

November 22, 2010

Joe Walraven
Assistant Director
Texas Sunset Commission

Re: On-Site Sewage Facilities

Dear Mr. Walraven:

This is in reference to fees being assessed in Bastrop County relating to adjacent counties which is approximately 3 times higher in fees. Per the Texas Commission on Environmental Quality (TCEQ), counties are authorized to set their own fees. Applicable caps should be applied on fees to ensure all counties are uniform. If a county opts out of the On-Site Sewage Facilities program, TCEQ will assume permitting and their fee for a new single family dwelling is \$200. I ascertained from Program Administrators from Burleson, Caldwell, Fayette, and Lavaca counties that all their fees are in the \$200 range. Bastrop County's permit fee is \$565.

Attached are copies of administrative codes referencing this information.

Sincerely,



Stephen V. Kirks

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TITLE 30

ENVIRONMENTAL QUALITY

PART 1

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

CHAPTER 285

ON-SITE SEWAGE FACILITIES

SUBCHAPTER A

GENERAL PROVISIONS

RULE §285.1

Purpose and Applicability

(a) Purpose. The purpose of this chapter is to provide a comprehensive regulatory program for the management of on-site sewage facilities (OSSFs), as prescribed by the Texas Health and Safety Code, Chapter 366. This chapter establishes minimum standards for planning materials, construction, installation, alteration, repair, extension, operation, maintenance, permitting, and inspection of OSSFs. This chapter also provides the procedures for the designation of local governmental entities as authorized agents. The licensing of installers, designated representatives, and site evaluators and the registration of apprentices is included in Chapter 30 of this title (relating to Occupational Licenses and Registrations). Unauthorized discharge of effluent into or adjacent to the waters in the state is prohibited.

(b) Applicability. This chapter applies to:

- (1) any person who has an ownership interest in an OSSF; or
- (2) any person who participates in any activity relating to the development of planning materials, construction, installation, alteration, repair, extension, operation, maintenance, permitting, inspection, or investigation of an OSSF; or
- (3) any governmental entity that is, desires to be, or was, designated as an authorized agent.

Source Note: The provisions of this §285.1 adopted to be effective June 13, 2001, 26 TexReg 4115; amended to be effective December 17, 2001, 26 TexReg 10363

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ENVIRONMENTAL QUALITY

PART 1

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

CHAPTER 285

ON-SITE SEWAGE FACILITIES

SUBCHAPTER B

LOCAL ADMINISTRATION OF THE OSSF PROGRAM

RULE §285.11

General Requirements

(a) General Administrative Requirements for Authorized Agents. OSSF permitting, construction, and inspection requirements are in §285.3 of this title (relating to General Requirements).

(b) Fees. The OSSF permit and inspection fees will be set by the authorized agent. Additionally, a fee of \$10 shall be assessed for each OSSF permit for the ~~On-Site Wastewater Treatment Research Council~~ as required in the Texas Health and Safety Code, Chapter 367. *County*

(c) Complaints. The authorized agent shall investigate all complaints within 30 days after receipt. After completing the investigation, the authorized agent shall take appropriate and timely action according to §285.71 of this title (relating to Authorized Agent Enforcement of OSSFs).

(d) Appeals. Appeals of an authorized agent's decision will be made through the appeal procedures stated in the authorized agent's order, ordinance, or resolution.

(e) Authorized Agents Reporting Requirements.

(1) The authorized agent shall notify the executive director, in writing, of any change of the designated representative within 30 days after the date of the change.

(2) Each authorized agent shall provide to the executive director an OSSF monthly activity report on the form provided by the executive director, within ten days after the end of the month.

Source Note: The provisions of this §285.11 adopted to be effective June 13, 2001, 26 TexReg 4115

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CHAPTER 285

ON-SITE SEWAGE FACILITIES

SUBCHAPTER C

COMMISSION ADMINISTRATION OF THE OSSF PROGRAM IN AREAS WHERE NO AUTHORIZED AGENT EXISTS

RULE §285.21

Fees

(a) The application fee for an OSSF permit is:

(1) \$200 for an OSSF serving a single family dwelling; or

(2) \$400 for all other types of OSSFs.

(b) A fee of \$10 shall also be collected for each OSSF permit for the On-Site Wastewater Treatment Research Council as required by the Texas Health and Safety Code, Chapter 367.

(c) The fees are payable when the owner, or owner's agent, applies to the executive director for an OSSF permit. The fee shall be submitted to the appropriate regional office and shall be paid by a money order or check. Payments shall be made payable to the Texas Commission on Environmental Quality.

(d) The reinspection fee shall be equal to one-half of the permit fee that was in effect at the time the original application was submitted to the regional office.

(e) Refunds of the application fee shall not be granted.

Source Note: The provisions of this §285.21 adopted to be effective June 13, 2001, 26 TexReg 4115; amended to be effective September 11, 2008, 33 TexReg 7536

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