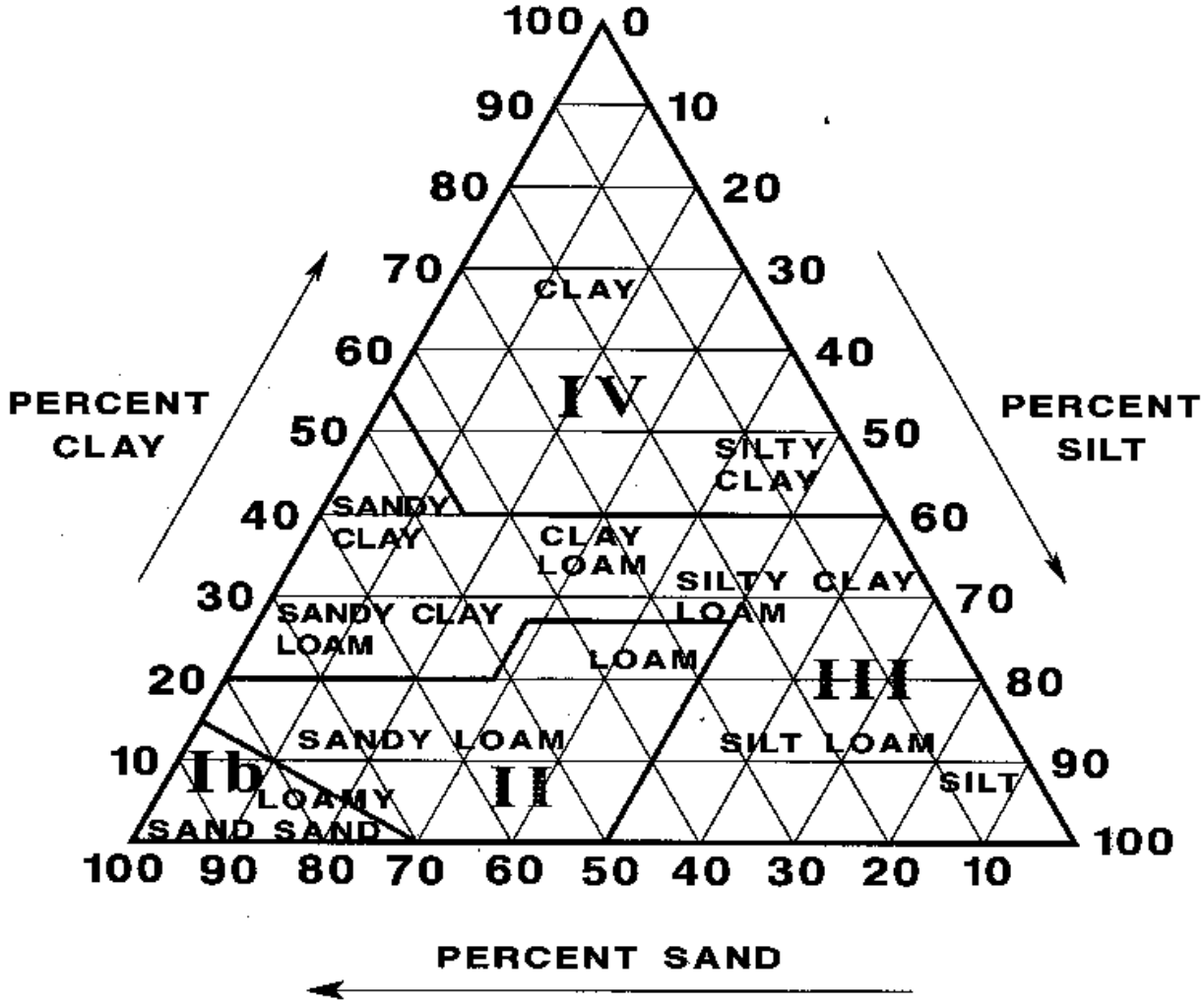
(4) Table IV. Required Testing and Reporting.

Type and Size of Treatment Unit	Testing Frequency	Required Tests	Minimum Acceptable Test Results
Any Treatment Method in Conjunction with Surface Application	At least once every four months	One BOD_5 and TSS Grab Sample Per Year (non-single family residences only) Total Chlorine Residual or Fecal Coliform at Each Required Test	BOD_5 and TSS Grab Samples Not To Exceed 65 mg/l 0.1 mg/l Residual in Pump Tank or Fecal Coliform Not To Exceed 200 MPN/100 ml (CFU/100 ml)
Any Secondary Treatment System	At least once every four months	None	None
Non Standard	Permit Specific	Permit Specific	Permit Specific

(5) Table V. Criteria for Standard Subsurface Absorption Systems.

FACTORS	SUITABLE (S)	UNSUITABLE (U)
Topography	Slopes 0-30%	Slopes greater than 30% Complex slopes
Subsoil Texture	Soil Class Ib, II, or III soils along the sidewall and two feet below the bottom of the excavation	Soil Class Ia soils along the sidewall or within two feet below the bottom of the excavation (Except for lined ET) Soil Class IV along the sidewall or within two feet below the bottom of the excavation (Except for pumped effluent and ET)
Restrictive Horizon	No restrictive horizon intersects the sidewall or is within 24 inches below the bottom of the proposed excavation.	A restrictive horizon intersects the sidewall or is within 24 inches below the bottom of the proposed excavation (Except as indicated in §285.33(b)(1)(A)(vi))
Gravel analysis	In Class II or III soils, only; Gravel portion less than 30% and gravel greater than 2.0 mm; or If greater than 30% gravel, 80% of the gravel portion must be less than 5.0 mm	All other Class II and III soils, which contain gravel in excess of what is described as suitable All other soils with greater than 30% gravel
Groundwater	No indication of seasonal groundwater anywhere within 24 inches of the bottom of the proposed excavation.	Indications of seasonal groundwater or drainage mottles anywhere within 24 inches of the bottom of the proposed excavation (Except for lined ET)
Flood Hazard	No flooding potential.	Areas located in the floodplain and regulatory floodway unless system designed according to §285.31(c)(2) Depressional areas without adequate drainage
Other		Fill material

(6) Table VI. USDA Soil Textural Classifications.



SOIL PARTICLE SIZE:

Clay - Smaller than 0.002 mm in diameter
Silt - 0.05 to 0.002 mm in diameter
Sand - 2.0 to 0.05 mm in diameter
Gravel - Greater than 2.0 mm in diameter
mm = millimeter

Note 1: Sand shall be free of organic matter and shall be composed of silica, quartz, mica, or any other stable mineral.

Note 2: Class Ia soils contain more than 30% gravel; therefore, they are not portrayed on the soil triangle.

(7) Table VII. Yearly Average Net Evaporation (Evaporation-Rainfall).

REPORTING STATION	NET EVAPORATION*, RET INCHES/DAY
Amarillo	0.21
Austin	0.14
Beaumont	0.04
Big Spring	0.24
Brownsville	0.15
Chilicothe	0.20
Canyon Lake	0.15
College Station	0.12
Corpus Christi	0.15
Daingerfield	0.08
Dallas	0.14
El Paso	0.26
Fort Stockton	0.25
Houston	0.07
Laredo	0.23
Lubbock	0.21
Nacogdoches	0.06
San Antonio	0.15
San Angelo	0.23
Temple	0.15
Throckmorton	0.19
Tyler	0.08

* The calculations for all values listed include a 20% run-off consideration

(8) Table VIII. OSSF Excavation Length (3 Feet in Width or Less).

	Excavation Length (Feet)								
	Soil Class Ib			Soil Class II			Soil Class III		
Daily Sewage Flow (Q)[2]	For 1.5 Foot Excavation Width[3]	For 2.0 Foot Excavation Width	For 3.0 Foot Excavation Width	For 1.5 Foot Excavation Width[3]	For 2.0 Foot Excavation Width	For 3.0 Foot Excavation Width	For 1.5 Foot Excavation Width[3]	For 2.0 Foot Excavation Width	For 3.0 Foot Excavation Width
100	75	66	53	114	100	80	143	125	100
125	94	82	66	143	125	100	179	156	125
150	113	99	79	171	150	120	214	188	150
180	135	118	95	206	180	144	257	225	180
200	150	132	105	229	200	160	286	250	200
225	169	148	118	257	225	180	321	281	225
240	180	158	126	274	240	192	343	300	240
275	207	181	145	314	275	220	393	344	275
300	226	197	158	343	300	240	429	375	300
325	244	214	171	371	325	260	464	406	325
360	271	237	189	411	360	288	514	450	360
375	282	247	197	429	375	300	536	469	375
400	301	263	211	457	400	320	571	500	400
420	316	276	221	480	420	336	600	525	420
450	338	296	237	514	450	360	643	563	450
475	357	313	250	543	475	380	679	594	475
500	376	329	263	571	500	400	714	625	500

1. To determine excavation lengths, greater than 3 feet in width or where the area and width are known, use the formulas provided in §285.33(b)(1)(A)(vii).
2. To determine excavation lengths (3 feet or less in width, but greater than or equal to 1.5 feet in width) for daily sewage flows (Q) not provided in this table, use the formula provided in §285.33(b)(1)(A) (vii)(III).
3. Minimum excavation width is 1.5 feet for all excavation lengths.

(9) Table IX. OSSF System Designation.

SYSTEM DESCRIPTION	SYSTEM TYPE	PLANNING MATERIAL TO BE PREPARED BY R.S. or P.E.[2]	INSTALLER REQUIREMENTS
Septic Tank & Absorptive Drainfield	Standard	No	Class I or II
Septic Tank & ET Drainfield (Unlined) Septic Tank & ET Drainfield (Lined)	Standard Standard	No No	Class I or II Class II
Septic Tank & Pumped Drainfield	Standard	No	Class I or II
Septic Tank & Leaching Chamber	Proprietary	No	Class I or II
Septic Tank & Gravelless Pipe	Proprietary	No	Class I or II
Septic Tank & Low Pressure Dosing	Non-standard	Yes	Class II
Septic Tank & Absorptive Mounds	Non-standard	Yes	Class II
Septic Tank & Soil Substitution	Non-standard	Yes	Class I or II
Septic Tank, Secondary Treatment, Filter & Surface Application	Non-standard	Yes	Class II
Aerobic Treatment & Standard Absorptive Drainfields	Proprietary	Yes	Class II
Aerobic Treatment & ET Drainfield	Proprietary	Yes	Class II
Aerobic Treatment & Leaching Chamber	Proprietary	Yes	Class II
Aerobic Treatment & Gravelless Pipe	Proprietary	Yes	Class II
Aerobic Treatment, Filter & Drip Emitter	Proprietary	Yes	Class II
Aerobic Treatment & Low Pressure Dosing	Proprietary	Yes	Class II
Aerobic Treatment & Absorptive Mounds	Proprietary	Yes	Class II

(9) Table IX. OSSF System Designation (Cont).

SYSTEM DESCRIPTION	SYSTEM TYPE	PLANNING MATERIAL TO BE PREPARED BY R.S. or P.E.[2]	INSTALLER REQUIREMENTS
Aerobic Treatment & Surface Application	Proprietary	Yes	Class II
Any Other Treatment System	---	Yes	Class II
Any Other Subsurface Disposal System	---	(1)	(1)
Any Other Surface Disposal System	---	Yes	Class II
Non-Standard Treatment when Secondary Treatment Required	Non-Standard	Engineer Only	Class II
Holding Tank	---	No	Class I or II

(1) Determined by the executive director based upon review required by §285.5(b)(2) of this Chapter (relating to submittal requirements for planning materials).
(2) The site evaluation is required to be performed by either a site evaluator or a professional engineer.

(10) Table X. Minimum Required Separation Distances for On-Site Sewage Facilities.

	TO					
FROM	Tanks	Soil Absorption Systems, & Unlined ET Beds	Lined Evapotranspiration Beds	Sewer Pipe With Watertight Joints	Surface Application (Edge of Spray Area)	Drip Irrigation
Public Water Wells[2]	50	150	150	50	150	150
Public Water Supply Lines[2]	10	10	10	10	10	10
Wells and Underground Cisterns	50	100	50	20	100	100
Private Water Line	10	10	5	10[5] except at connection to structure	No separation distances	10
Wells Completed in accordance with 16 TAC §76.1000(a)(1)	50	50	50	20	50	50
Streams, Ponds, Lakes, Rivers, Creeks (Measured From Normal Pool Elevation and Water Level); Salt Water Bodies (High Tide Only); Retention Ponds/Basin (Spillway elevation)	50	75 LPD with secondary treatment & disinfection - 50	50	20	50	25 when $R_a < 0.1$ 75 when $R_a > 0.1$ (With Secondary Treatment & Disinfection - 50)

(10) Table X. Minimum Required Separation Distances for On-Site Sewage Facilities (Cont).

	TO					
FROM	Tanks	Soil Absorption Systems, & Unlined ET Beds	Lined Evapotranspiration Beds	Sewer Pipe With Watertight Joints	Surface Application (Edge of Spray Area)	Drip Irrigation
Foundations, Buildings, Surface Improvements, Property Lines, Swimming Pools, and Other Structures	5	5	5	5 Pipe may run beneath driveways and sidewalks or up to surface improvements if sleeved in Schedule 40 pipe Pipe containing secondary effluent has no setbacks from building foundations	No Separation Distances Except: Property lines - 20[6] Swimming Pools - 25	No Separation Distances Except[4]: Property Lines - 5
Underground Easements	1	1	1	1	May spray to edge of easement, but not into. Sprinkler heads must be 1 feet from easement edge	1

(10) Table X. Minimum Required Separation Distances for On-Site Sewage Facilities (Cont).

	TO					
FROM	Tanks	Soil Absorption Systems, & Unlined ET Beds	Lined Evapotranspiration Beds	Sewer Pipe With Watertight Joints	Surface Application (Edge of Spray Area)	Drip Irrigation
Overhead Easements	1 No setbacks if permission is granted by easement holder	1 No setbacks if permission is granted by easement holder	1 No setbacks if permission is granted by easement holder	1 No setbacks if permission is granted by easement holder	1 No setbacks if permission is granted by easement holder	1 No setbacks if permission is granted by easement holder
Slopes Where Seeps may Occur, drainage easements and detention ponds	5	25	5	10	10	10 when $R_a < 0.1$ 25 when $R_a > 0.1$
Edwards Aquifer Recharge Features (See Chapter 213 of this title relating to Edwards Aquifer)[3]	50	150	50	50	150	100 when $R_a < 0.1$ 150 when $R_a > 0.1$

1. All distances measured in feet, unless otherwise indicated.
2. For additional information or revisions to these separation distances, see Chapter 290 of this title (relating to Public Drinking Water).
3. No OSSF may be installed closer than 75 feet from the banks of the Nueces, Dry Frio, Frio, or Sabinal Rivers downstream from the northern Uvalde County line to the recharge zone.
4. Drip irrigation lines may not be placed under foundations.
5. Private water line/wastewater line crossings should be treated as public water line crossings, see Chapter 290 of this title (relating to Public Drinking Water).
6. Separation distance may be reduced to 10 feet when sprinkler operation is controlled by commercial timer. See §285.33(d)(2)(G)(i).

(11) Table XI. Intermittent Sand Filter Media Specifications (ASTM C-33).

Particle Size Distribution		
Sieve	Particle Size	Percent Passing
3/8 inch	9.50 mm	100
No. 4	4.75 mm	95 to 100
No. 8	2.36 mm	80 to 100
No. 16	1.18 mm	50 to 85
No. 30	0.60 mm	25 to 60
No. 50	0.30 mm	10 to 30
No. 100	0.15 mm	2 to 10
No. 200	0.075 mm	3

1. The sand shall have not more than 45% passing any one sieve and retained on the next consecutive sieve listed in TABLE XI.
2. The limit for material that can pass the No. 200 sieve shall not be more than 3%.
3. The fineness modulus shall not be less than 2.3 nor more than 3.1, and is defined as a numeric quantity to control the distribution of filter media particle sizes within the specified range for intermittent sand filters. The fineness modulus is calculated by adding the cumulative percents of samples retained on the following screens, dividing the sum by 100.

U.S. Bureau of Standards

Sieve	**Particle Size**
3/8 inch	9 .50 mm
No. 4	4 .75 mm
No. 8	2 .36 mm
No. 16	1.18 mm
No. 30	0.60 mm
No. 50	0 .30 mm
No. 100	0.15 mm

(12) Table XII. OSSF Maintenance Contracts, Affidavit, and Testing/Reporting Requirements.

SYSTEM DESCRIPTION	Maintenance /Affidavit Required	Maintenance Activities Required	Testing and Reporting Requirements [2,4]
Septic Tank & Absorptive Drainfield	No	See §285.39	No
Septic Tank & ET Drainfield (Unlined) Septic Tank & ET Drainfield (Lined)	No (3) No (3)	See §285.39 See §285.39	No No
Septic Tank & Pumped Drainfield	No	See §285.39	No
Septic Tank & Leaching Chamber	No	See §285.39	No
Septic Tank & Gravelless Pipe	No	See §285.39	No
Septic Tank & Low Pressure Dosing	No	See §285.39	No
Septic Tank & Absorptive Mounds	No	See §285.39	No
Septic Tank & Soil Substitution	No	See §285.39	No
Septic Tank, Secondary Treatment, Filter & Surface Application	Yes	Entire OSSF	Test & Report
Secondary Treatment & Standard Absorptive Drainfields	Yes	Treatment System	Report
Secondary Treatment & ET Drainfield	Yes	Treatment System	Report
Secondary Treatment & Leaching Chamber	Yes	Treatment System	Report
Secondary Treatment & Gravelless Pipe	Yes	Treatment System	Report
Secondary Treatment, Filter & Drip Emitter	Yes	Entire OSSF	Report
Secondary Treatment & Low Pressure Dosing	Yes	Treatment System	Report
Secondary Treatment & Absorptive Mounds	Yes	Treatment System	Report
Secondary Treatment & Surface Application	Yes	Entire OSSF	Test and Report
Any Other Treatment System	(1)	(1)	(1)
Any Other Subsurface Disposal System	(1)	(1)	(1)
Any Other Surface Disposal System	Yes	(1)	(1)
Non-Standard Treatment and Surface Application	Yes	Entire OSSF	Test and Report (1)
Holding Tank	Yes	Pump tank as needed	Keep pump records

(1) Determined by the permitting authority based upon review required by §285.5(b) of this title (relating to Submittal Requirements for Planning Materials).
(2) Requirements for Planning Materials). Testing criteria and reporting frequency for those systems not covered under (1) shall be according to §285.91(4) of this title.
(3) Required if design Q is less than required by §285.91(3) of this title.
(4) Not required if the homeowner maintains the system.

(13) Table XIII. Disposal and Treatment Selection Criteria.

ON-SITE SEWAGE FACILITY[9] (OSSF)	SOIL TEXTURE OR FRACTURED ROCK[10] (MOST RESTRICTIVE CLASS ALONG MEDIA[1] or 2 FEET BELOW EXCAVATION)				MINIMUM DEPTH TO GROUNDWATER	MINIMUM DEPTH TO RESTRICTIVE HORIZON[1]
Disposal Method (section)	Class Ia	Class Ib, II[8] or III[8]	Class IV	Fractured Rock	MEASURED FROM BOTTOM OF MEDIA[7]	MEASURED FROM BOTTOM OF MEDIA[7]
Absorptive drainfield[2] (285.33(b)(1))Septic tank	U	S	U	U	2 feet	2 feet
Absorptive drainfield[2] Secondary treatment	S[5]	S	U	S[5]	2 feet	2 feet
Lined E-T[2] Septic tank	S	S	S	S	N/A	N/A
Lined E-T[2] Secondary treatment	S	S	S	S	N/A	N/A
Unlined E-T[2] Septic tank	U	S	S	U	2 feet	2 feet
Unlined E-T[2] Secondary treatment	S[5]	S	S	S[5]	2 feet	2 feet
Pumped Effluent Drainfield[3] Septic tank	U	S	S	U	2 feet	1 foot
Leaching chamber[2] Septic tank	U	S	U	U	2 feet	2 feet
Leaching chamber[2] Secondary treatment	S[5]	S	U	S[5]	2 feet	2 feet
Gravelless pipe[2] Septic tank	U	S	U	U	2 feet	2 feet
Gravelless pipe[2] Secondary treatment	S[5]	S	U	S[5]	2 feet	2 feet
Drip Irrigation Septic tank/ filter	U	S	S	U	2 feet	1 foot
Drip Irrigation Secondary treatment/ filter	S[5]	S	S	S[5]	1 foot	6 inches
Low Pressure Dosing Septic tank	U	S	S	U	2 feet	1 foot
Low Pressure Dosing Secondary treatment	S[5]	S	S	S[5]	2 feet	1 foot
Mound [4] Septic tank	S	S	S	S	2 feet	1.5 feet
Mound[4] Secondary treatment	S	S	S	S	2 feet	1.5 feet
Surface application Secondary treatment	S[6]	S[6]	S[6]	S[6]	N/A	N/A
Surface application Non-standard treatment	S[6]	S[6]	S[6]	S[6]	N/A	N/A
Soil Substitution[2] Septic tank	S	S	U	S	2 feet	2 feet
Soil Substitution[2] Secondary Treatment	S	S	U	S	2 feet	2 feet

S = Suitable U = Unsuitable

(1) An absorptive drainfield may be used, if a rock horizon is at least 6 inches above the bottom of the excavation, see §285.33(b)(1).
(2) If the slope in the drainfield area is greater than 30% or is complex, the area is unsuitable for the disposal method.
(3) Can only be installed in an area where the slope is less than or equal to 2.0%.
(4) Can only be installed in an area where the slope is less than 10%.
(5) Requires disinfection before disposal. A form of pressure distribution shall be used for effluent disposal in fractured or fissured rock.
(6) Requires vegetation cover and disinfection.
(7) When no media exists, measure from the bottom of the excavation or pipe, whichever is less.
(8) May require gravel analysis for further suitability analysis (see §285.30(b)(1)(B)).
(9) If OSSF is located within a Flood Hazard, see §285.31(c)(2) for special planning requirements.
(10) Includes fissured rock. **All OSSFs require surface drainage controls if slope is less than 2%.**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

OCCUPATIONAL LICENSES AND REGISTRATIONS

TITLE 30 TAC

CHAPTER 30

SUBCHAPTER A: ADMINISTRATION OF OCCUPATIONAL LICENSES AND REGISTRATIONS

Effective June 26, 2008

SUBCHAPTER G: ON-SITE SEWAGE FACILITIES INSTALLERS, APPRENTICES, DESIGNATED REPRESENTATIVES, MAINTENANCE PROVIDERS, MAINTENANCE TECHNICIANS, AND SITE EVALUATORS

Effective September 11, 2008

INDEX

CHAPTER 30
OCCUPATIONAL LICENSES AND REGISTRATIONS

SUBCHAPTER A: ADMINISTRATION OF OCCUPATIONAL LICENSES AND REGISTRATIONS

§30.1. Authority……..…….....1
§30.3. Purpose and Applicability..…….....1
§30.5. General Provisions 2
§30.7. Definitions..…….....2
§30.10. Administration …….....3
§30.14. Applications for Initial Registration …….....4
§30.18. Applications for an Initial License …….....4
§30.20. Examinations …….....5
§30.24. License and Registration Applications for Renewal.…….....6
§30.26. Recognition of Licenses from Out-of-State …….....7
§30.28. Approval of Training….…….....8
§30.30. Terms and Fees for Licenses and Registrations …….....8
§30.33. License or Registration Denial, Warning, Suspension, or Revocation…….....9
§30.35. Hearings …….....11

SUBCHAPTER G: ON-SITE SEWAGE FACILITIES INSTALLERS, APPRENTICES, DESIGNATED REPRESENTATIVES, MAINTENANCE PROVIDERS, MAINTENANCE TECHNICIANS, AND SITE EVALUATORS

§30.231. Purpose and Applicability …….....12
§30.237. Definitions...…….....13
§30.240. Qualifications for Initial License …….....13
§30.242. Qualifications for License Renewal.…….....15
§30.244. Exemptions …….....16
§30.245. Registration of Apprentices ……..….....16
§30.246. Application for Site Evaluator …….....18
§30.247. Registration of Maintenance Providers …….....18

SUBCHAPTER A: ADMINISTRATION OF OCCUPATIONAL LICENSES AND REGISTRATIONS
§§30.1, 30.3, 30.5, 30.7, 30.10, 30.14, 30.18, 30.20, 30.24, 30.26, 30.28, 30.30, 30.33, 30.35
Effective June 26, 2008

§30.1. Authority.

The provisions in this chapter are issued under the authority of Texas Water Code, Chapter 37.

Adopted November 20, 2001 Effective December 17, 2001

§30.3. Purpose and Applicability.

(a) The purpose of this chapter is to consolidate the administrative requirements and establish uniform procedures for the occupational licensing and registration programs prescribed by Texas Water Code, Chapter 37. This subchapter contains general procedures for issuing, renewing, denying, suspending, and revoking occupational licenses and registrations. Subchapters B - L of this chapter (relating to Backflow Prevention Assembly Testers; Customer Service Inspectors; Landscape Irrigators, Installer, Irrigation Technicians and Irrigation Inspectors; Leaking Petroleum Storage Tank Corrective Action Project Managers and Specialists; Municipal Solid Waste Facility Supervisors; On-Site Sewage Facilities Installers, Apprentices, Designated Representatives, Maintenance Providers, and Site Evaluators; Water Treatment Specialists; Underground Storage Tank On-Site Supervisor Licensing and Contractor Registration; Wastewater Operators and Operations Companies; Public Water System Operators and Operations Companies; and Visible Emissions Evaluator Training Providers) contain the program-specific requirements related to each program.

(b) The requirements of this chapter apply to the following occupational licenses and registrations:

(1) backflow prevention assembly testers;

(2) customer service inspectors;

(3) landscape irrigators, installers, irrigation technicians and irrigation inspectors;

(4) leaking petroleum storage tank corrective action specialists and project managers;

(5) municipal solid waste facility supervisors;

(6) on-site sewage facility installers, designated representatives, apprentices, maintenance providers, and site evaluators;

(7) water treatment specialists;

(8) underground storage tank contractors and on-site supervisors;

(9) wastewater operators and operations companies;

(10) public water system operators and operations companies; and

(11) visible emissions evaluators training providers.

(c) Effective January 1, 2010, the installer license will no longer be valid and will be replaced by an irrigation technician license. No new or renewal installer license applications will be accepted after June 1, 2009. Existing installer licenses or those renewed after the effective date of these rules, but prior to June 1, 2009 will remain valid until December 31, 2009 or their expiration date, whichever occurs first.

Adopted June 4, 2008 Effective June 26, 2008

§30.5. General Provisions.

(a) A person must be licensed or registered by the commission before engaging in an activity, occupation, or profession described by Texas Water Code, §§26.0301, 26.3573, 26.452, 26.456, 34.007, or 37.003, or Texas Health and Safety Code, §§341.033, 341.034, 341.102, 341.103, 361.027, 366.014, 366.071, or 366.0515. The commission shall issue a license or registration only after an applicant has met the minimum requirements for a license or registration as specified in this chapter.

(b) A person may not advertise or represent themselves to the public as a holder of a license or registration unless that person possesses a current license or registration. A person may not advertise or represent to the public that it can perform services for which a license or registration is required unless it holds a current license or registration, or unless it employs individuals who hold current licenses.

(c) The executive director may contract with persons to provide services required by this chapter. The commission may authorize contractors to collect reasonable fees for the services provided.

(d) Licenses and registrations are not transferrable.

(e) New licenses shall not be issued to employees of the commission who have regulatory authority over the rules of this chapter.

Adopted February 8, 2006 Effective March 1, 2006

§30.7. Definitions.

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

(1) **Approved training event**--Instructor-led classroom training, conferences, seminars, workshops, association meetings, distance learning, or technology-based training that provides the knowledge and skills needed to perform occupational job tasks that have been reviewed and approved by the executive director.

(2) **Aerobic treatment system owner**--Persons that in their individual capacities own a single-family dwelling that is serviced by an on-site sewage disposal system using aerobic treatment.

(3) **Continuing education**--Job-related training approved by the executive director used for renewal of licenses and registrations.

(4) **License**--An occupational license issued by the commission to a person authorizing the person to engage in an activity covered by this chapter.

(5) **Maintenance provider--**A person that, for compensation provides service or maintenance for one or more on-site sewage disposal systems using aerobic treatment.

(6) **Person**--As defined in §3.2 of this title (relating to Definitions).

(7) **Registration**--An occupational registration issued by the commission to a person authorizing the person to engage in an activity covered by this chapter.

(8) **Training credit**--Hours of credit allowed by the executive director for attendance at an approved training event.

Adopted February 8, 2006 Effective March 1, 2006

§30.10. Administration.

The executive director is responsible for:

(1) reviewing applications;

(2) developing, administering, and grading examinations;

(3) issuing and renewing licenses and registrations;

(4) maintaining records related to licenses and registrations;

(5) maintaining a roster of current licenses and registrations;

(6) collecting fees;

(7) approving training for licensing credits; and

(8) responding to complaints against licensees and registrants.

Adopted November 20, 2001 Effective December 17, 2001

§30.14. Applications for Initial Registration.

(a) Applications for initial registrations shall be made on a standard form approved by the executive director. The application must be submitted to the executive director with the appropriate fee.

(b) Supplemental information for each individual program shall be submitted according to the specific requirements for each program.

(c) Within 45 days after the date the executive director receives the application, the executive director shall notify the applicant in writing if all the registration requirements have been met.

(d) All statements and qualifications provided by the applicant are subject to verification by the executive director.

(e) Misrepresentation or falsification of any information may be grounds for rejection of an application or for enforcement action.

(f) All applications must be completed in full. All deficiencies must be corrected within two months of notification, or the application shall be considered invalid.

(g) After verification that the requirements for registration have been met, the executive director shall mail the registration no later than 45 days after the effective date of the registration. The registration shall be for the term specified in §30.30 of this title (relating to Terms and Fees for Licenses and Registrations). The effective date of the registration shall be the date the executive director issues the registration.

Adopted November 20, 2001 Effective December 17, 2001

§30.18. Applications for an Initial License.

(a) Applications for initial licenses shall be made on a standard form provided by the executive director. The application must be submitted to the executive director with the fee according to §30.30 of this title (relating to Terms and Fees for Licenses and Registrations). The application must be submitted to the executive director before the applicant may take the examination.

(b) Supplemental information for each individual program shall be submitted according to the specific requirements for each program.

(c) Within 45 days after the date the executive director receives the application, the executive director shall notify the applicant in writing if the licensing requirements have been met.

(d) An approved application shall be valid for one year from the date of approval.

(e) All statements and qualifications provided by each applicant are subject to verification by the executive director.

(f) Misrepresentation or falsification of any information may be grounds for rejection of an application or for enforcement action.

(g) All applications must be completed in full. All deficiencies must be corrected within four months of notification, or the application shall be considered invalid.

(h) An applicant must furnish evidence of any training credit, proof of education, or work experience when requested.

(i) After verification that the requirements for license have been met, the executive director shall mail the license no later than 45 days after the effective date of the license. The license shall be for the term specified in §30.30 of this title. The effective date of the license shall be the date the executive director issues the license.

Adopted November 20, 2001 Effective December 17, 2001

§30.20. Examinations.

(a) The executive director shall prescribe the content of licensing examinations. Examinations shall be based on laws, rules, job duties, and standards relating to the particular license.

(b) Examinations shall be graded and the results forwarded to the applicant no later than 45 days after the examination date. The minimum passing score for an examination is 70%.

(c) Any individual who fails an examination may repeat the examination after waiting 60 days. The examination may not be repeated more than three times within 12 months of the initial application approval. After one year or four examinations, whichever occurs first, a new application with a new fee must be submitted before the applicant may take the examination again.

(d) Any qualified applicant with a physical, mental, or developmental disability may request reasonable accommodations to take an examination.

(e) Examinations shall be given at places and times approved by the executive director.

(f) The executive director shall provide an analysis of an examination when requested in writing by the applicant. The executive director shall ensure that an examination analysis does not compromise the fair and impartial administration of future examinations.

Adopted November 20, 2001 Effective December 17, 2001

§30.24. License and Registration Applications for Renewal.

(a) A license or registration may be renewed unless it has been:

(1) expired for more than 30 days;

(2) revoked; or

(3) replaced by a higher class of license.

(b) Applications for renewal must be made on a standard form provided by the executive director.

(1) The executive director shall mail a renewal application at least 60 days before the license or registration expires to the most recent address provided to the executive director. If a person does not receive a renewal application, the person is not relieved of the responsibility to timely submit a renewal application.

(2) The person is responsible for ensuring that the completed renewal application, the renewal fee, and other required information are submitted to the executive director by the expiration date of the license or registration.

(c) The continuing education used to renew a license must be earned after the issuance date and before the expiration date of the license. Any remaining continuing education hours shall not be carried over to the next renewal period.

(d) The executive director may renew a license or registration if the application is received by the executive director or is postmarked within 30 days after the license expires, and the person meets the requirements for renewal by the expiration date of the license or registration and pays all fees.

(e) An individual whose license renewal application is not received by the executive director or is not postmarked within 30 days after the license expiration date must meet the current education, training, and experience requirements, submit a new application with the appropriate fee, and pass the examination. A person whose registration renewal application is not received by the executive director or is not postmarked within 30 days after the expiration date must submit a new application with the appropriate fee and meet all applicable requirements for a new registration.

(f) The executive director may require specific training courses for renewal of a license on a case-by-case basis.

(g) All licensees must notify the executive director of any change in the previously submitted application information within ten days from the date the change occurs.

(h) All registration holders must notify the executive director of any change in the previously submitted application information within ten days after the month in which the change occurs.

(i) Licenses and registrations that have renewal cycles in transition shall follow the renewal requirements in the applicable subchapter.

(j) The executive director shall determine whether an applicant meets the renewal requirements of this subchapter. If all requirements have been met, the executive director shall renew the license or registration and send it to the applicant within 45 days after the date the executive director receives the renewal application.

(k) The license or registration shall be valid for the term specified.

(l) If the application is denied because the applicant does not meet the requirements, the executive director shall notify the applicant in writing within 45 days after the date the executive director receives the renewal application.
(m) A person whose license or registration has expired may not engage in activities that require a license or registration until the license or registration is renewed or a new license or registration has been obtained.

Adopted November 20, 2001 Effective December 17, 2001

§30.26. Recognition of Licenses from Out-of-State.

(a) Except for landscape irrigators and installers, the executive director may waive qualifications, training, or examination for individuals with a good compliance history who hold a current license from another state, territory, or country if that state, territory, or country has requirements equivalent to those in this chapter.

(b) A license may be issued after review and approval of the application, receipt of the appropriate fee, and verification of the license from the corresponding state, territory, or country.

(c) The executive director may waive any of the prerequisites for obtaining a landscape irrigator or installer license, if the applicant is licensed as an irrigator in another jurisdiction that has a reciprocity agreement with the State of Texas.

(d) The executive director may require the applicant to provide information about other occupational licenses and registrations held by the person, including:

(1) the state in which the other license or registration was issued;

(2) the current status of the other license or registration; and

(3) whether the other license or registration was ever denied, suspended, revoked, surrendered, or withdrawn.

Adopted November 20, 2001 Effective December 17, 2001

§30.28. Approval of Training.

(a) Training used to meet the requirements for obtaining or renewing a license must:

(1) provide the knowledge or skills needed to perform one or more of the occupation's job tasks as determined by a job analysis or training needs assessment; and

(2) be approved by the executive director before the training begins.

(b) The executive director shall determine the number of hours of credit that shall be granted for approved training.

(c) Training credit may be approved by the executive director for:

(1) attendance at training courses, events, and seminars;

(2) completion of computer or web-based training, correspondence course, or similar training;

(3) association meetings, only when the meetings include training sessions containing subject matter related to the particular license; or

(4) other professional activities, such as publication of articles or teaching training courses.

(d) The executive director may rescind or deny training approval for good cause.

Adopted November 20, 2001 Effective December 17, 2001

§30.30. Terms and Fees for Licenses and Registrations.

(a) All licenses and registrations are valid for two years from the date of issuance, with the exception of the following licenses, which will be valid for three years:

(1) backflow prevention assembly testers;

(2) customer service inspectors;

(3) Class A, B, C, III, and II wastewater operators;

(4) Class A, B, and C public water system operators;

(5) Class III, II, and I water treatment specialists; or

(6) municipal solid waste facility supervisors.

(b) The following licenses and registrations shall be transitioned from a one-year cycle to a two-year cycle:

(1) landscape irrigator and installer, according to Subchapter D of this chapter (relating to Landscape Irrigators and Installers); and

(2) underground storage tank on-site supervisor and contractor, according to Subchapter I of this chapter (relating to Underground Storage Tank Contractors and On-Site Supervisor Licensing and Contractor Registration).

(c) The license fee is $70 for a two-year license and $105 for a three-year license. The license fee for wastewater operators, public water system operators, and customer service inspectors shall be based on $20 per year of the licensing term until January 1, 2003. The total amount shall be paid with each initial and renewal application and is nonrefundable.

(d) Registration fees are established in the applicable subchapters of this chapter.

(e) A fee of $20 shall be charged for each copy of the license or registration, or to replace a lost or damaged license or registration.

(f) A convenience fee may be set by the executive director or service provider for alternative fee payment methods. A person using an alternative payment method is responsible for paying the convenience fee.

(g) An examination or reexamination fee may be charged if the executive director designates an entity to administer the examinations.

Adopted November 20, 2001 Effective December 17, 2001

§30.33. License or Registration Denial, Warning, Suspension, or Revocation.

(a) The executive director may deny an initial or renewal application for:

(1) insufficiency. The executive director shall notify the applicant of the executive director's intent to deny the application and advise the applicant of the opportunity to file a motion for reconsideration under §50.39 of this title (relating to Motion for Reconsideration). The executive director may determine an application is insufficient for the following reasons:

(A) failing to meet the licensing or registration requirements of this chapter;

(B) being in default on loans guaranteed by Texas Guaranteed Student Loan Corporation (TGSLC) (the executive director shall proceed as described in Texas Education Code, Chapter 57) if identified by TGSLC and the application is for a renewal license or registration; or

(C) if an out-of-state licensing program does not have requirements substantially equivalent to those of this chapter;

(2) cause. After notice and opportunity for a hearing, the commission may deny an application for a license or registration by an applicant who:

(A) provides fraudulent information or falsifies the application;

(B) has a poor compliance history as a licensee in another state; or

(C) has a history in this or another agency program of violations of statutes or rules adopted under those statutes;

(D) makes an intentional misstatement or misrepresentation of fact in information required to be maintained or submitted to the commission by the applicant;

(E) fails to keep and transmit records as required by a statute within the commission's jurisdiction or a rule adopted under such a statute; or

(F) is indebted to the state for a fee, penalty, or tax imposed by a statute within the commission's jurisdiction or a rule adopted under such a statute.

(b) If a person causes, contributes to, or allows a violation of this chapter, the executive director may issue a warning letter. The letter shall be placed in the person's permanent file maintained by the executive director. This letter shall be a warning that further violations or offenses by the person may be grounds for suspension, revocation, enforcement action, or some combination . A warning is not a prerequisite for initiation of suspension, revocation, or enforcement proceedings.

(c) After notice and opportunity for a hearing, the commission may suspend or revoke a license or registration on any of the grounds in Texas Water Code, §7.303(b), or suspend or revoke a maintenance provider registration on any of the grounds in Texas Health and Safety Code, §366.0515(m). A license may also be suspended if a person is identified by the Office of the Attorney General as being delinquent on child support payments (upon receipt of a final order suspending a license or registration, the executive director shall proceed as described in Texas Family Code, Chapter 232).

(d) A license or registration may be suspended for a period of up to one year, depending upon the seriousness of the violations. A license or registration shall be revoked automatically upon a second suspension.

(e) The commission may revoke a license or registration for a designated term or permanently. If a license or registration is revoked a second time, the revocation shall be permanent.

(f) The following procedures for renewal apply to persons that have had their license or registration suspended.

(1) If a license or registration expiration date falls within the suspension period, a person may renew the license or registration during the suspension period according to §30.24 of this title (relating to License and Registration Applications for Renewal) and the applicable subchapters.

(2) After the suspension period has ended, the license or registration shall be automatically reinstated unless the person failed to renew the license or registration during the suspension period.

(g) Persons that have had their license or registration revoked shall not have their license or registration automatically reinstated after the revocation period. After the revocation period has ended, a person may apply for a new license or registration according to this chapter.

Adopted February 8, 2006 Effective March 1, 2006

§30.35. Hearings.

All hearings are to be conducted according to Chapters 70 and 80 of this title (relating to Enforcement and Contested Case Hearings).

Adopted November 20, 2001 Effective December 17, 2001

SUBCHAPTER G: ON-SITE SEWAGE FACILITIES INSTALLERS, APPRENTICES, DESIGNATED REPRESENTATIVES, MAINTENANCE PROVIDERS, MAINTENANCE TECHNICIANS, AND SITE EVALUATORS
§§30.231, 30.247, 30.240, 30.242, 30.244, 30.245, 30.246, 30.247
Effective September 11, 2008

§30.231. Purpose and Applicability.

(a) The purpose of this subchapter is to establish qualifications for issuing and renewing licenses and registrations for a person that:

(1) constructs any part of an on-site sewage facility;

(2) performs the duties of a designated representative;

(3) performs the duties of a site evaluator;

(4) performs the duties of an apprentice;

(5) performs the duties of a licensed maintenance provider; or

(6) performs the duties of a maintenance technician.

(b) A person that performs any of the tasks listed in subsection (a) of this section must meet the qualifications of this subchapter and be licensed or registered according to Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations), unless exempt under §30.244 of this title (relating to Exemptions), and must comply with the requirements of Chapter 285 of this title (relating to On-Site Sewage Facilities).

(c) A person that holds a current maintenance provider registration that performs maintenance to on-site sewage disposal systems using aerobic treatment shall be allowed to continue to perform maintenance provider duties until August 31, 2009. Effective September 1, 2009, those individuals shall either hold a:

(1) maintenance provider license; or

(2) maintenance technician registration.

(d) Effective September 1, 2009, all current maintenance provider registrations will be converted to maintenance technician registrations.

(e) Individuals renewing their maintenance provider registration after April 30, 2009 will be issued a maintenance technician registration or may apply for a maintenance provider license, provided they meet the qualifications for the initial license of a maintenance provider.

(f) No applications for maintenance provider registrations will be accepted after April 30, 2009.

Adopted August 20, 2008 Effective September 11, 2008

§30.237. Definitions.

The definitions in Chapter 285 of this title (relating to On-Site Sewage Facilities) apply to this subchapter.

Adopted August 20, 2003 Effective September 11, 2003

§30.240. Qualifications for Initial License.

(a) To obtain an Installer I license, an individual must have:

(1) met the requirements of Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations);

(2) completed the Installer I basic training course; and

(3) passed the Installer I examination.

(b) To obtain an Installer II license, an individual must have:

(1) met the requirements of Subchapter A of this chapter;

(2) met one of the following requirements:

(A) held an Installer I license for at least one year;

(B) held an apprentice registration for at least two years; or

(C) previously possessed an Installer II license;

(3) completed the Installer II basic training course;

(4) passed the Installer II examination; and

(5) met the experience requirements. Applicants for an Installer II license must submit statements attesting to the applicant's work experience. Such statements shall include a description of the type of on-site sewage facility (OSSF) work that was performed by the applicant and the physical addresses where the activity occurred. The experience shall be actual work accomplished under the

license or registration. The number of systems will not substitute for the time required. Experience requirements are:

(A) to document experience as an Installer I, the applicant shall submit either:

(i) sworn statements from at least three individuals for whom the applicant performed construction services, statements cannot be provided by individuals related by blood or marriage to the applicant or applicant's spouse;

(ii) a sworn statement from a designated representative who has approved a minimum of three installations performed by the applicant; or

(iii) other documentation of the applicant's work experience, approved by the executive director;

(B) to document experience as an apprentice, the applicant shall submit either:

(i) a sworn statement from the installer for whom the applicant performed construction services;

(ii) a sworn statement from a designated representative who witnessed the applicant working on at least six OSSF installations; or

(iii) other documentation of the applicant's work experience, approved by the executive director.

(c) To obtain a designated representative license, an individual must have:

(1) met the requirements of Subchapter A of this chapter;

(2) completed the designated representative basic training course; and

(3) passed the designated representative examination.

(d) To obtain a site evaluator license, an individual must have:

(1) met the requirements of Subchapter A of this chapter; and

(2) met the following requirements:

(A) complete the site evaluator basic training course;

(B) pass the site evaluator examination; and

(C) possess a current Installer II license, designated representative license, professional engineer license, professional sanitarian license, certified professional soil scientist, or professional geoscientist license in the soil science discipline (an individual who maintains a current

license through the Texas Board of Professional Geoscientists according to the requirements for professional practice).

(e) Effective September 1, 2009, a maintenance provider must be licensed with the executive director. To obtain a maintenance provider license, a person must:

(1) meet the requirements of Subchapter A of this chapter;

(2) submit a completed application and a $111 fee to the executive director on a form approved by the executive director. Applicants with a current maintenance provider registration will be given a pro rata reduction in the $111 fee toward the maintenance provider license for the unexpired term of their registration;

(3) submit verification that the applicant holds a current Installer II, Class C (or higher) Wastewater license or acceptable documentation of three years experience as a maintenance technician. Registered maintenance provider experience obtained prior to the effective date of these rules may be applied towards the three years of experience as a maintenance technician; and

(4) successfully complete agency-approved courses in basic maintenance and advanced aerobic wastewater treatment related to residential proprietary aerobic treatment units. Advanced aerobic wastewater treatment courses must have been approved after September 1, 2008 ;

(5) pass the maintenance provider licensing examination;

(6) any additional information required by the executive director; and

(7) Exemption. Maintenance provider license applicants who obtained a maintenance provider registration prior to the effective date of these rules, hold a current maintenance provider registration, and meet all of the other provisions of this chapter for licensing as a maintenance provider on the effective date of these rules are exempt from the requirements for completion of the agency-approved advanced aerobic wastewater treatment course and the maintenance provider licensing examination.

Adopted August 20, 2008 Effective September 11, 2008

§30.242. Qualifications for License Renewal.

(a) To renew an Installer I, Installer II, designated representative, maintenance provider, or site evaluator license, an individual must have:

(1) met the requirements in Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations); and

(2) completed a minimum of 24 hours of approved training credits.

(b) In addition to the requirements in subsection (a) of this section, an individual renewing a license for site evaluator shall demonstrate possession of a current license specified in §30.240(d)(2)(C)

of this title (relating to Qualifications for Initial License) except for individuals who were granted a site evaluator license on the basis of holding either an Installer II or designated representative license.

(c) For the renewal of a maintenance provider license, the individual is not required to hold a current Installer II or Wastewater C license, but must meet all the requirements in subsection (a) of this section.

Adopted August 20, 2008 Effective September 11, 2008

§30.244. Exemptions.

(a) The individual owner of a single family dwelling is not required to be a licensed installer in order to install or repair an on-site sewage facility (OSSF) on the owner's property. This provision does not apply to developers or to those that develop property for sale or lease. If the owner compensates a person to construct any portion of an OSSF, the individual performing the work must be a licensed installer. The owner must meet all permitting, construction, and maintenance requirements of the permitting authority. The owner must have the site evaluation performed by an individual who possesses either a current site evaluator or a professional engineer license.

(b) A licensed electrician who installs the electrical components, or a person who delivers a treatment or pump tank and sets the tank or tanks into an excavation, is not required to have an installer license.

(c) A professional engineer may perform site evaluations without obtaining a site evaluator license.

Adopted August 20, 2003 Effective September 11, 2003

§30.245. Registration of Apprentices and Maintenance Technicians.

(a) Apprentice. An individual who enters into an apprenticeship under the supervision of a licensed on-site sewage facility (OSSF) installer shall be registered with the executive director.

(1) Application. An application for registration shall be made on a standard form provided by the executive director. The completed application and a $111 fee must be submitted to the executive director.

(2) Notification. After verifying that the requirements for registration have been met, the executive director shall mail the registration certificate no later than 45 days after the effective date of the registration. An individual's application may be denied according to §30.33 of this title (relating to License or Registration Denial, Warning, Suspension, or Revocation).

(3) Expiration. The apprentice registration will expire three years after the issuance date of the registration.

(4) An apprentice's registration may not be renewed if:

(A) the registration has been expired for more than 30 days;

(B) the registration has been revoked; or

(C) the apprentice has obtained an installer license.

(5) An apprentice whose registration renewal application is not received by the executive director or is not postmarked within 30 days after the registration expiration date of the current registration, must submit a new application with the appropriate fee. The apprentice will be assigned a new registration number and date, but will not lose any experience gained under the previous registration.

(b) Maintenance technician. An individual who maintains OSSFs for compensation and is not a licensed maintenance provider shall be registered with the executive director as a maintenance technician. A maintenance technician shall have successfully completed an agency -approved course in basic maintenance provider training.

(1) Application. An application for registration shall be made on a standard form provided by the executive director. The completed application and a $111 fee must be submitted to the executive director.

(2) Notification. After verifying that the requirements for registration have been met, the executive director shall mail the registration certificate no later than 45 days after the effective date of the registration. An individual's application may be denied according to §30.33 of this title.

(3) Expiration or termination. The maintenance technician's registration will expire three years after the issuance date of the registration.

(4) A maintenance technician's registration may not be renewed if:

(A) the registration has been expired for more than 30 days;

(B) the registration has been revoked; or

(C) the registration has been replaced by a higher class of license.

(5) A maintenance technician whose registration renewal application is not received by the executive director or is not postmarked within 30 days after the registration expiration date of the current registration, must submit a new application with the appropriate fee. The maintenance technician will be assigned a new registration number and date, but will not lose any experience gained under the previous registration.

§30.246. Application for Site Evaluator.

(a) An individual who previously held a site evaluator license, or has previously taken the site evaluator basic training course and passed the site evaluator examination, but did not hold a site evaluator license, shall submit an application, application fee, and documentation of a current license specified in §30.240(d)(2)(C) of this title (relating to Qualifications for Initial License) before September 1, 2003. After that date the individual must submit a new application with the appropriate fee and pass the examination.

(b) An individual who begins the process to become eligible for a site evaluator license after September 1, 2003, shall meet the requirements of §30.240(d)(2) of this title.

(c) A professional engineer may perform site evaluations without obtaining a site evaluator license. However, a professional engineer may obtain a site evaluator license by complying with the requirements in this subchapter.

Adopted August 20, 2003 Effective September 11, 2003

§30.247. Registration of Maintenance Providers.

The following provisions shall be effective only through April 30, 2009. No new maintenance provider registration applications will be accepted after April 30, 2009.

(1) A maintenance provider must be registered with the executive director.

(2) To register as required by Subchapter A of this chapter (relating to Administration of Occupational Licenses and Registrations), a person must:

(A) meet the requirements of Subchapter A of this chapter and successfully complete an agency-approved course in basic maintenance provider training;

(B) submit a completed application and a $111 fee to the executive director on a form approved by the executive director; and,

(C) any additional information required by the executive director.

(3) To renew a maintenance-provider registration, a maintenance provider must:

(A) meet the requirements in Subchapter A of this chapter; and

(B) submit a completed renewal application and a $111 fee to the executive director on a form approved by the executive director.

Adopted August 20, 2008 Effective September 11, 2008