



ONSITE SEWAGE FACILITIES AND THE LAW

BECCA GRASSL-PETERSEN, D.R.

*TARRANT COUNTY PUBLIC
HEALTH-ENVIRONMENTAL
DIVISION*

TARRANT COUNTY'S ROLE IN OSSF ENFORCEMENT

PUBLIC HEALTH: ENVIRONMENTAL DIVISION

-DESIGNATED REPRESENTATIVE, NON-PEACE OFFICER

-OSSF PERMITTING AUTHORITY UNDER THE STATE OF TEXAS WITHIN THE BOUNDARIES OF TARRANT COUNTY AND IT'S CONTRACTED MUNICIPALITIES

SHERIFF'S DEPARTMENT

-SHERIFF'S ENVIRONMENTAL ENFORCEMENT DIVISION- DEPUTYS-PEACE OFFICER

-CITATION AND INCARCERATION AUTHORITY BY THE STATE OF TEXAS

**BOTH DEPARTMENTS HAVE THE LEGAL AUTHORITY TO ACCESS A PROPERTY DUE TO PROBABLE CAUSE FOR ANY POSSIBILITY OF AN IMMINENT HEALTH HAZARD

REGULATIONS ENFORCED

THE ENVIRONMENTAL DIVISION ENFORCES:

TEXAS HEALTH AND SAFETY CODES: 341,343 AND 366

TEXAS COMMISSION OF ENVIRONMENTAL QUALITY ONSITE SEWAGE FACILITY REGULATIONS:

30TAC 285

SHERIFF'S DEPARTMENT:

TEXAS HEALTH AND SAFETY CODES: 341,343 AND 366

PLUS CHAPTER 7-WATER CODE

TCPH's OSSF ENFORCEMENT JURISDICTION

ALL UNINCORPORATED AREAS OF TARRANT COUNTY

-INCLUDING CONTRACTED MUNICIPAL BOUNDARIES THAT OVERLAP INTO ADJACENT COUNTIES

-NO CONTRACT WITH THE CITY OF EVERMAN OR ARLINGTON. ON AN INDIVIDUAL, AS NEEDED BASIS REQUESTED BY THE CITY.

COUNTY D.R.'S WILL ASSIST AND BE EXPERT WITNESSES IN MUNICIPALITIES WITH CODE ENFORCEMENT OFFICERS ON STAFF FOR ANY VIOLATIONS

TCPH IS THE PERMITTING AUTHORITY FOR ONSITE SEWAGE FACILITIES WITHIN ALL CONTRACTED CITIES.

TYPES OF VIOLATIONS

-*SYMPTOMS OF MALFUNCTIONING SYSTEM* ODOR, SURFACING EFFLUENT, COLLAPSING TANKS, ELECTRICAL COMPONENTS NOT WORKING, ETC.

(REASONS FOR MALFUNCTION ARE DAMAGE, OVERUSE, AGE, MEDICATIONS, LACK OF OR POOR MAINTENANCE, ETC.)

-*ILLEGAL INSTALLATION OF AN ONSITE SEWAGE FACILITY* NO PERMIT AND APPROVED PLAN (WHETHER IT'S AN INSTALLER OR A PROPERTY OWNER)

-*ALTERING AN ONSITE SEWAGE FACILITY* WITHOUT A PERMIT AND APPROVED PLAN

-*CHANGE THE USE OF AN ONSITE SEWAGE FACILITY* WITHOUT A PERMIT AND APPROVED PLAN

ENFORCEMENT ACTION

- 1) TYPICALLY RECEIVE A CALL TO OUR OFFICE; SOMETIMES FIND THE PROBLEM OURSELVES
- 2) RESEARCH THE SITE PRIOR TO INVESTIGATION
- 3) VISIT THE SITE
- 4) ALERT THE OCCUPANT/PROPERTY OWNER OF OUR PRESENCE AND THE REASON FOR THE INVESTIGATION; IF NO ONE IS AT THE SITE, A CARD WILL BE LEFT ON THE FRONT DOOR AND THE INVESTIGATION WILL PROCEED, IF POSSIBLE
- 5) INVESTIGATE THE SITE WHERE THE VIOLATION IS SUSPECTED TO BE AND VERIFY ONE WAY OR ANOTHER
- 6) DISCUSS FINDINGS WITH OCCUPANT/PROPERTY OWNER IF ON SITE: IF THERE IS A VIOLATION, YOU WILL BE GIVEN SPECIFIC INSTRUCTIONS FROM THE DR ON OPTIONS TO TAKE IN VERBAL AND WRITTEN FORM.
- 7) IF THE OCCUPANT/PROPERTY OWNER IS NOT AVAILABLE, A NOTICE OF VIOLATION WILL BE MAILED TO THE OWNER OF RECORD VIA TARRANT APPRAISAL DISTRICTS LATEST RECORDS.

TIME PERIOD TO ABATE A PUBLIC NUISANCE

IMMEDIATELY TO 30 DAYS!

IT IS TO THE DISCRETION OF THE DR OR DEPUTY WORKING THE CASE AND THE SEVERITY OF THE VIOLATION.

ANY EXTENSION IS ON A CASE BY CASE BASIS

NON-COMPLIANCE

-IN THE EVENT OF NON-COMPLIANCE AFTER THE NOTIFICATION AND TIME PERIOD HAS BEEN ESTABLISHED, **THE DR** **WILL FILE AN AFFIDAVIT OF VIOLATION** TO THE TARRANT COUNTY SUB-COURTHOUSE WITHIN THE PRECINCT WHERE THE VIOLATION IS OCCURRING.

1ST AND 2ND OFFENSE FOR THE SAME VIOLATION IS A CLASS C MISDEMEANOR-FINES ASSESSED

3RD OFFENSE FOR THE SAME VIOLATION CAN BE ESCALATED TO A CLASS B MISDEMEANOR-FINES AND JAIL TIME.

AT THIS POINT, THE SHERIFF'S DEPARTMENT WILL BE THE EXECUTORS FOR THIS VIOLATION AND PUBLIC HEALTH WILL BE THE EXPERT WITNESS.

THE COURT WILL ISSUE A SUMMONS TO APPEAR FOR A HEARING WITH THE ASSOCIATE DISTRICT ATTORNEY AT THAT PRECINCT, ENTER A PLEA AND/OR PAY FINES

DEFENDANT HAS THE RIGHT TO APPEAL AND ASK FOR A JUDGE OR JURY TRIAL OF THEIR PEERS.

WHO CAN WORK ON MY OSSF?

A STATE OF TEXAS LICENSED ONSITE SEWAGE FACILITY INSTALLER

(CLASS I OR II, DEPENDING ON THE TYPE OF SYSTEM)

AND/OR

A STATE OF TEXAS LICENSED ONSITE SEWAGE FACILITY SERVICE MAINTENANCE PROVIDER
(USUALLY CLASS II INSTALLER FOR AEROBIC OSSF'S)

WHEN IS AN APPROVAL AND PERMIT REQUIRED?

APPROVAL AND A PERMIT *IS REQUIRED* WHENEVER YOU INSTALL A NEW OSSF, REPAIR AN OSSF, ALTER AN OSSF, EXTEND AN OSSF AND/OR MODIFY AN OSSF.

APPROVAL AND A PERMIT *IS NOT REQUIRED* TO UNCLOG THE SEWER LINE BETWEEN THE HOUSE AND TANK, HAVE THE OSSF INSPECTED/SERVICED BY A LICENSED SERVICE PROVIDER WHEN THEY HAVE TO REPLACE AN AERATOR OR PUMP. * THIS DOES NOT INCLUDE THE ELECTRICAL BOX TO A OSSF.

WHAT ABOUT “GRANDPA???”

AS SOON AS YOU INSTALL, NEED TO REPAIR, ALTER, EXTEND AND/OR MODIFY AN OSSF “GRANDPA” NO LONGER APPLIES..

THERE IS ONE THING, THOUGH!

*AT THE DISCRETION OF THE DR AND DEPARTMENT MANAGER, **IF** YOU WANT TO:*

- EXCHANGE AN EXISTING HOME FOR ANOTHER HOME WITH THE SAME SQUARE FOOTAGE/#OF BEDROOMS,
- THE SYSTEM HAS A PERMIT ON FILE,
- THERE ARE NO PRIOR *KNOWN* COMPLAINTS AND
- THE LOT SIZE HAS NOT BEEN REDRAWN,
- THEN, “GRANDPA” **MAY** BE ALLOWED TO STAY FOR DINNER.

***REMEMBER, IT IS ALWAYS ON A CASE BY CASE BASIS DUE TO OTHER FACTORS THAT MAY ARISE.

BUT I LIVE IN THE COUNTY!!!....

.....And the County has Rules and Regulations that must be followed for the Health and Safety of YOU/ME/US/THEM, OUR Families, OUR Animals, Our Wildlife, OUR Natural Environment...

And most of all-OUR WATER!!!!

Creeks, Rivers, Streams, Seas, Oceans, Estuaries, Deltas, Lakes.....At some point in the whole process.....

WE DRINK IT!

BOTTOM LINE...NO PUN INTENDED!

Permit, Permit, Permit!!!

Questions????

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DESIGNED REPRESENTATIVE, #8158

TARRANT COUNTY PUBLIC HEALTH

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