

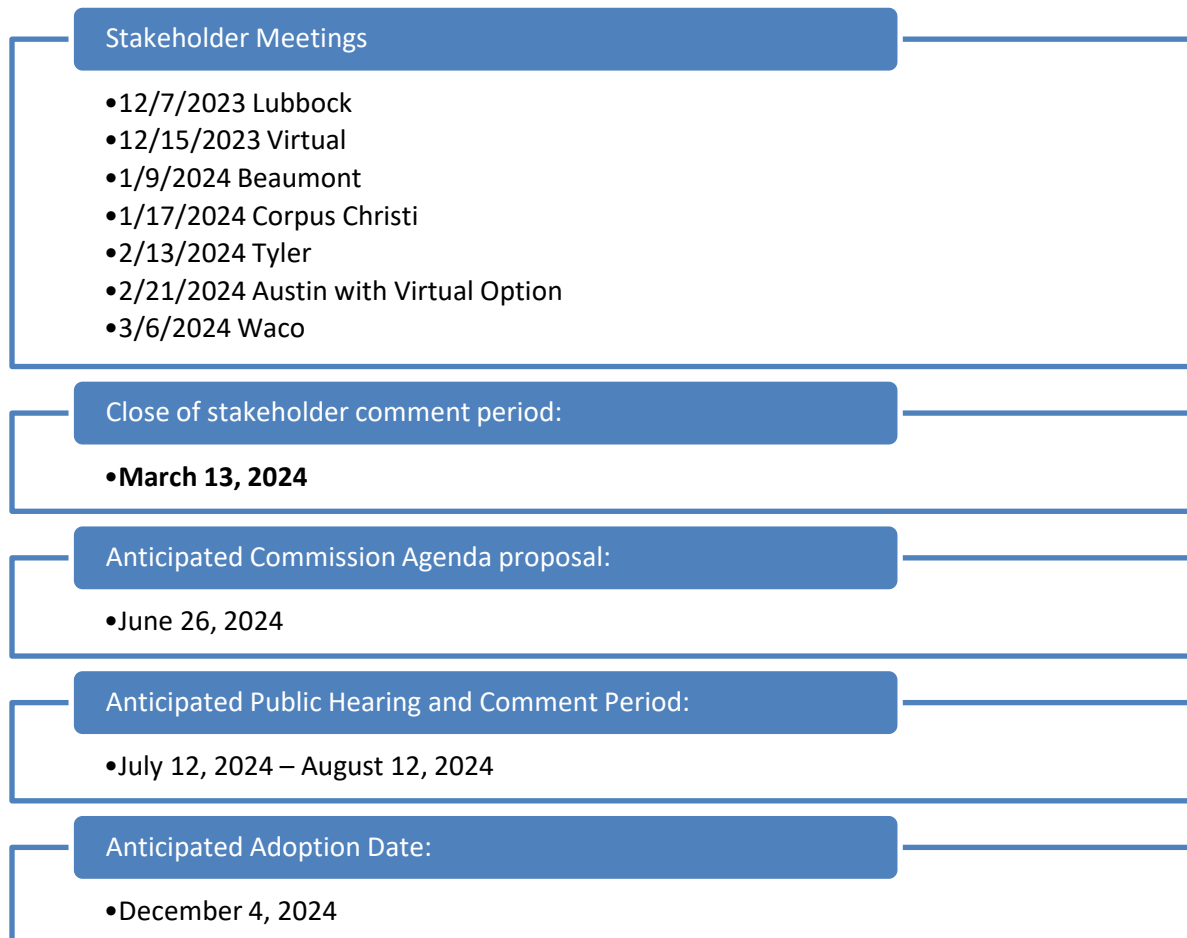
The project goals are to

- improve clarity and consistency of Chapter 285,
- modernize requirements to reflect the current practices and capabilities of the OSSF industry, and
- implement House Bill 4087 (88th Legislature, Regular Session, 2023).

Seven stakeholder meetings are scheduled to identify specific rule changes that will allow for enhanced clarity and more effective regulation of OSSFs throughout Texas.

Ideas from all stakeholders will be considered.

The tentative project timeline is:



The stakeholder meetings will consist of a presentation by TCEQ regarding the status of the rulemaking project and the changes that are being considered. The stakeholders will have the opportunity to provide oral comments during the meeting. Some question/answer time will be allotted after oral comments are heard.

Stakeholders are encouraged to submit written comments electronically through the TCEQ Public Comments tceq.comment.at <https://tceq.commentinput.com/>

Stakeholders may also submit written comments via the US Postal Service to Gwen Ricco,
Texas Register Team
TCEQ - Office of Legal Services

P.O. Box 13087 - MC205
Austin TX 18177-3087

Stakeholders may also submit written comments via Fax: 512-239-4808.

Please use only one method for submitting comments.

Tips to most effectively provide comments:

- Identify who you are and why the regulation affects you;
- Explain why you agree or disagree with the proposed rulemaking;
- Be direct in your comment; and
- Offer alternatives, compromise solutions, and specific language for your suggested changes.

Potential Proposed Changes

Changes to all subchapters are being considered. The following list includes many of the changes we are considering.

Subchapter A: General Provisions (Sections 285.1-285.8)

Update the applicability of the rule to match the THSC,

Update and add new definitions,

Include conditions of an OSSF permit,

Introduce performance-based permits for non-residential permits as an option for permitting authorities,

Require physical address be provided in general application requirements

Allow for approval of OSSF systems on multiple non-residential properties with affidavit indicating that the properties cannot be sold separately

Update OSSF affidavit and maintenance contract requirements,

Clarify that permits are not automatically approved if an Authorization to Construct is not issued within 30 days,

Allow third party inspections (properly licensed individuals) on newly installed or repaired OSSFs,

Allow exceptions for some small industrial emitters,

Clarify the requirements for approving variances,

Revise the requirements for Executive Director review of nonstandard system applications,

Clarify the requirements of maintenance contracts,

Clarify and update testing and reporting requirements,

Clarify requirements for manufacturers to make parts available to homeowners, and

Clarify the applicability of 30 TAC §285.8.

Subchapter B: Local Administration of the OSSF Program (285.10-285.14)

- Update and clarify the methods by which implementation of 30 TAC Chapter 285 is delegated to authorized agents,
- Clarify that the language in OSSF Orders must be approved by the Commission,
- Include language that prohibits limiting technology or requiring specific technology for the entire jurisdiction of an authorized agent,
- Include the ability of the Commission to require updates to Orders,
- Add guidance for discussions between the commission and authorized agents prior to relinquishment or revocation, including the establishment of charge-back fees, and
- address the electronic public notification methods that may be used.

Subchapter C: Commission Administration of the OSSF Program in Areas Where No Authorized Agent Exists (Sections 285.20 and 285.21)

- Clarify the appeal process
- Clarify the complaint investigation process,
- Evaluate and potentially increase the required fees (the application fee for an OSSF permit has remained the same since before 2001.
- Include EPay as a method of payment for permit fees.

Subchapter D: Planning, Construction, and Installation Standards for OSSFs (Sections 285.30-285.39)

- Clarify when a PE is required for professional designs and when an RS is allowed to complete a professional design,
- Add professional geologists as persons who are not required to obtain a site evaluator license in order to perform site evaluations,
- Update and clarify restrictive horizon analysis,
- Include exceptions within site evaluation requirements for waterless systems and holding tanks,
- Update methods for evaluating soils,
- Clarify requirements for floodway vs floodplain designs,
- Clarify the applicability of the separation distance requirements as they pertain to specific parts of the OSSF,
- Define that an OSSF includes everything from the stub out location to the end of the disposal field,
- Allow for 'as-built' or 'summary submittal letter' certification by licensed PE for collection systems installed to Chapter 217 design standards,
- Clarify or add new technical requirements for the use and maintenance of effluent filters, slope of a pipe, depth of gravity flow pipe, structural and dimensional requirements of tanks, retention requirements and capacity of all treatment portions of a treatment train, equalization tanks, leak testing, proprietary products, proprietary

products testing, high strength waste, nonstandard systems and nonstandard systems review, basic engineering or scientific principles, effluent quality, nitrate and fecal coliform limits, flow splitting, sequential vs serial loading, pump sizing, gravel-less lines, drainfield sizing, leaching chambers, drip irrigation, mound disposal, effluent disinfection, incinerator toilets, evaporating toilets, composting toilets, alarms, emergency repairs, tank abandonment, water softeners, reverse osmosis for residences vs commercial facilities, and safety precautions, and

- Require flow equalization for multi-unit residential.

Subchapter E: Special Requirements for OSSFs Located in the Edwards Aquifer Recharge Zone (Sections 285.40-285.42)

- Update requirements and definitions to reflect changes to 30 TAC Chapter 213, and
- Update requirements and definitions to reflect other regulatory changes regarding the Edwards Aquifer.

Subchapter F: Licensing and Registration Requirements for Installers, Apprentices, DRs, Site Evaluators, Maintenance Providers, and Maintenance Technicians (Sections 285.50 and 285.60-285.65)

- Update requirements to allow professional geologists to perform site evaluations without becoming licensed site evaluators,
- Clarify if maintenance providers are required to have maintenance technicians on staff or if maintenance providers can contract with maintenance technicians,
- Clarify activities that are allowed to be performed by installers who are not licensed maintenance providers, and
- Clarify the requirements of designated representatives.

Subchapter G: OSSF Enforcement (Sections 285.70 and 285.71)

- Include a requirement for handling standing or flowing wastewater during the 30-day repair period.

Subchapter H: Disposal of Graywater (Sections 285.80 and 285.81)

- Clarify requirements for graywater systems,
- Clarify allowances for reducing disposal area size, and
- Include information on handling high-strength wastewater.

Subchapter I: Appendices (Sections 285.90 and 285.91)

- Update all low-resolution figures to be legible,
- Update the application rates figure,
- Update setback requirements to match standard plumbing codes
- Revise the sample testing and reporting figure,
- Remove and replace septic tank and Aerobic Treatment Unit (ATU) sizing tables,
- Update wastewater usage rate table including:
 - removal of values for 'flows without water saving devices,'

- clarify and standardize usage rates for multi-unit residential,
 - revise values as appropriate and based on new research,
 - clarify the basis of values for some facilities, and
 - include typical organic loading strength for some facilities,
- Clarify and edit the testing and reporting requirements table,
- Update the net evaporation rate table,
- Clarify the meaning of secondary treatment, its applicability, and its requirements throughout the tables, and
- Remove references to external rules and include the specific requirements in 30 TAC Chapter 285.

OTHER CHANGES

- Include limits for some form of Nitrogen.
- Include more flexibility to design based on performance rather than just prescriptive.
- Allow for innovative technologies to be used.