

# AGENDA



## Recommendation for Council Action

### AUSTIN CITY COUNCIL

Regular Meeting: August 9, 2018

Item Number: 006

#### Austin Water

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

<b>Lead Department</b>	Austin Water
<b>Fiscal Note</b>	This item has no fiscal impact.
<b>Prior Council Action</b>	October 3, 2013- Council approved Ordinance No. 20131003-097, amending Chapter 15-5 of the Austin City Code related to on-site sewage facilities.
<b>For More Information</b>	Bart Jennings, 512-972-0118; Denise Avery, 512-972-0104
<b>Council Committee, Boards and Commission Action</b>	June 13, 2018- Recommended by the Water and Wastewater Commission on an 8-0 vote with Commissioners Maia, Parton, and Schmitt absent.

#### Additional Backup Information:

An on-site sewage facility ("OSSF", a.k.a. septic system) is a system that collects, treats, and disposes of 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 on-site sewage facilities for the treatment and disposal of wastewater. 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. The City’s jurisdiction currently contains approximately 3,100 OSSFs.

The City, similar to its neighboring governmental entities such as Hays County, has identified the need to adopt more stringent standards to better manage OSSFs within its jurisdiction. The proposed revisions correct administrative language, clarify maintenance requirements of homeowners and licensed professionals, and provide permitting and licensing flexibility to the City. These changes impact those OSSFs that have secondary and tertiary treatment requirements.

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 the City to suspend a TCEQ licensed maintenance provider’s City registration for six months for 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) Requires that while on suspension, additional violations of regulatory codes and requirements will result in a registration revocation for a period of one-year. During that period, a licensed maintenance provider may not submit new or renewal contracts to the City while under registration revocation and must temporarily terminate all existing OSSF maintenance service contracts within the City’s jurisdiction. Homeowners maintaining advanced treatment OSSFs that continue to be in non-compliance will be required to contract with a TCEQ license professional maintenance provider.
- 4) Provides conditions for termination of licenses to operate an OSSF such as:
  - (a) the OSSF fails;
  - (b) the OSSF receives more wastewater than the amount approved in the license to operate;
  - (c) the structure served by the OSSF violates the terms of the license to operate;
  - (d) the property on which the OSSF is located is used for a purpose other than that described in the

original construction permit application; and

(e) the OSSF is operated in a manner that does not conform to the design and the use approved by the license to operate.

- 5) 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.