

LCRA On-Site Sewage Facility (OSSF) Rules

EFFECTIVE: September 5, 1997

CHAPTER 1 - ESTABLISHMENT AND GENERAL PROVISIONS
CHAPTER 2 - LAWFUL DISCHARGES AND GENERAL REQUIREMENTS
CHAPTER 3 - SUBDIVISIONS
CHAPTER 4 - LICENSES AND REINSPECTIONS
CHAPTER 5 - REPAIRS, MODIFICATIONS AND ABANDONED TANK REQUIREMENTS
CHAPTER 6 - INSPECTIONS AND APPROVALS
CHAPTER 7 - WATER CONSERVATION REQUIREMENTS
CHAPTER 8 - APPEALS OF STAFF DECISIONS ON PERMIT APPLICATIONS AND VARIANCES CHAPTER 9 – ENFORCEMENT
CHAPTER 10 - IMMUNITY

CHAPTER 1- ESTABLISHMENT AND GENERAL PROVISIONS

- 1.01. AUTHORITY.** These Rules are adopted by the Texas Natural Resource Conservation Commission “TNRCC” and the Lower Colorado River Authority “LCRA” under the authority of Chapter 366, Texas Health and Safety Code, as amended, and the LCRA enabling Act, Section 2(p).
- 1.02. DEFINITIONS.** A list of defined terms is located in the Glossary.
- 1.03. PURPOSE.** The purpose of these Rules is to reduce, abate or prevent pollution, or injury to public health in the Highland Lakes area.
- 1.04. AREA OF JURISDICTION.**
- (a) Restricted Zones. These Rules shall apply to the areas surrounding the Highland Lakes (including the lake beds) as follows:
 - (1) The Lake Buchanan Restricted Zone is the area which is within 200 feet of the 1,020-foot msl contour line measured horizontally away from the lake.
 - (2) The Lake Inks Restricted Zone is the area which is within 200 feet of the 888-foot msl contour line measured horizontally away from the lake.
 - (3) The Lake Lyndon B. Johnson Restricted Zone is the area which is within 200 feet of the 825-foot msl contour line measured horizontally away from the lake.
 - (4) The Lake Marble Falls Restricted Zone is the area which is within 200 feet of the 738-foot msl contour line measured horizontally away from the lake.
 - (5) The Lake Travis Restricted Zone is the area that is below the 691’ msl contour line.
 - (b) Water Quality Zones. These Rules shall also apply to the Water Quality Zones surrounding the Highland Lakes. The Water Quality Zones are those portions in the lakes drainage areas within 2,000 feet measured horizontally away from the outer boundary of the Restricted Zone. Water Quality Zones shall also include those portions in the lakes drainage areas within the corporate limits of the municipalities of Lakeway, Lago Vista, Granite Shoals, Briarcliff and Jonestown beyond the outer boundary of the Restricted Zone.
- 1.05. DUTIES AND POWERS.** The LCRA has the duty, and necessary powers, to administer and enforce these Rules within its jurisdiction.
- (a) The LCRA shall issue Permits, inspect, investigate, License and collect fees as provided within these Rules
 - (b) Any Person or firm owning and/or operating on-site sewage facilities “OSSFs” within the Restricted or Water Quality Zones shall permit employees and agents of the LCRA to make such reasonable inspections of the facilities as may be required to determine whether the facilities comply with these Rules.
- 1.06. EFFECTIVE DATE.** These Rules shall become effective upon their approval by the TNRCC.
- 1.07. INCORPORATION BY REFERENCE.** The Lower Colorado River Authority Construction Standards for On-Site Sewage Facilities “Standards” and Chapter 366 of the Texas Health and Safety Code and Texas Administrative Code Title 30, Sections 285.01 - 285.92, as amended by the Standards and approved by the TNRCC, all future amendments and revisions thereto are incorporated by reference and are thus made a part of these Rules.
- 1.08. CONSTRUCTION, PRECEDENCE, AND INTERPRETATION.**
- (a) These Rules and Standards shall be construed liberally to accomplish their purpose.
 - (b) In the event of any conflict between the Rules or Standards and an order, resolution, or rule adopted by the TNRCC, the order, resolution, or rule adopted by the TNRCC shall take precedence. In the event of any conflict between the Rules and Standards, the Rules shall take precedence.
 - (c) The Designated Representative shall, within the purpose of these Rules, resolve any question regarding any interpretation of these Rules or the Standards.

- 1.09. FEES.** The LCRA shall require fees to be paid in accordance with the fee schedule, which may be amended from time to time. Such fees shall be paid at the time of filing an application with the LCRA and as otherwise required by these Rules and Standards. Failure to pay fees will result in automatic cancellation of the facility license. Refunds for withdrawn applications will be pro-rated based upon the point in the process where the application is withdrawn.
- 1.10 SEVERABILITY.** If any provision of these Rules or Standards or the application thereof to any Person or circumstances is held invalid by a court or regulatory agency of competent jurisdiction, the validity of the remainder of these Rules or Standards, and their application to other persons and circumstances, shall not be affected.

CHAPTER 2 - LAWFUL DISCHARGES AND GENERAL REQUIREMENTS

2.01. LAWFUL DISCHARGES.

- (a) Restricted Zones. Wastewater discharges within the Restricted Zones shall only be lawful if the discharges are made into one of the following facilities:
- (1) organized disposal systems authorized by valid permits issued by the TNRCC.
 - (2) pump-out facilities for the removal and disposal of wastes from boats and other watercraft in accordance with applicable State and Federal laws and regulations.
 - (3) for Lake Buchanan, Lake Inks, Lake LBJ and Lake Marble Falls, no standard treatment and disposal soil absorption facility may be installed within the Restricted Zone of these lakes. No constructed wetland may be installed within the Restricted Zone of these lakes. Surface irrigation, drip irrigation and lined evapotranspiration, described in these Rules and Standards may be used in the Restricted Zone of these lakes. Low-pressure dosing using secondary quality effluent and disinfection may be used if less than 75 feet, but not less than 50 feet, from the designated constant level shoreline of these four lakes. If more than 75 feet from the designated constant level shoreline of these lakes, low-pressure dosing will require a secondary quality effluent but disinfection will not be required. An intermittent sand filter (standard treatment method) may be used with a conventional drainfield area if the disposal area is at least 75 feet from the designated constant level shoreline of these lakes. No operation and maintenance contract is required for a Single Family Residence facility where a standard intermittent sand filter is used for pretreatment, and neither drip irrigation nor surface irrigation are used for disposal.
 - (4) no new on-site sewage facility disposal area may be installed in the Restricted Zone of Lake Travis.
 - (5) permitted septic tanks and pump tanks for delivery of effluent to absorption fields located outside the Restricted Zone.
- (b) Water Quality Zones. Wastewater discharges within the Water Quality Zones shall only be lawful if the discharges are made into one of the following facilities:
- (1) Organized Disposal Systems authorized by valid permits issued by the TNRCC; or
 - (2) On-site sewage facilities of either soil absorption type, or other types of systems, provided the general design is referenced by the LCRA within the Standards and the facility is permitted by LCRA.
 - (3) Surface discharge of laundry wastewater "greywater" may be permitted, as approved by the LCRA, under the following conditions and in accordance with the Standards:
 - (i) Irrigation must not create a ponding of water.
 - (ii) The irrigated area must support plant growth such as bushes or be overlaid with a vegetative cover. The area must be of limited access and use by residents, pets, and to foot traffic.
 - (iii) No diaper waste may be included in greywater discharge.
 - (iv) Greywater discharge systems and disposal sites must be designated and operated to preclude any runoff of greywater from the approved greywater irrigation site.
 - (v) Irrigation must cease when the irrigation site is saturated and not resumed until the site is unsaturated.
 - (vi) The use of detergents that contain a significant amount of phosphorus, sodium, or boron should be avoided. Greywater containing bleach should not be used for irrigation.
 - (vii) The use of a sock or stocking placed on the end of the discharge line to trap lint is recommended.
 - (viii) Commercial laundry discharges are not authorized by this section for greywater discharges.
 - (ix) Greywater discharges must maintain a setback of 50 feet from any swale, channel, pond or location where stormwater flows in a concentrated manner.
- (c) The LCRA may relicense an on-site sewage facility installed before September 17, 1971, within either the Restricted or Water Quality Zones, provided it finds that the existence of such a facility is not likely to cause pollution to surface or ground waters, injury to public health, or Nuisance conditions; and provided there is compliance with '4.07 (b) (4) and (5).

2.02. GENERAL REQUIREMENTS.

- (a) No Person, except the Person owning or having the right of possession and use of the parcel of land upon which a proposed on-site sewage facility is to be located, may apply for a facility Permit or License.
- (b) The design, construction, and installation of any new on-site sewage facility and the Maintenance of any such facility shall, at a minimum, meet the requirements set forth in the Standards.
- (c) No Person may cause, suffer, allow, or permit the construction or installation of, or a Modification or Repair to, an on-site sewage facility unless a Permit therefor has first been issued.

- (d) The construction, installation or Modification to an on-site sewage facility shall be made in accordance with the approved design and requirements of the Permit issued therefor.
- (e) No component of an on-site sewage facility shall be covered until an inspection has been made and approval given by LCRA.
- (f) No Person may cause, suffer, allow, or permit the operation or use of an on-site sewage facility unless a License, or necessary License amendment therefor, has first been issued.
- (g) Injection wells, pit privies, bore holes, seepage pits and Cesspools used to dispose of sewage, and any facility utilizing naturally or artificially produced holes, cavities, or drilled wells to allow or ease the disposal of Sewage are specifically prohibited from being installed, used, or licensed.
- (h) No Person may cause, suffer, allow, or permit the Maintenance of an on-site sewage facility in such a manner as to cause, or as may tend to cause surfacing effluent, pollution, injury to public health, or Nuisance conditions.
- (i) If all or part of an on-site sewage facility extends onto property owned by someone other than the Owner of the residence or establishment serviced by the OSSF, such Owner must either purchase the property on which the facility is located or obtain and record a permanent easement for the system. The permanent easement must be approved by the LCRA prior to recordation of the easement.

2.03. REQUIREMENTS FOR ON-SITE SEWAGE FACILITIES.

- (a) A Permit to construct must be obtained from the LCRA prior to commencing the construction, Repair, Modification or installation of an on-site sewage facility. A Permit to construct will be issued upon a finding that all Rules and Standards will be met, and all application fees have been paid.
- (b) If the proposal for a Permit to construct is disapproved, and the LCRA feels that an on-site sewage facility of a different design may be constructed, it shall advise the applicant of the general changes necessary to resubmit a proposal and obtain a Permit to construct.
- (c) A License to operate must be obtained from the LCRA prior to operating a new on-site sewage facility; it will be issued after satisfactory completion and approval of construction.

2.04. APPLICATION FOR PERMIT TO CONSTRUCT.

- (a) To make an application for a Permit to construct, the applicant shall submit the following:
 - (1) Properly completed application forms.
 - (2) For a soil absorption system, the results of site evaluation performed by a registered professional engineer, registered sanitarian, or Installer II.
 - (3) A plat of the property showing easements, the residence/establishment, driveway, water wells, water lines, on-site sewage facility, and other permanent improvements.
 - (4) A floor plan identifying rooms, closets, dimensions, and total heated square footage of the residence/establishment.
 - (5) A minimum of two sets of plans if the facility is professionally designed.
 - (6) A map showing the property location if it is not in a subdivision.
 - (7) If the facility is being modified, a reason for and description of the modification.
 - (8) Floodplain compliance letter/certificate (See paragraph (e) this section) or a copy of a building/development permit.
 - (9) Identification of a secondary disposal area, permanently reserved, to be used for facility replacement of commercial and non-residential on-site sewage systems.
 - (10) A copy of a recorded subdivision plat, including all plat notes, where the lot on which a facility is installed is located within a platted subdivision.
 - (11) The required fee
 - (12) Any additional information that the LCRA may require.
- (b) The completed application and all additional information submitted shall not contain any false information or conceal any material facts and shall be sworn to and notarized. An application found to contain false information or having had material facts concealed shall be subject to Permit or License revocation, and other sanctions provided by law.
- (c) Within thirty (30) days after a proper and complete application has been made, the LCRA shall make a finding on the issuance of a permit, based upon the information contained in the completed application and any other information available.
- (d) A Permit shall expire one (1) year from the date of issuance. In the event at the time of Permit expiration construction has commenced on the on-site sewage facility for which the Permit was issued, a 30 day period will be extended from the date of Permit expiration for completion of the installation. An expired Permit may be reissued following submittal of a Permit renewal fee provided the conditions under which the Permit was originally issued have not changed. When a Permit has expired or the original conditions have changed, a new application must be submitted with a Permit renewal fee.
- (e) No Permit to construct or License to operate may be obtained for an on-site sewage facility that would serve new construction located within an identified Special Flood Hazard Area, unless the applicant can demonstrate compliance with all applicable flood damage prevention regulations. The burden is on the applicant to demonstrate compliance or that such regulations are not applicable. For the purposes of this section, a Special Flood Hazard Area is limited to an area identified as

a Special Flood Hazard Area in accordance with the “National Flood Insurance Act of 1968”, 82 Stat. 572, 42 U.S.C.A. 4001 as amended.

- (f) No Permit to construct or License to operate a new facility, as of the effective date of these Rules, will be issued that would violate or result in the violation of the water quality provisions of a recorded subdivision and associated plat notes. Existing OSSFs are not required to meet this provision or 2.04 (a)(10).

2.05. EXISTING ON-SITE SEWAGE FACILITIES. All on-site sewage facilities have been required to be licensed for use as of September 17, 1971, the effective date of LCRA’s original On-site Sewage Facilities Rules. Facilities installed before that date were exempted from meeting current Standards provided the facility included a valid treatment tank and disposal area which did not pollute, threaten public health, or create Nuisance conditions. Any Repair or Modification to an existing facility must be in compliance with these Rules, and must meet current Standards for on-site sewage facilities within the LCRA’s jurisdiction.

2.06. DEVELOPMENT OF EXISTING LOTS.

- (a) Single family residential lots or tracts which were designed or recorded with a county in its official plat record, deed, or tax records prior to September 17, 1971, are exempt from meeting the minimum lot sizes cited in these Rules. However, in order to install an on-site sewage facility on such a lot or tract, these criteria must be met:
 - (1) It must be demonstrated through a thorough investigation by a registered professional engineer, a registered sanitarian or by a Designated Representative of the LCRA that an on-site sewage facility can be operated without causing a threat or harm to an existing or proposed water supply facility or to the public health, and without creating the threat of pollution or Nuisance conditions.
 - (2) Regardless of the lot size, all other current requirements for on-site sewage facilities still apply.
- (b) Single family residential lots created after September 17, 1971 until January 1, 1988 were required to contain a minimum of one-half (2) acre by the Rules in effect at that time.

2.07. SPECIAL REQUIREMENTS FOR INSTITUTIONS. A registered professional engineer or registered sanitarian shall design all on-site sewage facilities serving institutions which are anticipated to discharge 500 or more gallons per day of sewage, as determined by LCRA.

2.08. METERING REQUIREMENTS FOR LARGE FLOWS. In order to verify that the amount of Sewage discharged to an on-site sewage facility is in compliance with the permitted and licensed amount, the LCRA may require the Owner of a facility which disposes of or is anticipated to dispose of 500 or more gallons per day of wastewater, as determined by LCRA, to install an effluent meter or clock timer on the facility and report those readings on a periodic basis. Failure to submit a timely reading may be cause for the LCRA or its Designated Representative to take the reading. In this event, the LCRA may collect a trip charge from the Owner as found within the approved fee schedule, or may pursue legal action for compliance as provided by these rules.

CHAPTER 3 - SUBDIVISIONS

3.01. SUBDIVISION CONSTRUCTION AUTHORIZATION. Any Person desiring to create a Subdivision, including mobile home parks, that will utilize on-site sewage facilities, in whole or in part, must obtain a Subdivision construction authorization from the LCRA prior to commencing construction of the Subdivision.

3.02. APPLICATION.

- (a) An applicant for a Subdivision construction authorization shall submit an application and Sewage Disposal Plan to the LCRA containing information that is adequate to establish:
 - (1) That it is not feasible for the applicant to provide sewer service to the Subdivision by means of an Organized Disposal System, and that on-site sewage facilities may be used in the specified Subdivision without causing, or threatening to cause, individually or collectively, pollution, injury to the public health, or Nuisance conditions. This information will include but is not limited to:
 - (i) Two copies of the proposed Subdivision which details the size and intended use of each lot, and that details roads, utility right-of ways, existing and proposed individual and public water supply wells.
 - (ii) A minimum 2,500 square feet location for a proposed residence and minimum 5,000 square foot location for a proposed drainfield.
 - (iii) Any other requirements as stated within the current Standards for on-site sewage facilities.
- (b) The required fee shall accompany the application.

3.03. NOTICE.

- (a) Upon approval of a Subdivision construction authorization, the authorization, the application therefor and any other relevant evaluation information shall be filed as a deed record for the Subdivision lots.
- (b) Any person, or his agents and assignees, desiring to create a Subdivision that will utilize on-site sewage facilities, in whole or in part, and sell, lease, or rent the lots therein shall inform each prospective purchaser, lessee, or renter:
 - (1) That the Subdivision is subject to all of the terms and conditions of these Rules,
 - (2) That a Permit to construct shall be required before an on-site sewage facility can be constructed in the subdivision,
 - (3) That a License to operate shall be required for the operation of such an on-site sewage facility,

- (4) That an application for a Subdivision construction authorization has been made and whether or not it has been approved, including any restrictions place on any such approval, and
- (5) That no Permit to construct or License to operate will be issued which would violate or result in the violation of the water quality provisions of a recorded subdivision plat.

CHAPTER 4 - LICENSES AND REINSPECTIONS

- 4.01. LICENSE TO OPERATE.** No Person may use, operate, or cause, suffer, allow, or Permit the operation or use of an on-site sewage facility unless a License, or necessary License amendment therefor, has first been issued and is currently in force.
- 4.02. UNLICENSED EXISTING OSSFs.** In addition to all other requirements in this chapter, an inspection is required to be performed on any system installed prior to September 17, 1971:
- (a) The facility must have been in continuous and normal use for at least 30 days prior to the date of application for inspection, and must be shown to have been in use at the time the OSSF program for the Highland Lakes became effective on September 17, 1971; or
 - (b) For a facility not in full-time use within 30 days of the application date, but in use on September 17, 1971, the following is required prior to inspection.
 - (1) An affidavit must be submitted, by the owner of the facility, or the previous owner, stating when the facility was installed, the size and dimensions of the system, the type of residence connected to the facility (including number of bedrooms), and when the residence was removed or not utilized.
 - (2) The Septic Tank must be exposed, filled with water, and leak-checked after a 24-hour waiting period.
 - (3) For absorption trench systems - The trench area must be exposed where the trench leaves the tank, at the end of the trench, and at 20-foot intervals between the tank and the end of the trench.
 - (4) For absorption bed systems - The field area must be exposed where the outlet line leaves the tank and at each corner of the bed. Additional sight holes may be required.
 - (5) In all cases where sight holes are necessary in absorptive areas, the distribution pipe must be visible.
 - (6) An inspection of the septic tank.
 - (7) A three day water loading test performed by a licensed installer. The LCRA inspector must be present on the third day at the end of the test.
 - (8) Retrofitting the toilets and showerheads with low-flow devices is required.
 - (c) For systems not in use on September 17, 1971, or failing at the time of application, a Modification of the facility to current requirements of the Standards is required. Credit towards an upgraded facility may be given for portions of the existing facility provided such portions of the existing facility comply with sub-paragraphs(b)(2) - (8) above, and meet current standards.
 - (d) Tax records showing the first year a residence/establishment was listed as an improvement on the property must be provided.
 - (e) A survey, field notes or Subdivision plat of the property must be provided.
 - (f) A plat of the property showing the residence/establishment, driveway, OSSF, water well, water lines and other permanent improvements must be submitted.
- 4.03. SINGLE FAMILY DWELLINGS.** Except as provided in '285.3 (g) of the Standards, Licenses for Single Family Residence systems shall continue in effect until revoked or amended by the LCRA. Prior to any action for the proposed revocation or amendment of the License, the licensee must be given notice of the proposed action and be given an opportunity to comply with the licensing requirements. This subsection does not apply for Single Family Residences where there is a change in ownership of the premises. In such cases, a facility reinspection will be required before a License can be issued to the new owner.
- 4.04. AUTOMATIC TERMINATION.** Any License issued under these Rules or previous Rules shall automatically terminate if there is a change in ownership of the property, if there is a Subdivision of the property served by the on-site sewage facility, if the property is used for a purpose other than that described in the original application, if the loading of the facility is significantly increased beyond that stated in the application, if the facility fails, or if the relicensing fees are not paid in a timely manner as directed by LCRA. A new inspection and approval by the LCRA must be made prior to new License issuance.
- 4.05. VARIANCES AND CONDITIONAL LICENSES.** The LCRA may approve a variances from these Rules or Standards and may issue a conditional License for an on-site sewage facility in either zone under circumstances otherwise prohibited herein if the LCRA finds that such a variance will not cause pollution of surface or ground waters, injury to public health, or Nuisance conditions.
- (a) Requests for variances from provisions of these Rules may be considered by the LCRA on an individual basis. The variance request must demonstrate to the satisfaction of the LCRA that the equivalent protection of the public health and the environment can be provided by alternate means. Any request for variance under these Rules must contain planning materials prepared and sealed by either a registered sanitarian or registered professional engineer. The registered sanitarian or the registered professional engineer shall certify in writing that the facility he or she designed and for which a variance was granted, is constructed in accordance with the plans approved by the LCRA.

- (b) Within thirty (30) days after the receipt of said request, the LCRA shall review the request and reply to the applicant in writing either granting or denying the request. If the request is denied, the LCRA shall include the reasons for denial in the reply.

4.06. LICENSE TRANSFERS. A License issued under these Rules can be reissued to a succeeding Owner of the property only after:

- (a) An application is completed and submitted.
- (b) For sale License transfers, a copy of the multiple listing sales “MLS” of the property if available.
- (c) The LCRA performs a reinspection of the system.
- (d) The LCRA declares the facility is approved based on the information available.

The required fee.

4.07. RELICENSING INSPECTIONS. The following procedures shall govern the reinspection of on-site sewage facilities:

- (a) If the on-site sewage facility has been inspected within five years from the relicensing application date, a Walkover Inspection is required.
- (b) If the on-site sewage facility has not been inspected within a five year period from the relicensing application date, or if the facility has never been licensed by the LCRA, the following steps are required:
 - (1) An inspection of the on-site sewage facility tank interior shall be required whenever the LCRA is performing an inspection or reinspection of the facility. This requirement shall apply to initial facility inspections, transfer of ownership inspections, refinance inspections and at those times when drainfield work is being inspected.
 - (2) Tanks shall be uncovered and access to the tank interior shall be provided by the Owner to the LCRA. The LCRA shall inspect the tank for water-tightness, proper inlet and outlet devices, proper design, sound construction, and excessive sludge and scum build-up. If pumping of the tank is required, a copy of the pump out manifest must be provided to the LCRA. In addition, aerobic treatment unit tanks will be inspected for proper mechanical operation. High-water alarm systems will be inspected for proper operation. A Holding Tank or pump tank found not to have a high-water alarm at the time of inspection shall be required to have an alarm installed prior to approval.
 - (3) A tank inspection will not be required more often than once every five years unless it is believed the tank has been damaged.
 - (4) On-site sewage disposal facility drainfields installed prior to September 17, 1971 shall be inspected through the use of one or more sight holes provided by the owner, as directed by LCRA. In order to further evaluate the drainfield, hydraulic loading may be required. This will typically consist of loading the facility with an average daily quantity of water over a three day period.
 - (5) Prior to relicensing of an on-site sewage facility installed prior to September 17, 1971, Low-flow Toilets, Low-flow Showerheads and faucet aerators shall be installed in any residence served by the facility. Prior to relicensing, Low-flow Toilets and faucet aerators shall be installed in non-residential institutions served by systems installed prior to September 17, 1971.

4.08. REVOCATION OF LICENSES AND PERMITS.

- (a) A construction Permit, once issued, may be suspended at any time that the LCRA determines that the construction is not in accordance with the Standards, the application for the Permit to construct is incomplete, that any information supplied with the application is false, or that a material fact concerning the application for Permit to construct has been concealed. When the LCRA has made such a determination, the LCRA will issue a notice to cease construction immediately. When the notice to cease construction has been issued, no Person may construct, cause, suffer, allow, or Permit further construction on the on-site sewage facility unless and until such suspension has been lifted.
- (b) A License, once issued, may be revoked for the following reasons:
 - (1) It appears that any information submitted on the application or with the application for Permit to construct is false.
 - (2) It appears that any material fact has been concealed in the application for Permit to construct or information submitted therewith.
 - (3) It appears that the operation or use of the on-site sewage facility violates state law or any of these Rules.
 - (4) It appears that any condition of a License is not fulfilled.
- (c) When a notice of revocation has been issued, no Person may use, operate, or cause, suffer, allow, or permit the operation or use of an on-site sewage facility.

CHAPTER 5 - REPAIRS, MODIFICATIONS AND ABANDONED TANK REQUIREMENTS

5.01. REPAIRS.

- (a) Inspected tanks which are found to be leaking around the outlet device shall be repaired; concrete tanks leaking from the body, tanks of poor design, and all metal tanks shall be replaced with a new tank or tanks meeting current LCRA and TNRCC sizing criteria for that particular residence or commercial establishment prior to issuance of a License by LCRA. Owners of tanks in need of pumping due to excessive sludge or scum build-up shall provide a pump-out manifest to the LCRA from a TNRCC licensed Sewage pumper following that service.
- (b) A Repair may be made to an on-site sewage facility, provided that such Repair is made for the abatement of an immediate and serious health hazard, that such Repair does not constitute an alteration of that system=s planning materials and function,

and includes such items as replacing tank lids, inlet and outlet devices and repair of solid lines, and that such Repair meets minimum state criteria established in these Rules and Standards. The LCRA must have written notification within 72 hours of the Repair and be given a detailed description of the methods and materials used in said Repair. A Permit application must be made and an inspection performed by an LCRA inspector prior to the covering of the Repair. If the work on the system is not authorized as a repair, the system may be required to be modified. See '5.02 Modifications.

5.02. MODIFICATIONS.

- (a) Any on-site sewage facility which fails and which does not or cannot be expected to resume normal and safe operation following a Repair, should a Repair be an option, must be modified with a facility upgraded to meet all current LCRA and TNRCC Standards.
- (b) Owners of a failing facility installed closer to a well or lake than current setback distances allow shall be required to modify a facility meeting the current setback distances and construction requirements.
- (c) Change in the composition of a residence served by an on-site sewage facility installed under a Permit issued by the LCRA which causes the total number of Bedrooms in a residence to exceed by one Bedroom the number for which the facility is licensed, shall require the property Owner to either add faucet aerators and retrofit all non-conserving toilets and showerheads with low-flow water conserving devices, and receive a conditional License, or modify the entire Sewage disposal system, retrofit with low-flow devices and faucet aerators, and receive a regular License. Provided however, this retrofitting alternative to facility Modification is not available to a residence served by a facility installed prior to September 17, 1971, or which is served by a facility already sized on the use of water conserving devices.
- (d) Alterations to a residence served by an on-site sewage facility causing the total number of Bedrooms in the residence to exceed by two or more Bedrooms the number for which the facility is licensed, shall require the Owner to retrofit with low-flow water conserving devices as described in Chapter 7, as well as modify the entire Sewage disposal system.
- (e) Failure by the Owner to either retrofit the residence with such water conserving devices, and/or modify the entire Sewage disposal facility as required shall be considered a violation of these Rules.
- (f) An exception to the requirements of full facility Modification shall be allowed should the property be within two years of connection to a central treatment system, and a letter from the central treatment system manager to that effect is submitted to the LCRA. It shall be the responsibility of the Owner to maintain or enlarge the facility as necessary to prevent on-site sewage facility failure during the period prior to central treatment system connection.

5.03. ABANDONED TANKS. It is the responsibility of the Owner to conduct the following actions to properly abandon an OSSF:

- (a) All tanks, boreholes, Cesspools, seepage pits, Holding Tanks, and pump tanks shall have the wastewater/septic removed by the licensed waste transporter, holding a valid registration with the TNRCC.
- (b) All tanks, boreholes, Cesspools, seepage pits, holding tanks, and pump tanks shall be filled with clean sand or other suitable fill material (less than three inches in diameter), free of organic debris, and completely covered with soil.

CHAPTER 6 - INSPECTIONS AND APPROVALS

6.01. INSPECTIONS. The LCRA shall make inspections of the facility as necessary to ensure that the on-site sewage facility is in substantial compliance with these Rules, Standards, and the Underlying Statutes:

- (a) No Person may cause, suffer, allow, or permit the construction or installation of, or a Modification or Repair to, an on-site sewage facility unless a Permit therefor has first been issued.
- (b) An on-site sewage facility may not be used unless it is inspected, approved and licensed by LCRA.
- (c) A holder of a Permit issued under these Rules shall notify the LCRA not later than the third working day before the proposed date of installation inspection that the installation will be ready for inspection.
- (d) The inspection shall be made on a date and time mutually agreed on by the Permit holder and LCRA.
- (e) An installation inspection shall be made no later than the second working day, excluding holidays, after the date on which notification that the installation is ready for inspection is given to LCRA.
- (f) In the event an installation inspection is scheduled and it becomes known by the Permit holder that the installation will not be ready for inspection as scheduled, the Permit holder shall notify the LCRA immediately and reschedule the inspection.
- (g) The Owner, owner's representative, or occupant of the property on which the installation is located shall give the LCRA reasonable access to the property at reasonable times to make necessary inspections.

6.02. APPROVALS.

- (a) The LCRA may approve or disapprove the on-site sewage facility depending on the results of the inspections under '6.01. Inspections.
- (b) If an on-site sewage facility is not approved and licensed under this section, the facility may not be used until all deficiencies are corrected and the facility is reinspected and approved by LCRA.

CHAPTER 7 - WATER CONSERVATION REQUIREMENTS

7.01. WATER CONSERVATION REQUIREMENTS. The LCRA shall require the use of Low-flow Toilets, Low-flow Showerheads and faucet aerators in order to conserve water resources and reduce wastewater discharges.

- (a) These water conserving devices shall be required in all new construction as part of the on-site sewage facility design. Low-flow Toilets will not be required in those cases where tankless toilets are installed.
- (b) n on-site sewage facility disposal area which is being modified to current Standards shall be cause to require the toilets and showerheads to be retrofitted with low-flow models, and for faucet aerators to be added to existing faucets where feasible.
- (c) One Bedroom or potential Bedroom may be added to a residence over the number for which the on-site sewage facility is currently licensed to serve without enlarging the facility, provided all non-conserving toilets and showerheads in the residence are retrofitted with low-flow models, and faucet aerators are utilized where feasible. In this case, a conditional License will be issued. The addition of one Bedroom following retrofitting with water conserving devices is not permitted for compliance if a residence is served by a pre-September 17, 1971 facility or an evapotranspiration facility installed prior to December 31, 1987. A variance may be requested if the evapotranspiration facility was installed after December 31, 1987 and was not sized for the use of water conserving devices.
- (d) Commercial and non-residential institutions which increase or potentially increase the wastewater loading to the disposal facility over the licensed amount, will be reviewed individually by the LCRA. The LCRA shall either require the Owner to retrofit all toilets, showerheads and other applicable non-water-conserving devices with low-flow water conserving devices in order to prevent the wastewater loading from exceeding the licensed amount, or shall require Modification of the entire sewage disposal facility as well as require low-flow devices where appropriate.
- (e) Once installed, it shall be a violation of these Rules to replace any of these water conserving devices unless an equally conservative or more conservative device is used.
- (f) Water conserving devices shall be required prior to License transfer of any residence served by an on-site sewage facility which was installed prior to September 17, 1971.
- (g) Low-flow Toilets and faucet aerators shall be required prior to a License transfer of any non-residential institution served by an on-site sewage facility which was installed prior to September 17, 1971.

CHAPTER 8 - APPEALS OF STAFF DECISIONS ON PERMIT APPLICATIONS AND VARIANCES

- 8.01.** Filing. An applicant, permittee, or any adversely affected party may appeal from a final decision by the LCRA regarding the grant, denial, or revocation of a Permit under these Rules by filing a Request for Appeal within thirty(30) days after the date of the final decision. The Request for Appeal shall be filed with the LCRA General Counsel in accordance with the procedures outlined in Subchapter I '285.92 of the Standards. The LCRA staff will send written notice of receipt of a request for an appeal to the applicant within three (3) working days of the date the request is filed. These provisions for appeal are not exclusive, but are cumulative of any other remedies at law or in equity.
- 8.02.** Review and Decision The Land and Water Operations Committee of the LCRA Board ("Committee"), or its successor, shall hear appeals, as provided in procedures outlined in this Chapter. Appeals shall be heard within ninety (90) days from the date that either staff or the Committee, as the case may be, has determined the appeal to be valid. The LCRA General Counsel shall align parties according to their positions in favor of, or opposed to, the final decision by the LCRA and shall assist the Committee by providing legal advice and administrative assistance in the conducting of the hearing. Only the applicant/permittee, LCRA staff, and anyone filing a timely and valid Request for Appeal, or their representatives, shall be entitled to address the Committee at the hearing. The Committee shall have the discretion to alter the hearing process as needed for full presentation of all relevant information. After a hearing, the Committee shall make a recommendation to the full Board regarding the appeal. After considering the recommendation the Board may reaffirm the decision, reverse the decision, or modify the permit.
- 8.03.** Notice. Notice of the Committee's hearing of an appeal shall be made in the same manner as provided in Subchapter I '285.92 of the Standards.
- 8.04.** Record on Appeal. The appeal will be decided from presentations made to the Committee at the hearing, the facts contained in the LCRA files, Requests for Appeal on file, written responses from the applicant/permittee and affected parties, other relevant and necessary information from appropriate LCRA departments, and any other information the Committee deems relevant.
- 8.05.** Ex Parte Communications. Any communication by an applicant/permittee, protesting party, LCRA staff member, or any other party in interest, or their representatives, with Committee or other member(s) of the LCRA Board on the merits of any pending appeal or decision affecting a Permit from the date the Permit decision is made by the staff until the date the appeal is decided by the Board, other than at a hearing or in a public meeting of the Board, is prohibited. Notwithstanding the foregoing, LCRA staff may provide written notice to the Board identifying the parties and generally describing the issues raised by an appeal. Such notice shall include copies of all written materials filed by the appealing party or any other interested party and shall be provided to all parties of record and the Board at the same time.

CHAPTER 9 - ENFORCEMENT

9.01. INFORMAL.

- (a) The LCRA may routinely inspect on-site sewage facilities to assure continued compliance with these Rules.
- (b) The LCRA shall inspect any on-site sewage facility that is reasonably believed to be causing pollution, a threat to the public health, or Nuisance conditions, based on a credible complaint or other information available. An inspection may also be made should the conditions existing at the time of licensing be found to have changed. If upon inspection a violation of any of these Rules is found, the LCRA shall notify the owner of the on-site sewage facility in writing and include what problems must be

remedied in order to achieve compliance, and set a reasonable amount of time to achieve compliance. The on-site sewage facility shall be reinspected at the expiration of the allotted time.

(1) If the facility is found to be compliant, a License therefor may be issued or the existing License may be modified.

(2) If the facility is found to be in noncompliance, appropriate enforcement shall be taken.

9.02. CRIMINAL PENALTIES.

(a) A Person commits an offense if the Person violates a rule adopted herein or any underlying statute. An offense under this section is a misdemeanor punishable by a fine of not less than \$10 or more than \$200.

(b) If it is shown on the trial of the defendant that the defendant has been convicted of an offense under this section within a year before the date on which the offense being tried occurred, the defendant shall be punished by a fine of not less than \$10 or more than \$1,000, confinement in jail for not more than 30 days, or both.

(c) Each day of a continuing violation is a separate offense

9.03. CIVIL PENALTIES.

(a) A Person may not cause, suffer, allow, or Permit a violation of a rule adopted herein or any underlying statute

(f) A Person who violates a rule adopted herein or any underlying statute shall be assessed a civil penalty of not less than \$10 or more than \$200 for each violation and for each day of a continuing violation.

(f) If it is shown on the trial of the defendant that the defendant has previously violated this section, the defendant shall be assessed a civil penalty of not less than \$10 or more than \$1,000 for each violation and for each day of a continuing violation.

(d) If it appears that a Person has violated, is violating, or is threatening to violate a rule adopted herein or any underlying statute, the LCRA may institute a civil suit in a district court for:

(1) injunctive relief to restrain the Person from continuing the violation or threat of violation;

(2) the assessment and recovery of a civil penalty; or

(3) both injunctive relief and a civil penalty.

(e) The suit may be brought in Travis County, in the county in which the defendant resides, or in the county in which the violation or threat of violation occurs.

(f) By adoption of these Rules, the LCRA Board of Directors delegates authority to the LCRA General Manager, Deputy General Manager, and Legal Counsel to institute such suits.

9.04 ENFORCEMENT. The LCRA shall not be precluded from pursuing both civil and criminal penalties for violations of these rules.

CHAPTER 10 - IMMUNITY

10.01. IMMUNITY. The LCRA is not liable for damages resulting from approval of the installation and operation of an on-site sewage facility.