

Common OSSF Myths & Misconceptions

17th Annual Texas On-site Wastewater
Treatment Research Council Conference

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ANNOUNCEMENT!

**The OSSF team, Austin, has added 2 members,
for a total of 4 professional staff..**

Gus Chavez

Gus has extensive public sector experience with TxDOT and private sector experience.

Gus joined the OSSF team in November 2008.

Gus works with OSSF technical and regulatory questions,

Authorized Agent orders,

And OSSF activity data.

Contact Gus

Gus Chavez

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512/239-4775

George Ortiz

George has experience with the TCEQ regional offices and small business assistance as well as private sector experience.

George joined the OSSF team in January 2009.

Contact George

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512/239-1457

Myth #1

A professional engineer is the only licensee that can design a non-standard system.

The registered sanitarian can design any non-standard system except non-standard treatment when secondary treatment is required.

See 285.91(9), Table 9

Why is design of non-standard systems important?



Look at the options for non-standard systems.

Remember that both non-standard treatment systems and non-standard disposal systems are defined in the rules.

Non-Standard Treatment Systems

Non-standard treatment systems include:

activated sludge processes

rotating biological contactors

recirculating sand filters

trickling type filters

submerged rock biological filters

sand filters which are not specifically described in the rule.

Non-Standard Disposal Systems

Non-standard disposal systems include:

Low pressure dose

Surface application

Mound drainfields

Soil substitution

Drainfields following secondary treatment and disinfection

Any other non-standard disposal system not otherwise addressed in the rules.

Where are these systems useful?

See Table 13 of the rule for Disposal and Treatment Selection Criteria.

The mound drainfield is a good example:

Widely used

Suitable for Class Ia, Ib, II, III, IV soils or fractured Rock

Depth to restrictive horizon is 1.5 feet

Limited to slopes less than 10 %

How do we demonstrate that a non-standard system will meet minimum requirements for treatment or disposal?

7/15/2000

Use of basic scientific and
engineering principles

**Supported by data on the system, must
be based on controlled testing using
established methods or a well defined
protocol**

Be ready to prove the system

The authorized agent can set permit specific conditions that can include:

third party testing

data collection

Monitoring

testing and reporting.

Training materials for the maintenance provider are the responsibility of the designer.

Myth #2

**Owners File Complaints
Complaints Filed by Installers
Won't be Listened To!**



You can make your complaint heard by understanding the complaint process.

Who can file a complaint?

Anyone who has an interest in a specific OSSF system.

This includes owners, neighbors, the public, installers, maintenance providers, manufacturers, designers, and others!

What are you complaining about?

If your complaint against the installer or designated representative involves theft, fraud, deceit or any other criminal activity, you will need to seek violations of the Texas Penal Code and obtain a court conviction.

You may also need to pursue a civil suit (after the criminal suit) against the installer in order to seek recovery of any lost funds.

If your complaint involves violation of OSSF rules it is within the jurisdiction of the authorized agent or your TCEQ regional office when no authorized agent exists.

How are complaints filed?

Complaints against installers, whether they hold a license or not, must be filed with the local permitting authority.

Complaints against designated representatives need to be filed with the local permitting authority's supervising authority (county judge, county commissioner, mayor, aldermen, boards, water program manager, etc.)

Complaints against authorized agents may be filed with the TCEQ regional office nearest you, or with the OSSF program in Austin.

Complaints regarding malfunctioning OSSFs need to be filed with the local permitting authority.

If your complaint is against the TCEQ regional office, contact the TCEQ regional office director, or the water programs liaison in the Field Operations Division at 512/239-6648.

How will the complaint be resolved?

The local permitting authority must investigate the complaint to ensure it is valid.

When a complaint is found to be valid (based upon documented evidence), the investigator may:

attempt to get the situation resolved by allowing the individual time to correct the alleged violation.

file in a local Justice of the Peace Court, or

refer the complaint to the TCEQ for administrative penalties if exceptional circumstances render local enforcement unlikely.

**The Authorized Agent Must
Process Complaints According
to 30 TAC 285.71**

(a) Complaints. The authorized agent shall investigate a complaint regarding an on-site sewage facility (OSSF)

within 30 days after receipt of the complaint, notify the complainant of the findings, and take appropriate and

timely action on all documented violations. Appropriate

action may include criminal or civil enforcement action as

necessary under the authority of their order, ordinance, or

resolution, the Texas Water Code, Chapters 7 and 26, or

the Texas Health and Safety Code, Chapters 341 and 366. This may

include complaints against:

(1) registered apprentices, maintenance technicians, licensed installers, site evaluators, maintenance providers, and designated representatives;

(2) individuals performing the duties listed above not holding a current commission license or registration or failing to maintain a license or registration, including professional engineers and professional sanitarians;

(3) owners in violation of this chapter or the authorized agent's order, ordinance, or resolution; or

(4) owners of malfunctioning OSSFs on the owners' property.

What if the complaint is not processed within a reasonable amount of time?

For complaints against installers, maintenance providers, or site evaluators notify the permitting authority's supervising authority

(county judge, county commissioner, mayor, aldermen, boards, etc.).

If the complaint is still not resolved within a reasonable time, contact the appropriate TCEQ regional office.

Additional Complaint Issues

Aerobic Treatment Units

ATUs are certified by NSF International

NSF Certification includes requirements for a warranty and initial 2 year service agreement

The manufacturer and manufacturer's authorized representatives have responsibilities under NSF's "Certification Policies for Wastewater Treatment Devices"

Owners or others with complaints concerning ATU performance and warranty have possible recourse through the NSF complaint and investigation process.

Tips for filing an effective complaint

Keep records,

Don't waste time, file promptly

Document the complaint in writing,

Provide a copy of the complaint to any agency that may have an interest in the complaint,

Make sure to submit the complaint to the agency which has jurisdiction over the system,

Provide factual information,

Make a consistent followup of the complaint.

Be Aware

Be aware that the facts of a complaint may involve both violation of OSSF rules and penal code.

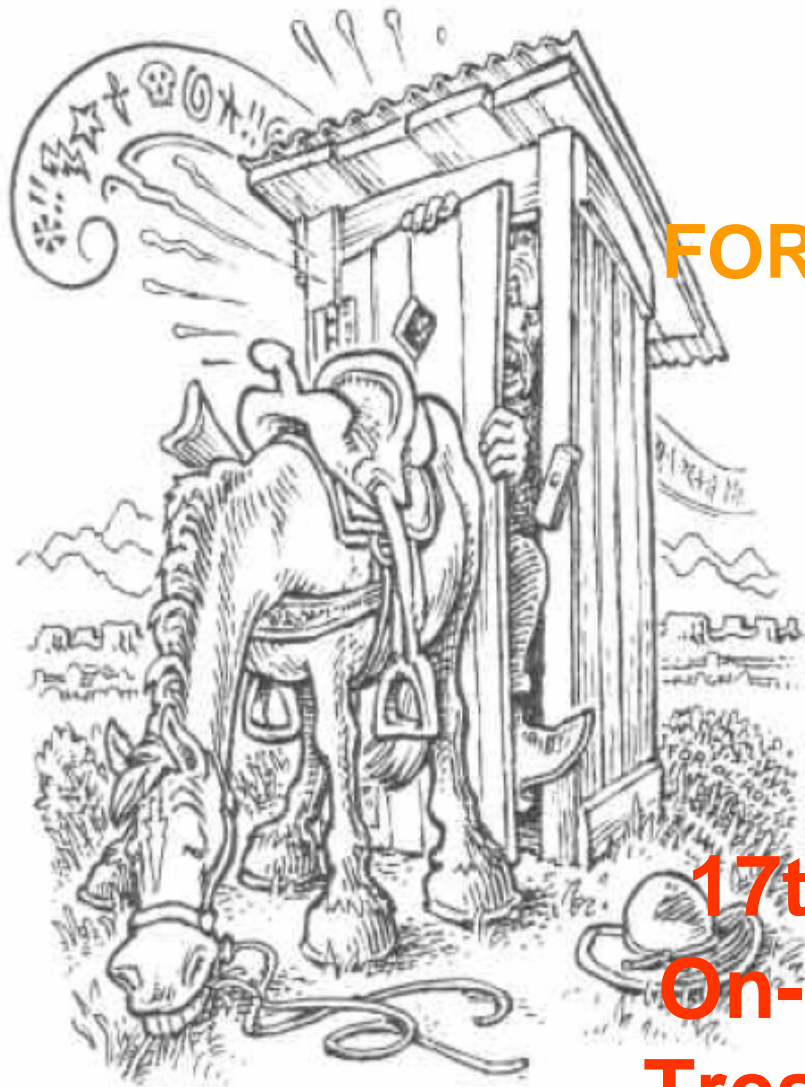
Said violations follow different paths and the permitting authority does not have direct authority to pursue penal code violations.

Licensing Issues

Licenses and registrations can be suspended or revoked for violation of OSSF rules, misconduct or incompetence.

Licensing action will be considered based on the severity and persistence of adjudicated violations.

QUESTIONS?



THANK YOU!

FOR ATTENDING THE

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