



OSSF Rule Change Project

Originally Presented at the DR Workshop - San Patricio County July 18, 2024
by Joseph Hopkins, OSSF Team Leader TCEQ



OSSF Rule Changes and Less Than 1/2 Acre Lots

Updated and presented by Randy Chelette, TOWA
at the Houston –Galveston Area Council
Clean Waters Initiative
Workshop August 22, 2024

Overview

- Current Rules– Last amended July 2023
- Ongoing Rulemaking Project Overview & Timeline
- Public Hearing
- Potential Changes
- Questions?

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History of OSSF Rules

- Texas OSSF regulations date back at least to 1989 with OSSF program administered by Texas Department of Health
- TCEQ adopted Chapter 285 in response to Texas Health & Safety Code (THSC) Chapter 366, specifically Section 366.30
- Chapter 285 was amended in 1997, 1999, 2001, 2002 (twice), 2004, 2005, 2006, 2008, 2012 (twice), 2016, and 2023
 - Each of these was limited to specific sections and topics

July 2023 Rule Amendments

Important Changes

Riser Heights (for permits issued 9/1/2023 and later)

- All tanks (including septic tanks) require risers 2" above ground level.
- Note that this doesn't apply to tanks that are not associated with a new permit.

Flexible Electrical Conduit

- Up to four feet of electrical wiring that is not buried may be contained in flexible electrical conduit.
- This is to address wire protection in tight spaces, particularly between the buried electrical wiring and the panel(s).

Purple Fittings

- No longer required as the pipe that is connected is still required to be purple and no significant benefit is added to require fittings to be purple.
- Based on several stakeholders' input, purple fittings are not readily available, and paint was typically applied to comply with the requirement.

Minimum ATU capacity

- Smaller homes were not previously addressed.
- One and two bedroom homes smaller than 1,501 square feet now included in table.

Current Chapter 285 Rules Amended July 2023

- **Section 285.2**
 - 285.2(18) Direct Communication: removes examples of types of communications as the ways to communicate in real time has matured and continues to mature such that the definition has become and will become obsolete again if specific technologies are listed.
- **Section 285.3**
 - **285.3(f)(2): Clarifies that the 10-acre exception only applies to the requirements for planning materials, permits, or inspections but the other planning, construction, and installation standards still apply.**
 - **285.3(f)(4): Implements HB 1680 (allows certain leased portions of tracts of land owned by the federal government to be considered as separate tracts of land).**
- **Section 285.7**
 - 285.7(c): Corrects reference to 285.7(d)(1)(A)-(F) rather than 285.7(d)(1)(A)-(E).
 - 285.7(e)(2): Clarifies the allowed locations of the required weather resistant tag (outside of the motor cover, control panel, or breaker box).
- **Section 285.32**
 - 285.32(c)(5)(A): Removes the descriptor for NSF as the correct name for the product testing entity.
 - 285.32(d)(5): Corrects a reference to read 285.34(c).
- **Section 285.33**
 - 285.33(c)(4): Corrects the reference to 285.32(c)(5) rather than 285.32(c)(4)(B).
 - 285.33(d)(2)(D): Removes the descriptor for NSF as the correct name for the product testing organization.
 - 285.33(d)(2)(G)(iii)(I) and (II): Removes the word 'commercial' from 'commercial irrigation timer.'
 - **285.33(d)(2)(G)(v): Removes the requirement for purple fittings.**

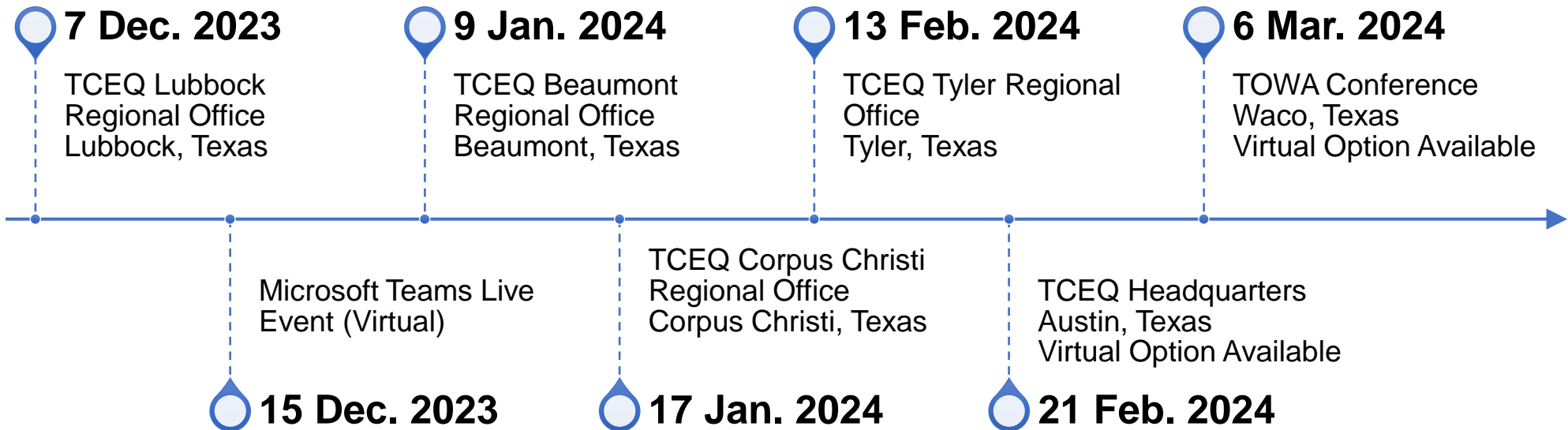
Current Chapter 285 Rules Amended July 2023

- **Section 285.34**
 - 285.34(a): Removes the descriptor for NSF as the correct name for the product testing organization.
 - 285.34(b)(3): Adds the word 'hydraulic' to flow to clarify that the flow is not flow from infiltration.
 - **285.34(c): Allows up to four feet of electrical wiring that is not buried to be contained in water-tight flexible electric conduit rather than rigid pipe.**
- **Section 285.38**
 - **285.38(c): Requires all inspection and cleanout ports to have risers that are at least two inches above grade [for new permits issued 9/1/2023 and later].**
 - 285.38(d): Removed from Chapter 285 as it is no longer applicable [for previously issued permits, the rules that were effective at the time the permit was issued remain in effect until a new permit is required.]
- **Section 285.64**
 - 285.64(a)(5): Clarifies that the maintenance provider may enter into a contract with the owner to perform maintenance on an OSSF.
- **Section 285.91**
 - **285.91(2) Table 2: Adds minimum ATU capacity for one and two bedroom homes smaller than 1,501 square feet.**
 - 285.91(10) Table 10: Corrects the footnote citation to 16 Texas Administrative Code Chapter 76. *Note that the final version on the SOS website is not correct and will be corrected again with the current rulemaking project.*
 - 285.91(10) Table 10: Corrects the typo to reference Ra values from 'less than' 0.1 to read 'equal to' 0.1.
 - 285.91(10) Table 10 Footnote 6: Removes the word 'commercial' from 'commercial irrigation timer.'

Legislative Action

- 88th Texas Legislature
- Texas House Bill 4087, effective 09/01/2023
 - Currently found in THSC Chapter 366
 - Small lot sizes in certain counties (Galveston and Cooke Counties) under certain conditions
 - Allows temporary permits statewide in conjunction with pumping and hauling of wastewater
 - Residential use only
 - Maximum of six-months and cannot be renewed
- Bill requires TCEQ to adopt rules as soon as practicable after the effective date.
- OSSF Program added staff-initiated rule changes

Stakeholder Meetings



Process

- Stakeholder input ended March 12, 2024
- Program team drafts rule language. **Currently in progress.**
- Proposed rulemaking package submitted to the Office of the Chief Clerk (made available to the public): ***Anticipated date September 6, 2024 (delayed- TBD)***
- Proposal Agenda seen by TCEQ commissioners: ***Anticipated date September 25, 2024 (delayed- TBD)***
- 30 or 60-day Public Comment period and formal public hearing: ***Anticipated date April 14 - May 13, 2025***
- Rulemaking adoption package submitted to the Office of the Chief Clerk (made available to the public): ***Anticipated date August 21, 2025***
- Adoption at commissioners Agenda: ***Anticipated date February 1, 2025***
- Effective date: ***Anticipated date September 1, 2025***

Public Hearing!

Public Hearing In Person and Virtual:

Austin, Texas

Anticipated date: October 30, 2024 (*delayed- TBD*)

Questions by email:

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Staff-initiated Rulemaking Project Goals

- Implement HB 4087 into Chapter 285
- Staff-Initiated Goals:
 - Improve usefulness of Chapter 285 and modernize requirements
 - Enhanced clarity and more effective regulation of OSSFs throughout Texas
 - Common-sense regulation for OSSF permitting and enforcement.

Some rule change concepts

- Add clarity throughout
- Update and add several new definitions: Stub out, nonstandard, secondary treatment, secondary treatment level, etc.
- Revise requirements for design and TCEQ review of nonstandard system applications
- Provide enhanced structure for ‘performance based’ permitting, particularly for permitting of “commercial” OSSFs
 - Based on effluent standards and not just prescriptive design approach

Other concepts

- Clarify and add new technical requirements for system components (Example- drip disposal systems)
 - Also sizing and installation
- Add and clarify requirements regarding high strength effluent
- Update §285.91, Table III
 - Remove values for 'flows without water saving devices'
 - Include separate table for multi-unit residential
 - Revise existing values (flow and wastewater strength) based on current research

Other concepts

- Clarify requirements for various license types
- Simplify and clarify license type requirement for designs of nonstandard OSSFs
- Allow 'as-built' stamped certifications by PE for collection systems (stub out to treatment system) when appropriate design standards are met



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Q & A

