

JUSTIFICATION AND COMMENTS FOR MORE STRINGENT RULES
CONTAINED IN THE PROPOSED
ORDER ADOPTING RULES OF WILLIAMSON COUNTY, TEXAS
FOR ON-SITE SEWAGE FACILITIES

Williamson County, Texas proposes to adopt an Order Adopting Rules of Williamson County, Texas for On-Site Sewage Facilities (OSSF). The proposed order meets the current requirements of the Texas Commission on Environmental Quality (TCEQ) and adopts more stringent Rules in Section 10. Amendments. The justification for the provisions of Section 10 of the proposed order are explained in the comments below. The more stringent Rules contained in this proposed order are the same more stringent Rules that were approved by TCEQ and adopted by the Williamson County and Cities Health District (WCCHD) in 2008 and 2015. The one substantive difference from the WCCHD orders is that this proposed order includes an alarm, instead of a system shutdown requirement, for aeration malfunction or lack of disinfection for surface application systems.

SECTION 10. AMENDMENTS.

The County of Williamson, Texas wishing to adopt more stringent Rules for its OSSF Order understands that the more stringent local Rule shall take precedence over the corresponding TCEQ requirement. Listed below are the more stringent Rules adopted by Williamson County, Texas (the “County”):

(A) DEFINITIONS

1. Bedroom – A living area which has privacy by a door and has a built-in closet.
2. Kitchen – An area used for food preparation which has any of the following: a range, a full size refrigerator or a dishwasher.
3. Living unit – A structure is considered a living unit in which any of the following exists: the structure has more than one bedroom, or has a kitchen, or is larger than 1,000 square feet, or has a laundry facility, or has separate electrical or water meter. Structures used for storage, animal sheltering or vehicles are not considered a secondary living structure for the purpose of these rules.

(B) RULE CONTROLLING SEWAGE DISCHARGES

After September 27, 1999, each new or altered single family dwelling, multi-family dwelling, business, commercial, or industrial structure, regardless of the size or acreage of the tract of land on which the dwelling or structure is located, must be connected to an approved On-Site Sewage Facility (“OSSF”) or be connected to an authorized wastewater disposal system. Tracts of land that are ten acres or larger are not exempted and must comply with these Rules.

COMMENT: This more stringent requirement allowed by Chapter 366 of the Health and Safety Code will require all OSSF installed within the County's jurisdiction to be permitted regardless of the size of the tract of land on which it is placed. This requirement will assure that all OSSF are installed according to these and State regulations.

(C) LICENSING OF ON-SITE SEWAGE FACILITIES

No person, except the person owning or having the right of possession and use of the parcel of land upon which a proposed OSSF is to be located, may apply for an OSSF permit to construct unless written authorization from such person is provided to the County.

1. The license application shall automatically expire if the OSSF is not completed within one year from the date of application. An application may be extended for up to one additional year from the "authorization to construct" date with a written request before the expiration date and payment of the appropriate fee.
2. The County shall inspect the installation of the OSSF facility as deemed necessary for verification of compliance with these and State Rules.
3. Unless otherwise excepted upon issuance, the license shall be valid and continue in force until the license is canceled or revised and the license shall be transferable if the property is sold.

COMMENT: This rule will clarify OSSF licensing procedures in Williamson County, Texas. This rule is intended to be consistent with State licensing procedures.

(D) REQUIREMENTS FOR NEWLY PLATTED OR UNPLATTED LOTS UTILIZING ON-SITE SEWAGE FACILITIES

After September 27, 1999, it shall be a violation for any person to create lots that will use, wholly or in part, On-Site Sewage Facilities without compliance in full with the requirements of the following:

1. Planning material must identify the source of the potable water for each lot and whether the potable water distribution system has been approved by TCEQ. Lots in which a private well is to be used must identify the proposed location of such well and show an area of one hundred (100) foot radius around the well in which no OSSF disposal unit may be located. A 150' radius is required for public water wells. This area shall be designated as a private well sanitary easement

COMMENT: This more stringent requirement affords greater public health protection by requiring identification of well location to determine that enough area is available for the OSSF.

2. All tracts and lots in subdivisions utilizing an OSSF for wastewater disposal shall comply with the minimum size requirements of this subsection. In no case shall the minimum required lot size be smaller than that specified by the provisions of 30 TAC Section 285.
 - a. For properties where each lot maintains an individual water supply or is otherwise not served by a public water supply, each lot shall contain at least two (2) acres in surface area. This requirement includes single and multi-family residential lots, non-residential lots, and manufactured housing community lots. Each living unit of a multi-family residence, including duplexes, shall be considered a single-family residence for the purpose of determining lot size. Non-residential lots may require additional acreage depending on specific uses. The required minimum acreage for manufactured housing communities shall equal the number of houses in the tract times the minimum lot size for each house.

COMMENT: More restrictive rules are required due to the classification of soils in Williamson County as “severe.” Modern homes have become larger and, consequently, have increased wastewater generation potential, which frequently requires increased lot sizing. Because of well separation distance requirements, as well as various other separation distance requirements, additional lot size is required.

- b. For properties receiving potable water from a public water supply and an individual water supply is not present, each lot shall contain at least one (1) acre in surface area. This requirement includes single and multi-family residential lots, non-residential lots, and manufactured housing community lots. Each living unit of a multi-family residence, including duplexes, shall be considered a single-family residence for the purpose of determining lot size. Non-residential lots may require additional acreage depending on specific uses. The required minimum acreage for manufactured housing communities shall equal the number of houses in the tract times the minimum lot size for each house.

COMMENT: More restrictive rules are required due to the classification of soils in Williamson County as “severe.” Modern homes have become larger and, consequently, have increased wastewater generation potential, which frequently requires increased lot sizing. Because of well separation distance requirements, as well as various other separation distance requirements, additional lot size is required.

- c. In calculating minimum lot sizes for compliance with these Rules, recognizable bed and banks of wet weather creeks, bodies of water and dedicated public road easements shall be excluded from the overall square footage of the lot and the remaining square footage of the lot shall be the sole basis for determining minimum lot size.

COMMENT: More restrictive rules are required due to the classification of soils in Williamson County as severe. It is critical that enough area be provided for the installation of the OSSF and for a reserve area for future repair of the system. Over time many lots will have storage buildings, swimming pools, playscapes, gardens, etc., placed on the lots, thereby limiting the reserve space available for OSSF expansion, repair or replacement.

(E) SPECIAL RESTRICTIONS AND CONDITIONS

1. Lot Size: No OSSF may be licensed to serve a lot or tract created after September 27, 1999, if it fails to meet the minimum size requirements set out in Section 10(D)2 of these Rules. Facilities may be permitted, installed and licensed to operate on lots smaller than the minimum only if it met the lot sizing requirements in place at the time of the lot's creation, and it is demonstrated by a thorough investigation that an On-Site Sewage Facility can be operated without causing a threat of harm to an existing or proposed water supply system or to the public health, without the threat of pollution or nuisance conditions, and without violating any prescribed setback.

COMMENT: This section allows grandfathering of lots existing prior to the creation of these rules.

2. Field monitoring: For monitoring purposes in gravity flow systems, a threaded capped riser with cleanout equal to the size of the outlet pipe shall be provided on the outlet of the tank between the tank and the drainfield(s). Additional capped pipes shall be provided in the drainfield(s) to allow for easy monitoring of liquid depths.

COMMENT: This more stringent requirement provides for greater protection of public health by providing better monitoring of the effluent level in drainfield(s) and to better diagnose any problems with the OSSF.

3. Pump Tank: In order to provide reserve capacity in the pump tank in the event of a pump failure, pump tanks shall be sized for one-day flow reserve above the alarm-on level.

COMMENT: This more stringent requirement provides for additional time for the replacement of a failed pump. This will reduce the chance of untreated sewage to surface.

4. Electronic Monitoring: Surface irrigation systems, systems that use special treatment technologies for high strength waste and other systems that are required to meet secondary treatment shall have the option of utilizing electronic monitoring. Systems equipped with electronic monitoring systems that will notify the maintenance company of systems or components failure and will monitor the amount of disinfection will not be required to undergo routine inspections by the maintenance company more often than every 6 months. Systems not currently equipped with electronic monitoring systems shall be required to submit maintenance inspection reports at least once every 4 months.

COMMENT: This provision explains the electronic monitoring option applicable to certain systems. The option provides for a reduction in routine inspections to every six months for those homeowners that choose to utilize electronic monitoring. The requirements mirror 30 TAC §285.7(e).

5. Secondary Treatment Requirements: In addition to 30 TAC Chapter 285 requirements, surface irrigation systems and any other systems that are required to meet secondary quality effluent standards must comply with the requirements of these Rules.
 - a. All surface application systems shall be required to have a secure audible and visible alarm for aeration malfunction or lack of disinfection.

COMMENT: Adds an alarm requirement for aeration malfunction or lack of disinfection for surface application systems. This more stringent requirement is intended to reduce the occurrence of discharges of untreated wastewater directly into the environment and reduce human exposure from contact with the untreated sprayed wastewater.

- b. Surface irrigation shall be limited to spray application only.

COMMENT: Spray irrigation better distributes surface discharges.

- c. Irrigation shall not spray closer than twenty (20) feet to any property line. Irrigation shall not spray closer than ten (10) feet to any part of a residence or occupied place of business.

COMMENT: The required 20-foot setback from property lines should reduce effluent droplet dispersion across property lines. The required 10-foot setback from residences and occupied commercial structures will reduce the potential human exposure from contact with treated effluent. With no setback, any wind may cause overspray onto occupied structures.

- d. Spray irrigation shall be conducted during nighttime hours (after midnight and before 5:00 AM), preferably just before sunrise.

COMMENT: Nighttime operation will reduce the possibility of people coming in contact with sprayed effluent. Sunlight will also aid in the destruction of pathogens. The nighttime application (spray irrigation) hours of midnight to 5:00 AM are consistent with 30 TAC §285.33(d)(2)(G)(i).

- e. Surface application systems shall not be equipped with an automatic override below the alarm on level.

COMMENT: Adds a requirement that does not allow a pump timer override float for surface application systems unless it is above the high water alarm float only. This restriction will reduce the potential of daytime surface application if the tank becomes full during the daytime. Daytime application is in violation of Subsection 10.E.5d.

- 6. Maintenance Requirements: In order to provide greater public health and safety protection, the maintenance for all aerobic treatment units shall be performed by a TCEQ registered maintenance company unless:
 - a. The homeowner is a TCEQ registered maintenance provider for his/her aerobic treatment unit; or
 - b. The homeowner was trained by an installer or manufacturer according to the requirements of an Act of May 29, 2005, 79th Leg., R.S., Ch. 1129 (H.B. 2510), Sec. 1, formerly codified at Texas Health and Safety Code §366.0515(h), repealed by an Act of May 25, 2007, 80th Leg., R.S., Ch. 892 (H.B. 2482), Sec. 3; or
 - c. The homeowner/property owner takes a wastewater D licensing course and passes the examination; or

- d. On or after September 1, 2007, the homeowner/property owner receives specific on-site maintenance training for their aerobic treatment unit from either their installer or the manufacturer of the unit, or has successfully completed the basic maintenance provider course conducted by a TCEQ approved training provider.
- e. Homeowners so qualified and choosing to perform their own inspections must submit a County provided “contract form” to the County indicating that they will conduct the required maintenance and provide periodic inspection reports.
- f. Homeowners failing to submit a completed “contract form”, or required testing and timely reporting results, or falsifying the required documents, will be required to contract with a registered maintenance provider.

COMMENT: Due to the potential public health risks, these systems must be properly maintained by knowledgeable persons at all times including homeowners who choose to maintain their own systems.

- 7. The required maintenance inspection and test report, conducted by the above prescribed qualified homeowner/property owner or the TCEQ registered maintenance company, which must be submitted to the permitting authority shall:
 - a. Meet all inspection requirements as set by the order of the County and the TCEQ Rules, as well as, the inspection requirements outlined by the manufacturer for the brand being inspected; and
 - b. Address all inspection and testing requirements as set by the order of the County and the TCEQ Rules, as well as, the testing requirements as set out by the manufacturer for the brand being inspected, and
 - c. Report of the sludge levels in the pump tank and the condition of the spray area to be included on each required testing report specified by the Rules.

COMMENT: Due to the potential public health risks, these systems must be properly maintained and its inspections must be properly documented with the County.

8. Permit Revocation: In the event that a system is creating a health nuisance or if system violations such as aeration malfunction or disinfection less than required are not repaired within ten (10) days, its license to operate will be cancelled. The system will not be re-licensed until the nuisance is abated or the system is brought back in compliance, a maintenance report is submitted indicating no violations, and the OSSF renewal fee is paid to the County.

COMMENT: Provides for revoking a permit for creating a public health nuisance or failing to repair system violations for aeration malfunction or disinfection failure within ten (10) days. Allows for enforcement activities to focus on issues most directly impacting public health. This provision facilitates regulating the use of OSSFs that are creating a public health nuisance. The re-licensing requirement will help ensure the County's ability to abate public health nuisances.

9. License Transfer: A License Transfer Application shall be submitted to the County within thirty (30) days of transfer of the ownership of an OSSF that is required to meet secondary treatment and shall include the required transfer fee. A current maintenance inspection report and a copy of the current maintenance contract or, if qualified pursuant to Subsection 10.E.6 above, a homeowner's contract must accompany the License Transfer Application.

COMMENT: This more-stringent requirement is needed in order to verify that maintenance contracts are up to date and valid. It is imperative that compliance is established at the time of transfer of ownership to better protect public health and the environment.

10. License expiration: The license to operate OSSF systems required to meet secondary treatment shall be valid for two (2) years. At the end of two (2) years, if the system is receiving the required inspections, is properly operating and a valid maintenance contract or a homeowner's contract pursuant to Subsection 10.E.6 above is in effect, the license may be renewed upon payment of the renewal fee in accordance with a fee schedule adopted by the Commissioners Court.

COMMENT: In order to verify that maintenance contracts are being kept up to date and that the system is operating properly, the County will periodically verify compliance. Non-compliance with maintenance requirements would pose a greater risk to public health and the environment.