

OSSF Rules

Texas On-Site Wastewater Treatment Research Council
Conference
March 4, 2008
Session I - 3:30 to 4:15 pm

Joseph L. Strouse, P.E., Leader
OSSF Team, MC-178
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
(512) 239-6003



Legislation – House Bill 2482



What does HB 2482 do?



What does HB 2482 do?

- Allows any homeowner to maintain their own aerobic system without training;



What does HB 2482 do?

- Allows any homeowner to maintain their own aerobic system without training;
- Allows the TCEQ to create a program to register maintenance providers;



What does HB 2482 do?

- Allows any homeowner to maintain their own aerobic system without training;
- Allows the TCEQ to create a program to register maintenance providers;
- Allows Designated Representatives (DRs) to inspect any system at any time; and



What does HB 2482 do?

- Allows any homeowner to maintain their own aerobic system without training;
- Allows the TCEQ to create a program to register maintenance providers;
- Allows Designated Representatives (DRs) to inspect any system at any time; and
- Allows DRs to require a homeowner to have a maintenance contract if: the homeowner violates the rules and fails to correct the violation within 10 days AND is in a County that has at least 40,000 people; or,



What does HB 2482 do?

- Allows any homeowner to maintain their own aerobic system without training;
- Allows the TCEQ to create a program to register maintenance providers;
- Allows Designated Representatives (DRs) to inspect any system at any time; and
- Allows DRs to require a homeowner to have a maintenance contract if: the homeowner violates the rules and fails to correct the violation within 10 days AND is in a County that has at least 40,000 people; or,
violates the rules twice within a three year period AND is in a County that has at least 40,000 people.



Homeowner Training



Homeowner Training

- Not required as of 9/1/07



Homeowner Training

- Not required as of 9/1/07
- Homeowners can receive training, if desired, from anyone – installers, maintenance providers, TEEX, TOWA, etc...



The Proposed Maintenance Provider Program



The Proposed Maintenance Provider Program

- *Licensed* Maintenance Providers



The Proposed Maintenance Provider Program

- *Licensed* Maintenance Providers
 - Three year license (\$111)



The Proposed Maintenance Provider Program

- *Licensed Maintenance Providers*
 - Three year license (\$111)
 - Complete a 16 hour course in advanced aerobic systems and pass the exam



The Proposed Maintenance Provider Program

- *Licensed Maintenance Providers*
 - Three year license (\$111)
 - Complete a 16 hour course in advanced aerobic systems and pass the exam
 - Responsible for Maintenance Technicians and their work



The Proposed Maintenance Provider Program

- *Licensed Maintenance Providers*
 - Three year license (\$111)
 - Complete a 16 hour course in advanced aerobic systems and pass the exam
 - Responsible for Maintenance Technicians and their work
 - Required continuing education



The Proposed Maintenance Provider Program

- *Licensed Maintenance Providers*
 - Three year license (\$111)
 - Complete a 16 hour course in advanced aerobic systems and pass the exam
 - Responsible for Maintenance Technicians and their work
 - Required continuing education
 - Signs reports and contracts



The Proposed Maintenance Provider Program

- *Licensed Maintenance Providers*
 - Three year license (\$111)
 - Complete a 16 hour course in advanced aerobic systems and pass the exam
 - Responsible for Maintenance Technicians and their work
 - Required continuing education
 - Signs reports and contracts
 - Do NOT need manufacturer's certification for Maintenance Provider's license



The Proposed Maintenance Provider Program



The Proposed Maintenance Provider Program

- *Registered* Maintenance Technicians



The Proposed Maintenance Provider Program

- *Registered* Maintenance Technicians
 - Three year registration (\$111)



The Proposed Maintenance Provider Program

- *Registered Maintenance Technicians*
 - Three year registration (\$111)
 - Complete a 16 hour basic maintenance provider course and pass the exam



The Proposed Maintenance Provider Program

- *Registered Maintenance Technicians*
 - Three year registration (\$111)
 - Complete a 16 hour basic maintenance provider course and pass the exam
 - Must work in a company under a licensed Maintenance Provider



The Proposed Maintenance Provider Program

- *Registered Maintenance Technicians*
 - Three year registration (\$111)
 - Complete a 16 hour basic maintenance provider course and pass the exam
 - Must work in a company under a licensed Maintenance Provider
 - No required continuing education



The Proposed Maintenance Provider Program

- *Registered Maintenance Technicians*
 - Three year registration (\$111)
 - Complete a 16 hour basic maintenance provider course and pass the exam
 - Must work in a company under a licensed Maintenance Provider
 - No required continuing education
 - Cannot sign reports and contracts



The Proposed Maintenance Provider Program

- *Registered Maintenance Technicians*
 - Three year registration (\$111)
 - Complete a 16 hour basic maintenance provider course and pass the exam
 - Must work in a company under a licensed Maintenance Provider
 - No required continuing education
 - Cannot sign reports and contracts
 - Cannot receive compensation from anyone other than the Maintenance Provider



The Proposed Maintenance Provider Program

- *Registered Maintenance Technicians*
 - Three year registration (\$111)
 - Complete a 16 hour basic maintenance provider course and pass the exam
 - Must work in a company under a licensed Maintenance Provider
 - No required continuing education
 - Cannot sign reports and contracts
 - Cannot receive compensation from anyone other than the Maintenance Provider
 - Do NOT need manufacturer's certification for Maintenance Provider's license



The Proposed Maintenance Provider Program

- *Registered Maintenance Technicians*
 - Three year registration (\$111)
 - Complete a 16 hour basic maintenance provider course and pass the exam
 - Must work in a company under a licensed Maintenance Provider
 - No required continuing education
 - Cannot sign reports and contracts
 - Cannot receive compensation from anyone other than the Maintenance Provider
 - Do NOT need manufacturer's certification for Maintenance Provider's license
 - Responsible for their own registration/renewal



Texas Environmental Health Association (TEHA)

Petition



Texas Environmental Health Association (TEHA)

Petition

Requested TCEQ Commissioners to create rules which would prohibit DRs from performing OSSF-related work in areas outside of their jurisdiction.



Texas Environmental Health Association (TEHA)

Petition

Requested TCEQ Commissioners to create rules which would prohibit DRs from performing OSSF-related work in areas outside of their jurisdiction.

Commissioners directed staff to "...initiate rulemaking based on the issues raised in the petition in conjunction with the...planned rulemaking on Chapter 285.", dated June 29, 2007.



Texas Environmental Health Association (TEHA)

Petition

Requested TCEQ Commissioners to create rules which would prohibit DRs from performing OSSF-related work in areas outside of their jurisdiction.

Commissioners directed staff to "...initiate rulemaking based on the issues raised in the petition in conjunction with the...planned rulemaking on Chapter 285.", dated June 29, 2007.

Based on input from public, sanitarians, DRs, the rule workgroup and the rule Team, the proposed rules state that:



Texas Environmental Health Association (TEHA)

Petition

Requested TCEQ Commissioners to create rules which would prohibit DRs from performing OSSF-related work in areas outside of their jurisdiction.

Commissioners directed staff to "...initiate rulemaking based on the issues raised in the petition in conjunction with the...planned rulemaking on Chapter 285.", dated June 29, 2007.

Based on input from public, sanitarians, DRs, the rule workgroup and the rule Team, the proposed rules state that a DR shall:

"...receive written permission from the DR'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."



Other Proposed Rule Changes



Other Proposed Rule Changes

- Provide for new definitions of maintenance technician and testing and reporting;



Other Proposed Rule Changes

- Provide for new definitions of maintenance technician and testing and reporting;
- Revise definitions for maintenance provider and provide for the phase-out of the definition for maintenance company in 2009;



Other Proposed Rule Changes

- Provide for new definitions of maintenance technician and testing and reporting;
- Revise definitions for maintenance provider and provide for the phase-out of the definition for maintenance company in 2009;
- Revise the wording for the initial two-year ATU maintenance from “contract” to “service policy”;



Other Proposed Rule Changes

- Provide for new definitions of maintenance technician and testing and reporting;
- Revise definitions for maintenance provider and provide for the phase-out of the definition for maintenance company in 2009;
- Revise the wording for the initial two-year ATU maintenance from “contract” to “service policy”;
- Revise current Model Deed requirements;



Other Proposed Rule Changes - (cont)



Other Proposed Rule Changes – (cont)

- Eliminate the requirement for installers and maintenance providers to provide ATU replacement parts to homeowners;



Other Proposed Rule Changes – (cont)

- Eliminate the requirement for installers and maintenance providers to provide ATU replacement parts to homeowners;
- Prohibit ATU homeowner maintenance on commercial, speculative residential, or multifamily property;



Other Proposed Rule Changes – (cont)

- Eliminate the requirement for installers and maintenance providers to provide ATU replacement parts to homeowners;
- Prohibit ATU homeowner maintenance on commercial, speculative residential, or multifamily property;
- Require maintenance technicians *and apprentices* to obtain registration independent of the responsibility of the maintenance provider or installer;



Other Proposed Rule Changes – (cont)

- Eliminate the requirement for installers and maintenance providers to provide ATU replacement parts to homeowners;
- Prohibit ATU homeowner maintenance on commercial, speculative residential, or multifamily property;
- Require maintenance technicians *and apprentices* to obtain registration independent of the responsibility of the maintenance provider or installer;
- Revise definitions for cluster systems and direct supervision;



Other Proposed Rule Changes – (cont)

- Eliminate the requirement for installers and maintenance providers to provide ATU replacement parts to homeowners;
- Prohibit ATU homeowner maintenance on commercial, speculative residential, or multifamily property;
- Require maintenance technicians *and apprentices* to obtain registration independent of the responsibility of the maintenance provider or installer;
- Revise definitions for cluster systems and direct supervision;
- Provide reference to utility regulations (30 TAC Chapter 291) for all OSSF systems that require fees for operation and maintenance;



Other Proposed Rule Changes (cont)



Other Proposed Rule Changes (cont)

- Revise current requirements for: subdivisions, small lots, siting (OSSFs in floodways, soil borings, treatment unit areas for restaurants and buildings with food service establishments, and setbacks), septic tank structural and riser design and leak testing, and OSSF permit conditions;



Other Proposed Rule Changes (cont)

- Revise current requirements for: subdivisions, small lots, siting (OSSFs in floodways, soil borings, treatment unit areas for restaurants and buildings with food service establishments, and setbacks), septic tank structural and riser design and leak testing, and OSSF permit conditions;
- Provide for sewer pipe composition requirements between the treatment and disposal units and add sizing requirements for aerobic treatment tanks and consideration for flow equalization;



Other Proposed Rule Changes (cont)

- Revise current requirements for: subdivisions, small lots, siting (OSSFs in floodways, soil borings, treatment unit areas for restaurants and buildings with food service establishments, and setbacks), septic tank structural and riser design and leak testing, and OSSF permit conditions;
- Provide for sewer pipe composition requirements between the treatment and disposal units and add sizing requirements for aerobic treatment tanks and consideration for flow equalization;
- Address restaurant wastewater influent quality requirements;



Other Proposed Rule Changes (cont)

- Revise current requirements for: subdivisions, small lots, siting (OSSFs in floodways, soil borings, treatment unit areas for restaurants and buildings with food service establishments, and setbacks), septic tank structural and riser design and leak testing, and OSSF permit conditions;
- Provide for sewer pipe composition requirements between the treatment and disposal units and add sizing requirements for aerobic treatment tanks and consideration for flow equalization;
- Address restaurant wastewater influent quality requirements;
- Eliminate the mandatory seven-year testing protocol for proprietary disposal units;



Other Proposed Rule Changes - (cont)



Other Proposed Rule Changes - (cont)

- Eliminate the option for an AA (whose order is being revoked) to allow for other AA review of the executive director's findings;



Other Proposed Rule Changes – (cont)

- Eliminate the option for an AA (whose order is being revoked) to allow for other AA review of the executive director's findings;
- Eliminate the necessity for a site evaluator to maintain an installer or designated representative's license for renewing a site evaluator's license;



Other Proposed Rule Changes – (cont)

- Eliminate the option for an AA (whose order is being revoked) to allow for other AA review of the executive director's findings;
- Eliminate the necessity for a site evaluator to maintain an installer or designated representative's license for renewing a site evaluator's license;
- Eliminate the current reference to the Professional Engineers Board for sizing foundations;



Other Proposed Rule Changes (cont)



Other Proposed Rule Changes (cont)

- Provide for a minimum treatment effluent quality of 140 mg/l biochemical oxygen demand prior to entering any subsurface disposal system and develop design requirements for treating high-strength wastewater, and;



Other Proposed Rule Changes (cont)

- Provide for a minimum treatment effluent quality of 140 mg/l biochemical oxygen demand prior to entering any subsurface disposal system and develop design requirements for treating high-strength wastewater, and;
- Provide for non-substantive cleanup of errata and inconsistencies in the rules.



Rulemaking Milestones



Rulemaking Milestones

- Proposed rules on TCEQ Agenda – March 19th



Rulemaking Milestones

- Proposed rules on TCEQ Agenda – March 19th
- Comment period begins – April 4th



Rulemaking Milestones

- Proposed rules on TCEQ Agenda – March 19th
- Comment period begins – April 4th
- Public Hearing – April 29th



Rulemaking Milestones

- Proposed rules on TCEQ Agenda – March 19th
- Comment period begins – April 4th
- Public Hearing – April 29th
- Comment period ends – May 5th



Rulemaking Milestones

- Proposed rules on TCEQ Agenda – March 19th
- Comment period begins – April 4th
- Public Hearing – April 29th
- Comment period ends – May 5th
- Anticipated date for Adoption – August 20th



Rulemaking Milestones

- Proposed rules on TCEQ Agenda – March 19th
- Comment period begins – April 4th
- Public Hearing – April 29th
- Comment period ends – May 5th
- Anticipated date for Adoption – August 20th
- Anticipated effective date – September 11th



Rulemaking Milestones

- Proposed rules on TCEQ Agenda – March 19th
- Comment period begins – April 4th
- Public Hearing – April 29th
- Comment period ends – May 5th
- Anticipated date for Adoption – August 20th
- Anticipated effective date – September 11th
- Download the proposed rule package at:
<http://www.tceq.state.tx.us/rules/pendprop.html>



Myth or Fact?



Myth or Fact?

If you are licensed as a maintenance provider, the people working under you don't need to be registered



Myth or Fact?

The maintenance provider registration program is just a very bad dream that will eventually go away.



Questions?



Thank you

