



## Recommendation for Action

---

**File #:** 19-1006, **Agenda Item #:** 2.

1/31/2019

---

### **Posting Language**

Approve an ordinance amending City Code Chapter 15-5 related to on-site sewage facilities.

### **Lead Department**

Austin Water

### **Fiscal Note**

This item has no fiscal impact.

### **Prior Council Action:**

October 3, 2013- Council approved Ordinance No. 20131003-097, amending Chapter 15-5 of the Austin City Code related to on-site sewage facilities.

### **For More Information:**

Reyna Holmes, 512-972-0202; Kevin Critendon, 512-972-0191; Denise Avery, 512-972-0104

### **Council Committee, Boards and Commission Action:**

June 13, 2018- Recommended by the Water and Wastewater Commission on an 8-0 vote with Commissioners Maia, Parton, and Schmitt absent.

November 7, 2018- Recommended by the Environmental Commission on a 6-0 vote with Commissioners B. Smith, Creel, Thompson, and Coyne absent.

### **Additional Backup Information:**

An on-site sewage facility ("OSSF", a.k.a. septic system) is a system that collects, treats, and disposes of domestic wastewater in which the amount of wastewater treated is less than 5,000 gallons per day, and the treatment and disposal systems are generally located on the same property that the wastewater is generated. Article 1 of Chapter 15-5 of the Austin City Code ("City Code") establishes the requirements for property owners to design, construct, install, operate, and maintain OSSFs for the treatment and disposal of wastewater within the City's jurisdictional boundaries where central wastewater service is not available, as defined by City Codes and ordinances. The City adopted its current version of Chapter 15-5 in 2013. The City Code adopts by reference minimum state requirements established in Title 30, Chapter 285 of the Texas Administrative Code. Austin Water is the State's authorized representative to manage the City's OSSF program. The City's jurisdiction includes its corporate limits and limited purpose areas annexed for public health and safety. As of today, there are approximately 3,019 OSSF within the City's jurisdiction.

The City, similar to its neighboring governmental entities such as Hays County, has identified the need to adopt more updated standards to better manage OSSFs within its jurisdiction. The proposed revisions correct administrative language errors, clarify maintenance requirements of homeowners and licensed professionals, and provide permitting and licensing flexibility to the City.

Major amendments to Chapter 15-5 include:

- 
- 1) Requires that Texas Commission on Environmental Quality ("TCEQ") licensed professional maintenance providers maintaining advanced treatment OSSFs to register with the City. There is no registration fee.
  - 2) Allows for the suspension of city-issued registrations of TCEQ-licensed maintenance providers for a period of no more than six months to address issues of noncompliance with any of the following: (1) TCEQ license and administrative requirements, (2) TCEQ maintenance reporting requirements, (3) deadlines administratively established by the City, or (4) other non-compliance issues. A TCEQ-licensed maintenance provider may not submit new or renewal contracts to the City while under suspension. The suspended provider may still provide maintenance for existing contracts within the City's jurisdiction.
  - 3) Allows for the revocation of city-issued registrations of TCEQ-licensed maintenance providers, who while on suspension, incur additional violations. During the revocation period, licensed maintenance providers may not submit new or renewed maintenance contracts to the City, must temporarily terminate all existing OSSF maintenance service contracts within the City's jurisdiction, and must immediately notify all impacted customers. Licensed maintenance providers may apply for re-registration after one calendar year following date of revocation.
  - 4) Requires non-compliant homeowners that are registered with the City to maintain their own advanced treatment OSSF to contract with a TCEQ-licensed professional maintenance provider.
  - 5) Provides conditions for termination of licenses to operate an OSSF. These conditions include:
    - a. the OSSF receives more wastewater than the amount approved in the license to operate, based on a seven-day average;
    - b. the structure served by the OSSF violates the terms of the license to operate;
    - c. the property on which the OSSF is located is used for a purpose other than that described in the original construction permit application; and
    - d. the OSSF is operated in a manner that does not conform to the design and the use approved by the license to operate.
  - 6) Allows for a one-time, twelve-month extension to a permit to construct if Austin Water has conducted at least one construction inspection. Also, waives City re-permitting fees on unmodified permit resubmissions but still collects the required \$10 State Permit fee.

City staff has obtained citizen input into the creation of the ordinance through two stakeholder meetings and other direct communications with stakeholders. These proposed changes have generally been modified to reflect stakeholder input received where possible.