

ORDINANCE NO.

AN ORDINANCE AMENDING CITY CODE CHAPTER 15-5 REGARDING
REGULATION OF ON-SITE SEWAGE FACILITIES.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. City Code Section 15-5-1 (*Applicability*) is amended to read:

15-5-1 APPLICABILITY.

This chapter applies to a structure that discharges sewage into an on-site sewage facility within:

- (1) the full purpose boundaries of the City; and
- (2) an area annexed in the limited purpose boundaries of the City where the City's health and safety ordinances apply.

PART 2. City Code Section 15-5-2 (*Definitions*) is amended to read:

§ 15-5-2 DEFINITIONS.

Words and phrases in this chapter have the same meaning they have in Chapter 366 (*On-Site Sewage Disposal Systems*) of the Texas Health and Safety Code and in Chapter 285 (*On-Site Sewage Facilities*) of Title 30 of the Texas Administrative Code. The following terms also are applicable to this Chapter:

- (A) Barton Springs Segment means all watersheds that contribute recharge to Barton Springs, including those portions of the Barton, Williamson, Slaughter, Onion, Bear and Little Bear Creek watershed located in the Edwards Aquifer recharge or contributing zones.
- (B) Barton Springs Segment of the Edwards Aquifer Contributing Zone means all land generally to the west and upstream of the Edwards Aquifer recharge zone that provides drainage into the Edwards Aquifer recharge zone.
- (C) Control Elevation means the 492.8-foot mean sea level elevation contour around Lake Austin which constitutes the normal water level of the lake.
- (D) Designer means the property owner, installer, professional engineer, or professional sanitarian who prepares the planning materials for an OSSF.
- (E) Director means the director of the Austin Water or their Designee.

- 1 (F) Edwards Aquifer Contributing Zone means all land generally to the west and
2 upstream of the Edwards Aquifer recharge zone that provides drainage into
3 the Edwards Aquifer recharge zone. The contributing zone is identified as a
4 geographic area delineated on official maps located with the City.
- 5 (G) Edwards Aquifer Recharge Zone means, in addition to the area defined in 30
6 TAC §285.2, all land over the Edwards Aquifer that recharges the aquifer, as
7 determined by the surface exposure of the geologic units comprising the
8 Edwards Aquifer, including the areas overlain with quaternary terrace
9 deposits. The recharge zone is identified as a geographic area delineated on
10 official maps located with the City.
- 11 (H) Indications of Groundwater mean physical characteristics of the soil that are
12 determined by the City to be evidence of a seasonally saturated zone
13 (typically, the presence of gray redoximorphic depletions with contrasting
14 masses, pore linings, or concretions), or observations of the water table.
- 15 (I) Low-pressure Dosing means the pumping of effluent under low pressure into
16 perforated piping in a drainfield to uniformly distribute the effluent within
17 the drainfield.
- 18 (J) Nitrogen Reduction System means a treatment system to be used for
19 nitrogen reduction that is verified through the Environmental Protection
20 Agency/NSF International Environmental Technology Verification-Protocol,
21 or a treatment system that can demonstrate (by actual data or established
22 design criteria) total nitrogen effluent levels of equal to or less than 20 mg/L
23 as an annual average.
- 24 (K) OSSF means an on-site sewage facility or disposal system.
- 25 (L) Private Water Line as referenced in 30 TAC 284.91(Table X) means any
26 pipe on private property that has a potable water source.
- 27 (M) Water Saving Devices mean plumbing fixtures that comply with ANSI
28 A112.18-1-Plumbing Fixtures (Flow Capacity) or Chapter 372 of the Health
29 and Safety Code of the State of Texas, whichever is more stringent.

30 **PART 3.** City Code Section 15-5-3 (*Adoption of State Law, Rules, and Design Criteria*)
31 is amended to read:

32 **§ 15-5-3 ADOPTION OF STATE LAW, RULES, AND DESIGN CRITERIA.**

33 (A) This chapter adopts and incorporates by reference:

- 34 (1) Chapter 366 (*On-Site Sewage Disposal Systems*) of the Texas Health
35 and Safety Code;

1 (2) Chapter 285 of Title 30 (*On-Site Sewage Facilities*) of the Texas
2 Administrative Code; and

3 (3) the Design Criteria For On-Site Sewage Facilities promulgated by the
4 Texas Commission on Environmental Quality.

5 (B) A designer shall inspect the installation of the OSSF and provide written
6 certification to the City that the OSSF was installed in accordance with the
7 approved planning materials. Designer certification and as-built plans must
8 be submitted to the City prior to the final inspection.

9 (C) The Director may from time to time administratively adopt requirements for
10 applications, permitting, licensing, and inspections for OSSFs.

11 (D) For a property served by a holding tank, when other methods of sewage
12 disposal become feasible in the opinion of the City (i.e. a private or public
13 wastewater collection system is developed within 100 feet in horizontal
14 distance of the property, or technological advancements to OSSFs have been
15 made such that an alternative treatment and disposal system may be installed
16 on the property), the property is required to connect to the feasible
17 alternative, within 90 days of written notice by the City.

18 (E) Additional requirements on the sizing of OSSFs include:

19 (1) Subdivisions of single family dwellings platted or created after this
20 code provision is adopted by council, and located within the Edwards
21 Aquifer Recharge Zone or the Edwards Aquifer Contributing Zone, as
22 they are defined in Section 15-5-2, will have lots of:

23 (a) at least 1 acre if served by public water supply, or

24 (b) at least 2 acres if served by private water supply.

25 (2) Subdivision of single family dwellings platted or created after this
26 code provision is adopted by council, located within all other zones or
27 areas not listed above will have lots of:

28 (a) at least 0.75 acres if served by public water supply, or

29 (b) at least 1 acre if served by private water supply.

30 (3) When more than one residence or wastewater generating structure
31 with separate OSSFs are proposed on a single tract of land, that land
32 must meet the minimum lot size requirements for the number of
33 residences or structures.

34 (F) Additional requirements on the maintenance of OSSFs:

1 (1) At the end of the initial two-year service policy, an owner of a single
2 family owner-occupied residence (homeowner) shall only perform
3 maintenance on their own OSSF which requires maintenance, as
4 specified in Table XII of 30 TAC Chapter 285, if they have:

5 (a) taken training and passed the test required for a TCEQ
6 registered maintenance technician, as required in 30 TAC
7 Chapter 30, Section 30.245(b); or

8 (b) taken an equivalent training specifically for homeowners, as
9 determined by TCEQ; or

10 (c) taken an equivalent training specifically for homeowners as
11 may be provided by the City.

12 (2) The results of the test and proof of attendance at the training must be
13 provided to the City.

14 (3) Homeowners who own an OSSF will be required to inform the City
15 whether they will do the maintenance themselves, or will have it done
16 by a maintenance provider, within 30 days of written request by the
17 City.

18 (4) The homeowner that performs maintenance on their own OSSF must
19 submit to the City the same reports that are required for maintenance
20 providers by the TCEQ.

21 (5) Homeowners who have been maintaining an existing OSSF that
22 requires a maintenance affidavit (see the Maintenance/Affidavit
23 Required column of Table XII in 30 TAC Chapter 285), and who
24 were not previously required to comply with the maintenance and
25 reporting requirements specified in the aforementioned table, will now
26 be required to comply with the same homeowner maintenance and
27 reporting requirements specified above. Affected homeowners will
28 have to comply with these requirements within one year of written
29 notice by the City.

30 (G) Spray irrigation must be conducted only during nighttime hours (after 12:00
31 AM and before 5:00 AM).

32 (H) Additional design criteria include:

33 (1) Soil Absorption Systems following septic tank treatment require a
34 minimum depth to Indications of Groundwater of 36 inches, measured
35 from the bottom of the media or the bottom of the excavation,
36 whichever is applicable. The use of drip irrigation or Low-pressure

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1 Dosing after septic treatment reduces this vertical separation
2 requirement to 24 inches.

3 (2) An impervious liner must be used between the excavated surface and
4 an evapotranspiration system where 36 inches of suitable soil (as
5 referenced in 30 TAC 285.91 Table XIII) does not exist between the
6 excavated surface and Indications of Groundwater.

7 (3) A drainfield may not be installed within the Edwards Aquifer
8 Recharge Zone, as it is defined in Section 15-5-2, unless it follows a
9 City-approved Nitrogen Reduction System.

10 (4) If a site is not suitable for a standard absorption system based on the
11 criteria of 30 TAC 285.91 (Table V) and the additional vertical
12 separation criteria of this ordinance, a City-approved Nitrogen
13 Reduction System must be installed within the Barton Springs
14 Segment of the Edwards Aquifer Contributing Zone.

15 (5) A drainfield may not be installed within 75 feet of the Control
16 Elevation of Lake Austin unless it follows a City-approved Nitrogen
17 Reduction System.

18 (6) All aerobic treatment units must be installed with a pretreatment tank
19 or chamber sized at a capacity of at least one-half the average daily
20 design flow. The pretreatment unit must also be designed in
21 accordance with the requirements of 30 TAC §285.32.

22 (7) Chipped tires are not a permitted drainfield media.

23 (8) Pump tanks must be large enough to provide at least one day's total
24 average flow between the inlet flow line and the alarm-on level (one
25 day of reserve capacity).

26 (9) All aerobic treatment units must be buried in the ground with access
27 ports at ground level or above.

28 (10) An OSSF for nonresidential sites must dedicate twice the proposed
29 area required for the proposed OSSF for future drainfield expansion
30 unless the Director determines otherwise upon application by the
31 property owner.

32 (11) An OSSF for nonresidential sites must install a flow meter to verify
33 flow rates to the system unless the property owner requests an
34 exemption for the property, and the requested exemption is approved
35 by the Director.

1 **PART 5.** City Code Section 15-5-7 (*Appeal*) is amended to read:

2 **§ 15-5-7 APPEAL.**

3 A person aggrieved by an action or decision of the designated representative may
4 appeal the action or decision to the ~~[city council]~~ Director.

5 **PART 6.** City Code Section 15-5-8 (*Penalties*) is repealed and a new Section 15-5-8 is
6 added to read:

7 **§ 15-5-8 OFFENSE.**

- 8 (A) A property owner commits an offense if the property owner fails to be in
9 compliance with this Chapter for an OSSF in operation on or before the date
10 specified by the Director in the Director's written notice of the defect.
- 11 (B) A property owner commits an offense if the property owner fails to stop the
12 exposure of sewage and to remediate the site within 24 hours after the
13 property owner receives notice from the City of exposed sewage on their
14 property.
- 15 (C) Each day or part of the day during which non-compliance occurs constitutes
16 a separate offense.

17 **PART 7.** City Code Chapter 15-5 (*Private Sewage Facilities*) is amended to add a new
18 Section 15-5-9 to read:

19 **§ 15-5-9 CRIMINAL PENALTY.**

20 A person who violates this Chapter commits an offense, punishable under Section
21 1-1-99 (*Offenses; General Penalty*) by a fine not to exceed \$500.

22 **PART 8.** City Code Chapter 15-5 (*Private Sewage Facilities*) is amended to add a new
23 Section 15-5-10 to read:

24 **§ 15-5-10 CIVIL PENALTY.**

- 25 (A) If a person violates this chapter or fails to take action to comply with this
26 chapter, or federal, state, or local regulations, the city attorney may initiate a
27 suit for:
- 28 (1) civil penalties, authorized under Texas Local Government Code
29 Section 54.017(*Civil Penalty*);
- 30 (2) injunctive relief;
- 31 (3) recovery of expenses, loss, or damage to City property or equipment;
32 and

1 (4) other available relief.

2 **PART 9.** City Code Chapter 15-5 (*Private Sewage Facilities*) is amended to add a new
3 Section 15-5-11 to read:

4 **§15-5-11 CITY ACTION TO CORRECT VIOLATIONS.**

5 (A) If sewage is exposed on the ground, or there is an immediate public health
6 and safety issue identified by the Director, the Director is to notify and direct
7 the property owner to repair or construct facilities to meet City requirements
8 by a specific date. If the property owner does not repair or construct the
9 facilities to meet City requirements on or before the date specified by the
10 Director, the City may temporarily terminate water utility service and/or
11 electric utility service until such time the Director determines the property
12 owner is in compliance with this Chapter.

13 If the property owner is served by a non-municipally owned water utility
14 and/or electric utility provider, but located within the City's jurisdiction for
15 this Chapter, these utility providers will temporarily terminate water utility
16 service and/or electric utility service upon the request of the Director, and
17 continue the temporary termination until the Director notifies the utility
18 provider that the property owner has complied with this Chapter.

19 (B) Non-compliance with this Chapter also may result in the following:

20 (1) Fines issued by City employees.

21 **PART 10.** City Code Chapter 15-5 (*Private Sewage Facilities*) is amended to add a new
22 Section 15-5-12 to read:

23 **§15-5-12 CUMULATIVE REMEDIES.**

24 The remedies authorized under this Chapter are cumulative unless specifically
25 prohibited by state or federal regulation.

26 **PART 11.** City Code Chapter (*Private Sewage Facilities*) is amended to add a new
27 Section 15-5-13 to read:

28 **§15-5-13 PERMITTING.**

29 (A) If a property owner has an OSSF that was installed before December 1,
30 1983, the owner must obtain a new permit before adding square footage to
31 any structure served by the OSSF. The OSSF must be upgraded to meet all
32 applicable requirements of the current OSSF regulations.

33 (B) Regardless of the size of property, all property owners must obtain a Permit
34 to Construct from the City before installing an OSSF.

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