

ORDINANCE NO.

**AN ORDINANCE AMENDING CITY CODE CHAPTER 15-5 REGARDING
REGULATION OF ON-SITE SEWAGE FACILITIES.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

PART 1. City Code Section 15-5-1 (*Applicability*) is amended to read:

15-5-1 APPLICABILITY.

This chapter applies to a structure that discharges sewage into an on-site sewage facility within:

- (1) the full purpose boundaries of the City; and
- (2) an area annexed in the limited purpose boundaries of the City where the City's health and safety ordinances apply.

PART 2. City Code Section 15-5-2 (*Definitions*) is amended to read:

§ 15-5-2 DEFINITIONS.

Words and phrases in this chapter have the same meaning they have in Chapter 366 (*On-Site Sewage Disposal Systems*) of the Texas Health and Safety Code and in Chapter 285 (*On-Site Sewage Facilities*) of Title 30 of the Texas Administrative Code. The following terms also are applicable to this chapter:

- (A) Barton Springs Segment means all watersheds that contribute recharge to Barton Springs, including those portions of the Barton, Williamson, Slaughter, Onion, Bear and Little Bear Creek watershed located in the Edwards Aquifer recharge or contributing zones.
- (B) Barton Springs Segment of the Edwards Aquifer Contributing Zone means all land generally to the west and upstream of the Edwards Aquifer recharge zone that provides drainage into the Edwards Aquifer recharge zone.
- (C) Control Elevation means the 492.8-foot mean sea level elevation contour around Lake Austin which constitutes the normal water level of the lake.
- (D) Designer means the property owner, installer, professional engineer, or professional sanitarian who prepares the planning materials for an OSSF.
- (E) Director means the director of Austin Water or their Designee.

- 1 (F) Edwards Aquifer Contributing Zone means all land generally to the west and
2 upstream of the Edwards Aquifer recharge zone that provides drainage into
3 the Edwards Aquifer recharge zone. The contributing zone is identified as a
4 geographic area delineated on official maps located with the City.
- 5 (G) Edwards Aquifer Recharge Zone means, in addition to the area defined in 30
6 TAC §285.2, all land over the Edwards Aquifer that recharges the aquifer, as
7 determined by the surface exposure of the geologic units comprising the
8 Edwards Aquifer, including the areas overlain with quaternary terrace
9 deposits. The recharge zone is identified as a geographic area delineated on
10 official maps located with the City.
- 11 (H) Indications of Groundwater mean physical characteristics of the soil that are
12 determined by the City to be evidence of a seasonally saturated zone
13 (typically, the presence of gray redoximorphic depletions with contrasting
14 masses, pore linings, or concretions), or observations of the water table.
- 15 (I) Low-pressure Dosing means the pumping of effluent under low pressure into
16 perforated piping in a drainfield to uniformly distribute the effluent within
17 the drainfield.
- 18 (J) Nitrogen Reduction System means a treatment system to be used for
19 nitrogen reduction that is verified through the Environmental Protection
20 Agency/NSF International Environmental Technology Verification-Protocol,
21 or a treatment system that can demonstrate (by actual data or established
22 design criteria) total nitrogen effluent levels of equal to or less than 20 mg/L
23 as an annual average.
- 24 (K) OSSF means an on-site sewage facility or disposal system.
- 25 (L) Water Saving Devices mean plumbing fixtures that comply with ANSI
26 A112.18-1-Plumbing Fixtures (Flow Capacity) or Chapter 372 of the Health
27 and Safety Code of the State of Texas, whichever is more stringent.

28 **PART 3.** City Code Section 15-5-3 (*Adoption of State Law, Rules, and Design Criteria*)
29 is amended to read:

30 **§ 15-5-3 ADOPTION OF STATE LAW, RULES, AND DESIGN CRITERIA.**

- 31 (A) This chapter adopts and incorporates by reference:
- 32 (1) Chapter 366 (*On-Site Sewage Disposal Systems*) of the Texas Health
33 and Safety Code;
- 34 (2) Chapter 285 of Title 30 (*On-Site Sewage Facilities*) of the Texas
35 Administrative Code; and

1 (3) the Design Criteria For On-Site Sewage Facilities promulgated by the
2 Texas Commission on Environmental Quality.

3 (B) A designer shall inspect the installation of the OSSF and provide written
4 certification to the City that the OSSF was installed in accordance with the
5 approved planning materials. Designer certification and as-built plans must
6 be submitted to the City prior to the final inspection.

7 (C) The Director may from time to time administratively adopt non substantive
8 requirements for applications, permitting, licensing, and inspections for
9 OSSFs.

10 (D) For a property served by an existing holding tank, when other methods of
11 sewage disposal become feasible in the opinion of the City (i.e. a private or
12 public wastewater collection system is developed within 100 feet in
13 horizontal distance of the property, or technological advancements to OSSFs
14 have been made such that an alternative treatment and disposal system may
15 be installed on the property), the property is required to connect to the
16 feasible alternative, within 90 days of written notice by the City.

17 (E) Additional requirements on the sizing of OSSFs include:

18 (1) Subdivisions of single family dwellings platted or created after this
19 code provision is adopted by council, and located within the Edwards
20 Aquifer Recharge Zone or the Edwards Aquifer Contributing Zone, as
21 they are defined in Section 15-5-2, will have lots of:

22 (a) at least 1 acre if served by public water system, or

23 (b) at least 2 acres if served by private water supply.

24 (2) Subdivision of single family dwellings platted or created after this
25 code provision is adopted by council, located within all other zones or
26 areas not listed above will have lots of:

27 (a) at least 0.75 acres if served by public water system, or

28 (b) at least 1 acre if served by private water supply.

29 (3) When more than one residence with separate OSSFs are proposed on
30 a single tract of land, that land must meet the minimum lot size
31 requirements for the number of residences or structures.

32 (F) Additional requirements on the maintenance of OSSFs:

33 (1) At the end of the initial two-year service policy, an owner of a single
34 family owner-occupied residence (homeowner) shall only perform

1 maintenance on their own OSSF which requires maintenance, as
2 specified in Table XII of 30 TAC Chapter 285, if they have:

3 (a) taken training and passed the test required for a TCEQ
4 registered maintenance technician, as required in 30 TAC
5 Chapter 30, Section 30.245(b); or

6 (b) taken an equivalent training specifically for homeowners, as
7 determined by the City.

8 (2) The results of the test and proof of attendance at the training must be
9 provided to the City.

10 (3) Homeowners who own an OSSF will be required to inform the City
11 whether they will do the maintenance themselves, or will have it done
12 by a maintenance provider, within 30 days of written request by the
13 City.

14 (4) The homeowner that performs maintenance on their own OSSF must
15 submit to the City the same reports that are required for maintenance
16 providers by the TCEQ.

17 (5) Homeowners who have been maintaining an existing OSSF that
18 requires a maintenance affidavit (see the Maintenance/Affidavit
19 Required column of Table XII in 30 TAC Chapter 285), and who
20 were not previously required to comply with the maintenance and
21 reporting requirements specified in the aforementioned table, will now
22 be required to comply with the same homeowner maintenance and
23 reporting requirements specified above. Affected homeowners will
24 have to comply with these requirements within one year of written
25 notice by the City.

26 (6) A copy of the results of all testing related to the maintenance of
27 OSSFs, including analytical results, must be provided to the City.

28 (G) A spray irrigation system shall only be allowed for a single-family
29 residence. Spray irrigation must be conducted only during nighttime hours
30 (after 12:00 AM and before 5:00 AM). The minimum setback to a property
31 line or the residence from the edge of the spray area shall be 25 feet for a
32 spray irrigation system.

33 (H) Additional design criteria include:

34 (1) Soil Absorption Systems following septic tank treatment require a
35 minimum depth to Indications of Groundwater of 36 inches, measured
36 from the bottom of the media or the bottom of the excavation,

1 whichever is applicable. The use of drip irrigation or Low-pressure
2 Dosing after septic treatment reduces this vertical separation
3 requirement to 24 inches.

4 (2) An impervious liner must be used between the excavated surface and
5 an evapotranspiration system where 36 inches of suitable soil (as
6 referenced in 30 TAC 285.91 Table XIII) does not exist between the
7 excavated surface and Indications of Groundwater.

8 (3) A drainfield may not be installed within the Edwards Aquifer
9 Recharge Zone, as it is defined in Section 15-5-2, unless it follows a
10 City-approved Nitrogen Reduction System.

11 (4) If a site is not suitable for a standard absorption system based on the
12 criteria of 30 TAC 285.91 (Table V) and the additional vertical
13 separation criteria of this ordinance, a City-approved Nitrogen
14 Reduction System must be installed within the Barton Springs
15 Segment of the Edwards Aquifer Contributing Zone.

16 (5) A drainfield may not be installed within 75 feet of the Control
17 Elevation of Lake Austin unless it follows a City-approved Nitrogen
18 Reduction System.

19 (6) All aerobic treatment units must be installed with a pretreatment tank
20 or chamber sized at a capacity of at least one-half the average daily
21 design flow. The pretreatment unit must also be designed in
22 accordance with the requirements of 30 TAC §285.32.

23 (7) Chipped tires are not a permitted drainfield media.

24 (8) Pump tanks must be large enough to provide at least one day's total
25 average flow between the inlet flow line and the alarm-on level (one
26 day of reserve capacity).

27 (9) All aerobic treatment units must be buried in the ground with access
28 ports at ground level or above.

29 (10) An OSSF for nonresidential sites must dedicate twice the proposed
30 area required for the proposed OSSF for future drainfield expansion
31 unless the Director determines otherwise upon application by the
32 property owner.

33 (11) An OSSF for nonresidential sites must install a flow meter to verify
34 flow rates to the system unless the property owner requests an
35 exemption for the property, and the requested exemption is approved
36 by the Director.

1 (12) The portion of an irrigation system which irrigates a drainfield area
2 shall be valved in order to be isolated from the remainder of the irrigation
3 system. This is necessary in order to prevent over-saturation of a
4 disposal system.

5 (13) When a 10-foot separation between water irrigation lines and OSSF
6 components cannot be obtained, the irrigation system must be protected
7 by a backflow prevention assembly acceptable to the City to protect the
8 system's water source from contamination. The backflow prevention
9 assembly must be placed at the head of the irrigation system.

10 (I) Additional plan requirements include:

11 (1) The installer must follow the approved permitted plan. Any deviation
12 from the approved permitted plan by the installer requires the prior
13 approval of both the system Designer and the City.

14 (2) The Designer of any professionally designed system will provide both
15 the property owner and the City with an operation and maintenance
16 guide specific for that system. The guide will be reviewed and
17 approved for adequacy by the City prior to the issuance of the Permit
18 to Construct.

19 (3) All profile holes will be required to have a depth of 36 inches below
20 the bottom of the proposed excavation depth or to a restrictive
21 horizon, whichever is less. Profile holes must be as specified:
22 minimum two feet wide, to the proper depth, and terraced every two
23 feet for access. The soil profile must be examined by either a site
24 evaluator or a professional engineer to determine if there are
25 Indications of Groundwater within 36 inches of the bottom of the
26 excavation.

27
28 **PART 4.** City Code Section 15-5-4 (*Authority*) is amended to read:

29 **§ 15-5-4 AUTHORITY.**

30 (A) A City official or employee with a duty under Chapter 366 (*On-Site Sewage*
31 *Disposal Systems*) of the Texas Health and Safety Code or Chapter 285 (*On-*
32 *Site Sewage Facilities*) of Title 30 of the Texas Administrative Code is
33 authorized to perform that duty.

34 (B) The [~~director of the Austin Water Utility~~] Director is the designated
35 representative to enforce this chapter.

- 1 (C) A [~~Water Utility~~] City employee who exercises the authority of the
2 designated representative must be approved and certified by the Texas
3 Commission on Environmental Quality.

4 **PART 5.** City Code Section 15-5-7 (*Appeal*) is amended to read:

5 **§ 15-5-7 APPEAL.**

6 A person aggrieved by an action or decision of the designated representative may
7 appeal the action or decision to the [~~city council~~] Director. A person may appeal a
8 decision of the Director by following the procedures set forth in Section 15-9-191(D).

9 **PART 6.** City Code Section 15-5-8 (*Penalties*) is repealed and a new Section 15-5-8 is
10 added to read:

11 **§ 15-5-8 OFFENSE.**

- 12 (A) A property owner commits an offense if the property owner fails to be in
13 compliance with this chapter for an OSSF in operation on or before the date
14 specified by the Director in the Director's written notice of the defect.
- 15 (B) A property owner commits an offense if the property owner fails to stop the
16 exposure of sewage and to remediate the site within 24 hours after the
17 property owner receives notice from the City of exposed sewage on their
18 property.
- 19 (C) Each day or part of the day during which non-compliance occurs constitutes
20 a separate offense.

21 **PART 7.** City Code Chapter 15-5 (*Private Sewage Facilities*) is amended to add a new
22 Section 15-5-9 to read:

23 **§ 15-5-9 CRIMINAL PENALTY.**

24 A person who violates this chapter commits an offense, punishable under Section
25 1-1-99 (*Offenses; General Penalty*) by a fine not to exceed \$500.

26 **PART 8.** City Code Chapter 15-5 (*Private Sewage Facilities*) is amended to add a new
27 Section 15-5-10 to read:

28 **§ 15-5-10 CIVIL PENALTY.**

- 29 (A) If a person violates this chapter or fails to take action to comply with this
30 chapter, or federal, state, or local regulations, the city attorney may initiate a
31 suit for:
- 32 (1) civil penalties, authorized under Texas Local Government Code
33 Section 54.017(*Civil Penalty*);

- 1 (2) injunctive relief;
- 2 (3) recovery of expenses, loss, or damage to City property or equipment;
- 3 and
- 4 (4) other available relief.

5 **PART 9.** City Code Chapter 15-5 (*Private Sewage Facilities*) is amended to add a new
6 Section 15-5-11 to read:

7 **§15-5-11 CITY ACTION TO CORRECT VIOLATIONS.**

- 8 (A) If sewage is exposed on the ground, or there is an immediate public health
9 and safety issue identified by the Director, the Director is to notify and direct
10 the property owner to repair or construct facilities to meet City requirements
11 by a specific date. If the property owner does not repair or construct the
12 facilities to meet City requirements on or before the date specified by the
13 Director, the City may temporarily terminate water utility service and/or
14 electric utility service until such time the Director determines the property
15 owner is in compliance with this chapter.

16 If the property owner is served by a non-municipally owned water utility
17 and/or electric utility provider, but located within the City's jurisdiction for
18 this chapter, these utility providers will temporarily terminate water utility
19 service and/or electric utility service upon the request of the Director, and
20 continue the temporary termination until the Director notifies the utility
21 provider that the property owner has complied with this chapter.

- 22 (B) Non-compliance with this chapter also may result in the following:

- 23 (1) Fines issued by City employees.

24 **PART 10.** City Code Chapter 15-5 (*Private Sewage Facilities*) is amended to add a new
25 Section 15-5-12 to read:

26 **§15-5-12 CUMULATIVE REMEDIES.**

27 The remedies authorized under this chapter are cumulative unless specifically
28 prohibited by state or federal regulation.

29 **PART 11.** City Code Chapter 15-5 (*Private Sewage Facilities*) is amended to add a new
30 Section 15-5-13 to read:

31 **§15-5-13 PERMITTING.**

- 32 (A) If a property owner has an OSSF that was installed before December 1,
33 1983, the owner must obtain a new permit before adding square footage to

1 any structure served by the OSSF. The OSSF must be upgraded to meet all
2 applicable requirements of the current OSSF regulations.

- 3 (B) Regardless of the size of property, all property owners must obtain a Permit
4 to Construct from the City before installing an OSSF.
- 5 (C) A Permit to Construct must be obtained from the City prior to commencing
6 the installation of, or a modification or repair of (excluding emergency
7 repairs as defined in 30 TAC §285.35) an OSSF.
- 8 (D) Any permit issued for an on-site sewage facility within the jurisdictional
9 area of the City must comply with this chapter.
- 10 (E) If a Permit to Construct has not been issued within twelve months of the
11 original submission date of an OSSF application, the application will expire
12 and a new application will be required.
- 13 (F) A Permit to Construct will expire after twelve months from the date of
14 original issuance or when a License to Operate has been issued, whichever
15 occurs first. The City will conduct construction inspections as specified in
16 the Permit to Construct.
- 17 (G) The domestic use of less than 400 gallons per day of graywater will be
18 subject to the permitting and inspection requirements of §25-12 of the City
19 of Austin Code.
- 20 (H) Applicants shall be responsible for complying with all other City
21 regulations.

22 **PART 12.** City Code Chapter 15-5 (*Private Sewage Facilities*) is amended to add a new
23 Section 15-5-14 to read:

24 **§15-5-14 WATER CONSERVATION.**

- 25 (A) Water Saving Devices will be required in all new building construction as
26 part of the OSSF design.
- 27 (B) An alteration of an OSSF to current standards will require that the plumbing
28 fixtures in the building be replaced with Water Saving Devices.
- 29 (C) Once installed, it is an offense to replace any of these Water Saving Devices
30 unless an equal or greater water conservation device is used.

31 **PART 13 COLLECTION OF FEES.**

32 All fees collected for permits and/or inspections shall be made payable to the City
33 of Austin, Texas. A fee of \$10 will also be collected for each on-site sewage facility

