

HUDSPETH COUNTY

OSSF PROGRAM

FREQUENTLY ASKED QUESTIONS

1. What is the purpose of the state (Texas Commission on Environmental Quality) and the county (Authorized Agent) to have regulations on On-Site Sewage

HSC Section §366.001. POLICY AND PURPOSE. It is the public policy of this state and the purpose of this chapter to:

- (1) eliminate and prevent health hazards by regulating and properly planning the location, design, construction, installation, operation, and maintenance of on-site sewage disposal systems;
- (2) authorize the commission or authorized agent to impose and collect a permit fee for:
 - (A) construction, installation, alteration, repair, or extension of on-site sewage disposal systems; and
 - (B) tests, designs, and inspections of those systems;
- (3) authorize the commission or authorized agent to impose a penalty for a violation of this chapter or a rule adopted under this chapter;
- (4) authorize the commission to license or register certain persons; and
- (5) allow the individual owner of a disposal system to install and repair the system in accordance with this chapter.

2. What is an On-Site Sewage Disposal System? The definition comes from HSC Section §366.002

(7) "On-site sewage disposal system" means one or more systems of treatment devices and disposal facilities that:

- (A) produce not more than 5,000 gallons of waste each day; and
- (B) are used only for disposal of sewage produced on a site on which any part of the system is located.

3. Why can't I just build my On-Sewage Disposal System my way and forget all those rules?

HSC Sec. §366.004. COMPLIANCE REQUIRED. A person may not construct, alter, repair, or extend, or cause to be constructed, altered, repaired, or extended, an on-site sewage disposal system that does not comply with this chapter and applicable rules.

4. Who has the right to tell me how I must build my On-Sit Sewage Disposal System or who has the Authority to enforce these rules?

SUBCHAPTER B. GENERAL POWERS AND DUTIES OF COMMISSION AND AUTHORIZED AGENTS

HSC Section §366.011. GENERAL SUPERVISION AND AUTHORITY. *The commission or authorized agents:*

(1) have general authority over the location, design, construction, installation, and proper functioning of on-site sewage disposal systems; and

(2) shall administer this chapter and the rules adopted under this chapter.

5. Where do I find the rules to build my system on my own?

Texas Administrative Code Chapter 285, Subchapter D: Planning, Construction, and Installation Standards For OSSFs (§§285.30 – 285.39)

6. Do I need a permit to build my On-Site Sewage Disposal System if I have 10 acres or more?

HSC Section §366.052 PERMIT NOT REQUIRED FOR ON-SITE SEWAGE DISPOSAL ON CERTAIN SINGLE RESIDENCES.

(a) Sections 366.051, 366.053, 366.054, and 366.057 do not apply to an on-site sewage disposal system of a single residence that is located on a land tract that is 10 acres or larger in which the field line or sewage disposal line is not closer than 100 feet of the property line.

(b) Effluent from the on-site sewage disposal system on a single residence:

(1) must be retained in the specified limits;

(2) may not create a nuisance; and

(3) may not pollute groundwater.

NOTE: If you are in a subdivision that has Restrictive Covenants and Regulations, it is recommended that you as the owner research whether or not the covenants and regulations require a PERMITTED SEPTIC through the County.

7. Do I need an inspection if no permit is required for tracts of land of 10 acres or more?

HSC Section §366.055 INSPECTIONS.

(a) The commission or authorized agent shall review a proposal for an on-site sewage disposal system and make inspections of the system as necessary to ensure that the on-site sewage disposal system is in substantial compliance with this chapter and the rules adopted under this chapter.

(b) An on-site sewage disposal system may not be used unless it is inspected and approved by the commission or the authorized agent.

(c) A holder of a permit issued under this chapter shall notify the commission, the authorized agent, or a designated representative not later than the fifth working day before the proposed date of the operation of an installation that the installation is ready for inspection.

(d) The inspection shall be made on a date and time mutually agreed on by the holder of a permit and the commission, the authorized agent, or a designated representative.

(e) An installation inspection shall be made not later than the second working day, excluding holidays, after the date on which notification that the installation is completed and ready for inspection is given to the commission, the authorized agent, or a designated representative.

(f) The owner, owner's representative, or occupant of the property on which the installation is located shall give the commission, the authorized agent, or a designated representative reasonable access to the property at reasonable times to make necessary inspections.

8. What does "Nuisance" mean?

The definition comes from **HSC Section §366.002**

(6) "Nuisance" means:

(A) sewage, human excreta, or other organic waste discharged or exposed in a manner that makes it a potential instrument or medium in the transmission of disease to or between persons; or

(B) an overflowing septic tank or similar device, including surface discharge from or groundwater contamination by a component of an on-site sewage disposal system, or a blatant discharge from an on-site sewage disposal system.

9. If someone files a "Nuisance" complaint why does the OSSF Inspector have to go and check this complaint?

HSC Section §366.092 INJUNCTION OR CIVIL SUIT.

(a) If it appears that a person has violated, is violating, or is threatening to violate any provision of this chapter, or any rule, permit, or other order of the commission issued pursuant to this chapter, an authorized agent or, at the request of the commission, the attorney general may bring a civil suit for:

(1) mandatory or prohibitory injunctive relief, as warranted by the facts;

(2) a civil penalty as provided by this chapter; or

(3) both injunctive relief and civil penalty.

10. So why can't I just have an outhouse or a cesspool that is covered or uncovered?

Texas Administrative Code Chapter 285.3(i) General Requirements

- (i) Unauthorized systems. Boreholes, cesspools, and seepage pits are prohibited for installation or use. Boreholes, cesspools, and seepage pits that treat or dispose of less than 5,000 gallons of sewage per day shall be closed according to §285.36 of this title (relating to Abandoned Tanks, Boreholes, Cesspools, and Seepage Pits). Boreholes, cesspools, and seepage pits that exceed 5,000 gallons of sewage per day must be closed as a Class V injection well under Chapter 331 of this title (relating to Underground Injection Control).

Texas Administrative Code Chapter 285 Definitions:

- (7) Borehole—A drilled hole four feet or greater in depth and one to three feet in diameter.
- (9) Cesspool—A non-watertight, covered receptacle intended for the receipt and partial treatment of sewage. This device is constructed such that its sidewalls and bottom are open-jointed to allow the gradual discharge of liquids while retaining the solids for anaerobic decomposition.
- (64) Seepage pit—An unlined covered excavation in the ground which operates in essentially the same manner as a cesspool.

SUMMARY: It means that if you own land and intend on living on your land, you should find the legal means of disposing your sewage. You cannot blatantly dispose of sewage on the surface of the ground, or underground, or in a hole (whether covered or uncovered). You cannot install an On Site Sewage Disposal System (OSSF) that is not built according to the rules in this chapter. If your researching the internet on how to build your own OSSF, it is imperative that you use only the rules in the HSC Chapter 366 and Texas Administrative Code Chapter 285, otherwise your OSSF will most likely not pass inspection. It is recommended that you don't buy septic tanks without the engineering specifications (if it does not have the proper paperwork, it might not pass inspection). If your installing your OSSF on 10 acres or more, you still need a Site Evaluation and an inspection. The 10 acre rule applies for permitting and not for an inspection of your OSSF or the Site Evaluation. An outhouse is considered an Unauthorized System and *is not* "grandfathered" in (if we see it on your property, we will ask you to properly fill it and abandon it in accordance with the rules in both the HSC Chapter 366 and TAC Chapter 285). You can have an approved composting toilet, but if you are requesting a permit for it, you will not get one. A permit is given for an ONSITE SEWAGE DISPOSAL SYSTEM (OSSF) that has been inspected and approved and meets all the criteria in Texas Administrative Code Chapter 285, Subchapter D: Planning, Construction, and Installation Standards For OSSFs (§§285.30 – 285.39). As a land owner you should research, if there are any Restrictive Covenants and Regulations, that are in effect on your property. If you have any more questions, please feel free to contact the offices below.

Texas Commission on Environmental Quality (TCEQ)	915-834-4949
Hudspeth County (Authorized Agent)	915-369-2321
OSSF Designated Representative	915-369-4118

Information provided is for your research and solely for that purpose. These General Provisions and rules written in the Texas Health and Safety Code Chapter 366 and the Texas Administrative Code Chapter 285 are some of the tools used to provide the public with Health and Safety in Hudspeth County and within the State of Texas.

For the purposes of this pamphlet, HSC refers to TEXAS HEALTH AND SAFETY CODE, TITLE 5. SANITATION AND ENVIRONMENTAL QUALITY, SUBTITLE B. SOLID WASTE, TOXIC CHEMICALS, SEWAGE, LITTER, AND WATER, CHAPTER 366. ON-SITE SEWAGE DISPOSAL SYSTEMS, SUBCHAPTER A. GENERAL PROVISIONS

TAC CHAPTER 285 refers to TEXAS ADMINISTRATIVE CODE CHAPTER 285 and the reference to OSSF ON-SITE SEWAGE FACILITIES is ONSITE SEWAGE DISPOSAL SYSTEM.

LIST OF CONTRACTORS

EQUIPMENT RENTAL - EL PASO, TEXAS

915-875-1799

915-772-3334

915-760-5543

915-821-7651

915-590-9399

CONCRETE CONTRACTORS - EL PASO, TEXAS

915-526-2471

915-521-6200

915-594-1801

915-751-2761

915-867-7001

915-595-1280

915-779-0677

OSSF INSTALLERS AND SITE EVALUATORS (SEPTIC SYSTEMS)

915-539-5222

915-539-5182

915-276-8268

915-861-0494

TCEQ WEBSITE (TEXAS COMMISSION ON ENVIRONMENTAL QUALITY)

Rules, Regulations for On-Site Sewage Facilities (OSSF)

tceq.state.tx.us